

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1903

S.P. 655

In Senate, December 24, 2019

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

Submitted by the Secretary of State pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 20, 2019. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.

Cosponsored by Representative McCREIGHT of Harpswell and

Senators: LAWRENCE of York, LIBBY of Androscoggin, LUCHINI of Hancock,

MIRAMANT of Knox, Representatives: CRAVEN of Lewiston, HUBBELL of Bar Harbor,

SCHNECK of Bangor, STROM of Pittsfield.

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

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3 repealed.

4 **Sec. 2. 21-A MRSA §672**, as amended by PL 2007, c. 455, §30, is further
5 amended to read:

6 **§672. Assistance**

7 A voter who is unable to read or mark the ballot because of physical disability,
8 illiteracy or religious faith may request another person, other than the voter's employer or
9 agent of that employer or officer or agent of the voter's union, to assist the voter in
10 reading the ballot or marking the ballot according to the voter's wishes. When assisting a
11 voter, the aide may not tell the voter how to make the voter's choices or otherwise
12 influence the voter in violation of section ~~682~~ 683.

13 **1. Assistance by election officials.** The voter may request one or more election
14 officials to assist.

15 **2. Assistance by persons not voters.** The assistant need not be a voter or of voting
16 age.

17 **Sec. 3. 21-A MRSA §681, sub-§4**, as amended by PL 2015, c. 422, §1, is further
18 amended to read:

19 **4. Outside the guardrail enclosure.** If sufficient space exists, party workers and
20 others, in addition to the pollwatchers allowed pursuant to section 627, may remain in the
21 voting place outside the guardrail enclosure as long as they do not ~~attempt to influence~~
22 ~~voters~~ violate section 683 or interfere with ~~their voters'~~ free passage. If a person ~~attempts~~
23 ~~to influence voters~~ violates section 683 or ~~interfere~~ interferes with ~~their voters'~~ free
24 passage, the warden shall have the person removed from the voting place. A person video
25 recording in the voting place must remain outside the guardrail and may not conduct
26 video recording closer than 15 feet from a voter being recorded, including when a voter is
27 where a person is collecting voters' signatures. A person who video records a voter in
28 violation of this subsection may be removed from the voting place by the municipal clerk
29 at the recommendation of the warden as provided in section 662, subsection 2.

30 **Sec. 4. 21-A MRSA §682**, as amended by PL 2019, c. 371, §§21 and 22, is
31 repealed.

32 **Sec. 5. 21-A MRSA §683** is enacted to read:

33 **§683. Restricted activities on election day**

34 **1. Access corridor.** On election day, an access corridor at least 6 feet wide
35 extending from the entrance of the voting place to the guardrail enclosure must be kept
36 open at all times while the polls are open to allow for the free passage of voters and no

1 other activity. A person may not interfere with the free passage of voters in the access
2 corridor.

3 **2. Campaign-free zone.** The area within the voting place and on public property
4 within a radius of 150 feet outside the entrance to the voting place is designated as a
5 campaign-free zone. Within the zone, a person may not influence or attempt to influence
6 another person's decision regarding any candidate or question on the ballot in that
7 election year.

8 A. Within the zone described in this subsection a person may not engage in any of
9 the following activities relating to a party or to a candidate or question on the ballot
10 in that election year:

11 (1) The instruction of a voter in the method of marking the ballot, except as
12 provided in section 672;

13 (2) The display or distribution of any advertising material or operation of any
14 advertising medium, including a sound amplification device or an audio feature
15 on any mobile telephone or other handheld electronic device. For purposes of
16 this subparagraph, "sound amplification device" includes, but is not limited to,
17 sound trucks, loudspeakers and blowhorns;

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

20 (4) The solicitation or acceptance of contributions for a campaign as defined in
21 section 1052, subsection 1 or for the purpose of qualifying a Maine Clean
22 Election Act candidate pursuant to section 1125;

23 (5) The collection of signatures on nominating petitions; or

24 (6) Communication orally or in written form with voters in a manner that
25 expresses support for or opposition to a party, a candidate or a question.

