

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1335

H. P. 1117

House of Representatives, March 29, 1977

Referred to Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Boudreau of Portland.

Cosponsor: Mr. Pearson of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Revise the Election Laws Concerning Political Activity at
Elections and Requirements for Absentee Ballots.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 21 MRSA § 640 is enacted to read:

§ 640. Political activities during the registrar's office hours on election day

1. Activities on election day. When the registrar is holding office hours on election day, whether in the registrar's office or in another location, for the purposes designated in section 831, the activity described in this section is prohibited in or near the place in which the registrar is holding office hours.

2. Influence prohibited. In the room in which the registrar is holding office hours on election day or in any adjacent space in which persons are waiting to enter that room for a purpose designated in section 831, a person shall not influence or attempt to influence another as to his vote. A candidate may be present in that room or adjacent space on election day only for the purposes of providing transportation there for voters and of delivering absentee ballot applications to the registrar and for any other purpose permitted by law. A candidate shall not initiate oral or other communication with persons present for the purposes of section 831 and shall not attempt to influence their votes during the course of any oral communication. Any communication or contact by a candidate with a person present for the purposes of section 831, other than as expressly permitted by this subsection, shall be considered an attempt to influence such a person as to his vote. If a candidate or any other person influences or attempts to influence a person

present for the purposes of section 831 as to his vote, the registrar shall have him removed from the premises.

3. **Advertising prohibited.** A person shall not display any advertising material or operate any advertising medium intended to influence the opinion of any voter within 250 feet of the entrance to the building in which the registrar is accepting registrations. This does not prohibit a person, other than the registrar or an employee of the registrar, from wearing a campaign button or other advertising material on his person. This does not apply to advertising material on automobiles traveling to or from that building.

Sec. 2. 21 MRSA § 891, sub-§ 4, 1st sentence, is amended to read:

Party workers and ~~others~~ other persons, except for candidates, may remain in the voting place outside the guardrail as long as they do not attempt to influence or interfere with the free passage of voters.

Sec. 3. 21 MRSA § 892, sub-§ 2, is repealed and the following enacted in its place:

2. **Influence prohibited.** Within the voting place, a person shall not influence or attempt to influence another as to his vote. A candidate may be present at a voting place only for the purposes of voting, of transporting voters to and from the voting place and of delivering absentee ballots in municipalities where the clerk is at a voting place and for any other purpose expressly permitted by law. A candidate shall not initiate oral or other communication with persons present for the purpose of voting and shall not attempt to influence their votes during the course of any oral communication. Any communication or contact by a candidate with a person present for the purpose of voting, other than as expressly permitted by this subsection, shall be considered an attempt to influence such a person as to his vote. If a candidate or any other person influences or attempts to influence a person present for the purpose of voting as to his vote, the warden shall have him removed from the voting place.

Sec. 4. 21 MRSA § 892, sub-§ 3, ¶ A, last sentence, is amended to read:

It does not prohibit a person, other than an election official, from wearing a campaign button or other advertising material on his person.

Sec. 5. 21 MRSA § 1253, sub-§ 2, as repealed and replaced by PL 1975, c. 761, § 39, is amended by adding after the first sentence a new sentence to read:

A 3rd person so designated shall not be in possession at any time of more than 10 absentee ballots for voters in a municipality. Such a 3rd person shall, unless good cause is shown, return an absentee ballot to the clerk's office within 5 business days of the date the absentee ballot was sent or delivered to him or within the time limits provided in section 1255, whichever is earlier.

Sec. 6. 21 MRSA § 1253, sub-§ 3, as last amended by PL 1975, c. 761, § 40, is further amended by adding at the end a new paragraph to read:

The clerk shall keep a list of the 3rd persons, designated in applications or requests, to whom absentee ballots are sent or delivered pursuant to subsec-

tion 2 and of the number of absentee ballots sent or delivered to such persons. Such 3rd persons shall not be in possession at any time of more than 10 absentee ballots for voters in a municipality.

Sec. 7. 21 MRSA § 1579, sub-§ 30 is enacted to read:

30. Return of absentee ballots. A 3rd person, designated in an application or request for an absentee ballot and to whom the clerk of a municipality furnishes an absentee ballot in accordance with such application or request, who, without good cause, fails to return such absentee ballot to the clerk's office within 5 business days of the date such ballot was sent or delivered to him or within the time limits provided in section 1255, whichever is earlier.

STATEMENT OF FACT

Section 1 of the bill regulates political activity at places where the registrar is holding office hours on election day. The regulation is similar to the regulation of political activity at voting places, as that regulation is strengthened by this bill. Section 1 defines the activity which is permitted to a candidate who is present.

Sections 2 and 3 define and limit the activity permitted to a candidate at a voting place.

Section 4 amends that existing law to prohibit election officials from wearing campaign buttons or other advertising material at the voting place.

Section 5 would prevent a 3rd person from having more than 10 absentee ballots in his or her possession at any one time and would require such 3rd persons to return absentee ballots to the clerk's office within 5 business days or by the close of the polls, whichever is earlier, unless good cause is shown.

Section 6 requires the clerk to keep a list of 3rd persons to whom absentee ballots are furnished.

Section 7 makes it a Class E crime for a 3rd person to fail, without good cause, to return an absentee ballot to the clerk's office within 5 business days or by the close of the polls, whichever is earlier.