

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 374

S.P. 121

In Senate, January 25, 2005

### **An Act To Create a Protected Zone around the Voting Place**

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Submitted by the Secretary of State pursuant to Joint Rule 204.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.

Cosponsored by Representative BARSTOW of Gorham and

Senators: BROMLEY of Cumberland, DIAMOND of Cumberland, Representatives: BROWN of South Berwick, HOTHAM of Dixfield, MILLS of Farmington, PATRICK of Rumford, SMITH of Monmouth, TRAHAN of Waldoboro.

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

Sec. 1. 21-A MRSA §662, sub-§4, as amended by PL 1995, c. 459, §57, is repealed.

Sec. 2. 21-A MRSA §682, sub-§2, as repealed and replaced by PL 2003, c. 447, §22, is amended to read:

2. **Influence prohibited.** ~~Within--250~~ On public property within 100 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 ~~ballet-issue~~ question that is on the ballot for the election that day; or

B. Attempt to influence another person's decision regarding a candidate or ~~ballet-issue~~ question that is on the ballot for the election that day.

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

Sec. 3. 21-A MRSA §682, sub-§2-A, ¶B, as enacted by PL 2003, c. 447, §22, is amended to read:

B. Subsection 2 does not prohibit media representatives from conducting an exit poll, as long as they do not solicit voters within 25 feet of the entrance to the voting place or until after the voters have voted and do not orally communicate with those voters in a way that influences a voter's-vote any voter who has not yet voted.

Sec. 4. 21-A MRSA §682, sub-§2-A, ¶C, as enacted by PL 2003, c. 447, §22, is repealed.

Sec. 5. 21-A MRSA §682, sub-§2-A, ¶D is enacted to read:

D. These limitations do not prohibit the collection of signatures on petitions to place a direct initiative or referendum on the ballot at a future election, as long as such activity occurs more than 25 feet from the entrance to the voting place and does not involve communicating with voters in a way that influences a voter who has not yet voted regarding another question that is on the ballot for the election that day.

2           **Sec. 6. 21-A MRSA §682, sub-§3,** as repealed and replaced by PL  
2003, c. 447, §22, is amended to read:

4           **3. Advertising prohibited.** A person may not display  
advertising material; operate an advertising medium, including a  
6 sound amplification device; or distribute campaign literature,  
posters, palm cards, buttons, badges or stickers containing a  
8 candidate's name or otherwise intending to influence the opinion  
of any voter regarding a candidate or question that is on the  
10 ballot for the election that day on any public property located  
within 250 100 feet of the entrance to either the voting place or  
12 the registrar's office. The term "sound amplification device"  
includes, but is not limited to, sound trucks, loudspeakers and  
14 blowhorns.

16           A. This subsection does not apply to advertising material  
on automobiles traveling to and from the voting place. It  
18 does not prohibit a person from passing out stickers at the  
voting place to be pasted on the ballot at a primary  
20 election. It does not prohibit a person who is at the polls  
solely for the purpose of voting from wearing a campaign  
22 button when the longest dimension of the button does not  
exceed 3 inches.

24           B. Nonpolitical charitable activities and other  
nonpolitical advertising may be allowed at the discretion of  
26 the clerk if arrangements are made prior to election day.  
If arrangements are not made in advance of the election day,  
28 the warden may, at the warden's discretion, either allow or  
prohibit nonpolitical charitable activities and other  
30 nonpolitical advertising.

32           **Sec. 7. 21-A MRSA §682, sub-§4-A** is enacted to read:

34           **4-A. Corrective action.** If a person attempts to influence  
36 voters or interfere with their free passage in violation of  
subsection 2, the warden shall have that person removed from the  
38 voting place.

40           **Sec. 8. 21-A MRSA §753-B, sub-§8,** as enacted by PL 1999, c.  
645, §6, is amended to read:

42           **8. Absentee voting in presence of clerk.** A person who  
44 wishes to vote by absentee ballot may, without completing an  
application, vote by absentee ballot in the presence of the  
46 clerk. The method of voting is otherwise as prescribed in this  
article. After the person has voted, the clerk shall sign the  
48 affidavit on the return envelope as a witness, indicate on the  
envelope that the voter voted in the presence of a clerk and  
50 ensure that the affidavit on the return envelope is properly

completed by the voter. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or ballot-issue question on the ballot for that election is prohibited within the clerk's office and on public property within 250 100 feet of the entrance to the clerk's office.

This subsection does not apply to the display or distribution of any campaign advertising material on private property that is within 250 100 feet of the entrance to the clerk's office.

This subsection does not apply to campaign advertising material on automobiles traveling to and from the municipal office or parked on municipal property while the occupants are visiting the municipal office to conduct municipal business. It does not prohibit a person who is at the municipal office for the purpose of conducting municipal business or for absentee voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

## SUMMARY

This bill accomplishes the following.

1. It reduces from 250 feet to 100 feet the distance from the entrance to the voting place within which a person, on public property, may not advertise, influence or attempt to influence another person's vote.

2. It prohibits a person from influencing or attempting to influence a person's decision on a question that is on the ballot for the election that day.

3. It specifies that the limitations on influencing or attempting to influence a person's decision do not prohibit pollwatchers, media representatives or persons collecting signatures for direct initiatives or ballot referenda, as long as certain conditions are met.