

MAINE STATE LEGISLATURE

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Department of Attorney General

MEMORANDUM

To: G. William Diamond, Secretary of State
From: Cabanne Howard, Deputy Attorney General
Date: November 2, 1990
Subject: Use of Palm Cards at Polling Places

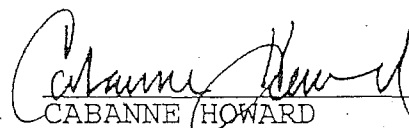
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This is to confirm the advice which our office has rendered to you orally concerning the use of palm cards to instruct voters how to write-in the name of candidates while utilizing voting machines.

This question requires the interpretation of Section 682 of the Election Laws, 21-A M.R.S.A. § 1 et seq. That section provides that within the voting place (defined by 21-A M.R.S.A. § 1(49) as the building in which ballots are cast), no person may instruct another in the method of marking his or her ballot (unless assistance is requested because of physical disability, illiteracy, or religious faith) or attempt to influence another person in his or her choice of candidate. In the view of this office, any effort by anyone inside the voting place to instruct a voter, by means of a palm card or otherwise, how to write-in the name of a candidate in a voting machine would run afoul of this provision. Therefore, it is our view that palm cards may not be distributed within the building where voting is taking place.

With regard to activity outside the building, the only things prohibited by Section 682 are the display of advertising material, or the use of any advertising medium, such as a sound amplification device, to influence voters, as well as the passing out of stickers to be pasted on ballots at a general election, all within 250 feet of the entrance to the voting place. Thus, the passing out of palm cards of the kind described above, even within the 250 foot zone, would not violate the law, nor would the erection of any shelter for persons passing out such cards (such as a tent) so long as such a structure did not have any signs of any kind on it.

I hope the foregoing answers your question. Please feel free to give us a call if further clarification is necessary.



CABANNE HOWARD

Deputy Attorney General

CH:sw

cc: Gary Cooper
Lorraine Fleury

DEC 4 1990