

Date: 2127/20	MAJORITY	L.D. 1903 (Filing No. S- 409)
VE'	TERANS AND LEGAL AFFA	AIRS
Reproduced and distrib	outed under the direction of the Sec	retary of the Senate.
	STATE OF MAINE	
	SENATE	
	129TH LEGISLATURE	
S	SECOND REGULAR SESSIO	N
	DMENT "A" to S.P. 655, L.D g Activities at or near the Polls on I	
Amend the bill by strik	ing out all of section 5 and insertin	g the following:
'Sec. 5. 21-A MRSA	§683 is enacted to read:	
§683. Restricted activities	s on election day	
<u>This section governs th</u> on election day.	e activities that are prohibited or p	permitted at the voting place
public property within a ra designated as a campaign-	ne. On election day, the area with adius of 150 feet outside the entra- free zone. Within the zone, a per person's decision regarding any c	ance to the voting place is erson may not influence or
	scribed in this subsection a persor relating to a party or to a candida	
(1) The instruction provided in section	n of a voter in the method of ma 672;	arking the ballot, except as
advertising medium on any mobile tele this subparagraph,	r distribution of any advertising m n, including a sound amplification phone or other handheld electroni "sound amplification device" inclu- peakers and blowhorns;	device or an audio feature ic device. For purposes of

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31(3) The display or distribution of campaign literature, posters, palm cards,32buttons, badges or stickers;

33(4) The solicitation or acceptance of contributions for a campaign as defined in34section 1052, subsection 1 or for the purpose of qualifying a Maine Clean

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	COMMITTEE AMENDMENT " $\beta$ , " to S.P. 655, L.D. 1903 $(5 - 409)$	
1 2 3	Election Act candidate pursuant to section 1125. For purposes of this subparagraph, "contribution" includes a contribution as defined in section 1012, subsection 2 and a contribution described in section 1052, subsection 3, whether	
4	made to a political action committee or to a ballot question committee;	
5	(5) The collection of signatures on nominating petitions; or	
6	(6) Communication orally or in written form with voters in a manner that	
7	expresses support for or opposition to a party, a candidate or a question.	
8 9	B. Notwithstanding paragraph A, the following activities are permitted within the zone described in this subsection:	
10	(1) The display of advertising material on an automobile transporting a voter to	
11	or from the voting place for the purpose of voting;	
12	(2) The wearing of clothing, a campaign button or a hat that displays the name of	
13	a candidate or an advertising or campaign message by a voter who is at the polls	
14	solely for the purpose of voting, as long as the message does not expressly	
15	advocate for the passage or defeat of any question or election or defeat of any	
16	candidate for an office that is on the ballot for the election that day;	
17	(3) Exit polling, except that a person conducting a poll may not approach or	
18	communicate orally with any voter until after the voter has voted; and	
19	(4) The greeting of voters by a candidate, or no more than one representative of a	
20	candidate, as long as the candidate or candidate's representative does not state the	
21	name of the office the candidate is seeking in that election year or wear any	
22	button, name tag or apparel displaying the candidate's name or the name of the	
23	office sought or otherwise express support for or opposition to a party, a	
24	candidate or a question.	
25	2. Petitioning activity. To the extent space is available within the campaign-free	
26	zone described in subsection 1, the warden may assign spaces to persons or organizations	
27	for activities related to the collection of signatures of registered voters only on a petition	
28	to qualify a measure for the ballot at a future election. For purposes of this section,	
29	"petition" means a petition for the direct initiative of legislation or a people's veto	
30	referendum on a form issued by the Secretary of State pursuant to section 901 or a	
31	petition to qualify a municipal referendum question for the ballot in accordance with Title	
32	<u>30-A, section 2522 or Title 30-A, section 2528, subsection 5 or a municipal charter or</u>	
33	ordinance. The warden may limit the number of persons who may occupy each assigned	
34	space. Persons wishing to engage in activities at the voting place under this subsection must make arrangements with the clerk before election day or with the warden on	
35 36	election day. The clerk and the warden may not unreasonably deny requests for space to	
30 37	conduct these activities. Persons permitted to collect signatures under this subsection	
38	may not solicit a voter's signature until after the voter has completed voting.	
39	3. Free passage of voters. A person may not interfere with the free passage of	
40	voters to or from the voting place.	
41	4. Enforcement. The warden may direct the removal from the voting place of any	
42	person who does not comply with the requirements of this section.	

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5. Public property limited. For purposes of this section, "public property" does not include a public right-of-way across privately owned property if it is an easement right-of-way.

6. Secretary of State guidelines. The Secretary of State shall issue interpretive guidelines under this section for use by local election officials, candidates, campaigns and the public in state and federal elections.'

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Amend the bill by inserting after section 6 the following:

'Sec. 7. 21-A MRSA §753-B, sub-§8, as amended by PL 2011, c. 399, §24, is further amended to read:

8. Absentee voting in presence of clerk. A person who wishes to vote by absentee ballot may, without completing an application, vote by absentee ballot in the presence of the clerk, except as provided in subsection 2. The method of voting is otherwise as prescribed in this article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, during During the hours when the clerk's office is open and may be conducting absentee voting may take place, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or question on the ballot for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the building in which the clerk's office is located provisions of section 683, subsections 1, 3, 5 and 6 apply and the clerk may direct the removal from the clerk's office of any person who does not comply with the requirements of section 683, subsections 1 and 3.

24 This subsection does not apply to the display or distribution of any campaign advertising 25 material on private property that is within 250 feet of the entrance to the building in 26 which the clerk's office is located. For purposes of this section, "private property" 27 includes privately owned property subject to a public right of way that is an easement 28 right of way.

29 This subsection does not apply to campaign advertising material on automobiles traveling 30 to and from the municipal office or parked on municipal property while the occupants are 31 visiting the municipal office to conduct municipal business. It does not prohibit a person 32 who is at the municipal office for the purpose of conducting municipal business or for 33 absentee voting from wearing a campaign button-when the longest dimension of the 34 button does not exceed 3 inches.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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#### SUMMARY

This amendment, which is the majority report of the committee, makes the following changes to the bill's restrictions on signature gathering and other activities at voting places.

1. It clarifies that the restrictions in the bill apply to the voting place on election day
and also to municipal clerks' offices when absentee voting may take place.

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СОММІТТЕЕ АМЕНДМЕНТ " Д " to S.P. 655, L.D. 1903 ( 5-40°)

2. It removes the portion of the bill that requires a 6-foot-wide access corridor from the entrance of the voting place to the guardrail enclosure where voting takes place.

3. It clarifies that, when persons or organizations request space to conduct activities related to the collection of signatures on a petition to qualify a measure for the ballot at a future election, the clerk and the warden may not unreasonably deny those requests. In addition, it clarifies that those requests may be made on the day of the election.

4. It adds cross-references to the definitions of "contribution" applicable to candidate campaigns and to ballot question campaigns to clarify the types of contributions that may not be collected within the campaign-free zone at a voting place on election day or within the campaign-free zone at a municipal clerk's office when absentee voting may take place.

FISCAL NOTE REQUIRED

(See attached)

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### **129th MAINE LEGISLATURE**

LD 1903

LR 2918(02)

An Act To Amend the Laws Governing Activities at or near the Polls on Election Day

Fiscal Note for Bill as Amended by Committee Amendment " $\beta$ " (5-409)Committee: Veterans and Legal Affairs Fiscal Note Required: Yes

#### **Fiscal Note**

Minor cost increase - General Fund

#### Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with issuing guidelines can be absorbed within existing budgeted resources.