

# MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1134, L.D. 1548, Bill, "An Act To Amend the Election Laws"

Amend the bill by inserting after section 13 the following:

'Sec. 14. 21-A MRSA §674, sub-§1, ¶B, as repealed and replaced by PL 1993, c. 473, §18 and affected by §46, is amended to read:

B. Interferes with a voter attempting to cast a vote or interferes with or attempts to influence a voter in marking that voter's ballot;

Sec. 15. 21-A MRSA §674, sub-§1, ¶¶B-1 and B-2 are enacted to read:

B-1. Interferes with a voter in marking that voter's ballot;

B-2. Attempts to influence a voter in marking that voter's ballot;

Further amend the bill by striking out all of sections 16 and 17 and inserting in their place the following:

'Sec. 16. 21-A MRSA §674, sub-§3, ¶B, as enacted by PL 1993, c. 473, §18 and affected by §46, is amended to read:

B. Votes or attempts to vote knowing that the person is not eligible to do so or having once voted, whether within or

COMMITTEE AMENDMENT

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~~outside this State, again votes or attempts to vote at the same election; or~~

Sec. 17. 21-A MRSA §674, sub-§3, ¶¶B-1 to B-3 are enacted to read:

B-1. Attempts to vote knowing that the person is not eligible to do so;

B-2. Having once voted, whether within or outside this State, again votes at the same election;

B-3. Having once voted, whether within or outside this State, attempts to vote at the same election;

Sec. 18. 21-A MRSA §674, sub-§3, ¶C, as enacted by PL 1993, c. 473, §18 and affected by §46, is amended to read:

~~C. Votes or attempts to vote by using the name of another;~~  
or

Sec. 19. 21-A MRSA §674, sub-§3, ¶D is enacted to read:

D. Attempts to vote by using the name of another.

Sec. 20. 21-A MRSA §682, as amended by PL 2001, c. 310, §37, is repealed and the following enacted in its place:

**§682. Political activities**

Certain activities are prohibited on election day.

1. Instruction limited. Within the voting place, a person may not instruct another in the method of marking the ballot, except as provided in section 672.

2. Influence prohibited. Within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

A. Influence another person's decision regarding a candidate or ballot issue; or

B. Attempt to influence another person's decision regarding a candidate or ballot issue.

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate

2 may not state the name of the office sought or request a person's  
3 vote.

4 2-A. Application. This subsection governs the application  
5 of subsection 2.

6 A. Subsection 2 does not apply to pollwatchers, who may  
7 remain in the voting place outside the guardrail enclosure  
8 as long as they do not attempt to influence voters or  
9 interfere with their free passage.

10 B. Subsection 2 does not prohibit media representatives  
11 from conducting an exit poll, as long as they do not solicit  
12 voters until after the voters have voted and do not orally  
13 communicate with voters in a way that influences a voter's  
14 vote.

15 C. If a person attempts to influence voters or interfere  
16 with their free passage, the warden shall have that person  
17 removed from the voting place.

18 3. Advertising prohibited. A person may not display  
19 advertising material; operate an advertising medium, including a  
20 sound amplification device; or distribute campaign literature,  
21 posters, palm cards, buttons, badges or stickers containing a  
22 candidate's name or otherwise intending to influence the opinion  
23 of any voter within 250 feet of the entrance to either the voting  
24 place or the registrar's office. The term "sound amplification  
25 device" includes, but is not limited to, sound trucks,  
26 loudspeakers and blowhorns.

27 A. This subsection does not apply to advertising material  
28 on automobiles traveling to and from the voting place. It  
29 does not prohibit a person from passing out stickers at the  
30 voting place to be pasted on the ballot at a primary  
31 election. It does not prohibit a person who is at the polls  
32 solely for the purpose of voting from wearing a campaign  
33 button when the longest dimension of the button does not  
34 exceed 3 inches.

35 B. Nonpolitical charitable activities and other  
36 nonpolitical advertising may be allowed at the discretion of  
37 the clerk if arrangements are made prior to election day.  
38 If arrangements are not made in advance of the election day,  
39 the warden may, at the warden's discretion, either allow or  
40 prohibit nonpolitical charitable activities and other  
41 nonpolitical advertising.

42 4. Devices for audible communication. Party workers or  
43 others may not use cellular phones, voice pagers or similar  
44 devices.

devices to make audible voice communication within the voting place that is in violation of subsection 2.

5. Violation. A person who knowingly engages in activities prohibited by this section commits a Class E crime.'

Further amend the bill by striking out all of section 29 and inserting in its place the following:

'Sec. 29. 21-A MRSA §829, as amended by PL 1993, c. 473, §39 and affected by §46, is repealed and the following enacted in its place:

§829. Violation and penalty

1. Altering voting machine. A person may not alter, adjust, operate, move, unlock or unseal a voting machine or any part of a voting machine with the intent of changing the outcome of any election.

2. Attempting to alter voting machine. A person may not attempt to alter, adjust, operate, move, unlock or unseal a voting machine or any part of a voting machine with the intent of changing the outcome of an election.

3. Penalty. A person who violates this section commits a Class B crime.

Sec. 30. 21-A MRSA §860, as amended by PL 1995, c. 459, §112, is repealed and the following enacted in its place:

§860. Violation and penalty

1. Tampering with voting device. Before, during or after an election, a person may not intentionally or knowingly:

A. Tamper with or injure a voting device, ballot or other record or equipment used in the election or interfere with the correct operation of such a device or equipment or the secrecy of voting; or

B. Attempt to interfere with the correct operation of a voting device or equipment or the secrecy of voting.

2. Penalty. A person who violates subsection 1 commits a Class B crime.

Sec. 31. 21-A MRSA §1004, sub-§2, as amended by PL 1989, c. 504, §§2 and 31, is further amended to read:



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1548**

**An Act To Amend the Election Laws**



**LR 1937(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Legal and Veterans Affairs**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Undetermined current biennium revenue increase - General Fund

**Fiscal Detail and Notes**

The establishment of a fee schedule for certain recount requests will increase General Fund revenues if any eligible recounts are requested; the amounts can not be determined at this time.