26 B. Notwithstanding paragraph A, the following activities are permitted within the
27 zone described in this subsection:

28 (1) The display of advertising material on an automobile transporting a voter to
29 or from the voting place for the purpose of voting;

30 (2) The wearing of clothing, a campaign button or a hat that displays the name of
31 a candidate or an advertising or campaign message by a voter who is at the polls
32 solely for the purpose of voting, as long as the message does not expressly
33 advocate for the passage or defeat of any question or election or defeat of any
34 candidate for an office that is on the ballot for the election that day;

35 (3) Exit polling, except that a person conducting a poll may not approach or
36 communicate orally with any voter until after the voter has voted; and

37 (4) The greeting of voters by a candidate, or no more than one representative of a
38 candidate, as long as the candidate or candidate's representative remains outside
39 the access corridor described in subsection 1 and does not state the name of the
40 office the candidate is seeking in that election year or wear any button, name tag

1 or apparel displaying the candidate's name or the name of the office sought or
2 otherwise express support for or opposition to a party, a candidate or a question.

3 **3. Petitioning activity.** To the extent space is available inside the voting place and
4 outside the boundaries of the access corridor described in subsection 1 but within the
5 campaign-free zone described in subsection 2, the warden may assign spaces to persons
6 or organizations for activities related to the collection of signatures of registered voters
7 only on a petition to qualify a measure for the ballot at a future election. For purposes of
8 this section, "petition" means a petition for the direct initiative of legislation or a people's
9 veto referendum on a form issued by the Secretary of State pursuant to section 901 or a
10 petition to qualify a municipal referendum question for the ballot in accordance with Title
11 30-A, section 2522 or Title 30-A, section 2528, subsection 5 or a municipal charter or
12 ordinance. The warden may limit the number of persons who may occupy each assigned
13 space. Persons wishing to engage in activities at the voting place under this subsection
14 must make arrangements with the clerk before election day. Persons permitted to collect
15 signatures under this subsection may not solicit a voter's signature until after the voter has
16 completed voting.

17 **4. Free passage of voters.** A person may not interfere with the free passage of
18 voters to or from the voting place.

19 **5. Enforcement.** The warden may direct the removal from the voting place of any
20 person who does not comply with the requirements of this section.

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

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

27 **Sec. 6. 21-A MRS §753-B, sub-§5,** as repealed and replaced by PL 2019, c.
28 371, §35, is amended to read:

29 **5. Alternate method of balloting by residents of certain licensed facilities.** The
30 municipal clerk shall designate one time during the 30-day period prior to an election
31 during which the municipal clerk shall be present in each licensed nursing home subject
32 to the provisions of Title 22, chapter 405; licensed level IV residential care facility
33 subject to the provisions of Title 22, chapter 1664; and licensed assisted living program
34 with more than 6 beds subject to the provisions of Title 22, chapter 1664, in the
35 municipality for the purpose of conducting absentee voting by residents of these facilities.
36 The clerk shall designate which areas in these facilities constitute the voting place, the
37 voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal
38 office that absentee voting will be conducted as prescribed in this subsection. The clerk
39 shall provide a notice to each licensed facility of the date and time when absentee voting
40 will be conducted. The notice must state that the licensed facility is required to notify the
41 contact person or persons, if any, for each resident that absentee voting will be conducted.
42 Each licensed facility must provide notice, which may be in the form of an e-mail or an

1 electronic newsletter, to the contact person or persons, if any, for each resident of the date
2 and time when absentee voting will be conducted at the facility. Sections 681 and ~~682~~
3 683 apply to voting in these facilities within the areas designated by the clerk. As used in
4 this subsection, "level IV residential care facility" means a residential care facility as
5 defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than
6 6 residents.

7

SUMMARY

8 This bill repeals provisions of law governing signature gathering and other activities
9 at polling places on election day and enacts provisions in their place. It requires a 6-foot-
10 wide access corridor from the entrance to the polling place to the guardrail enclosure
11 where voting takes place that must be kept open at all times for the sole purpose of
12 allowing voters to pass through. It designates a wider campaign-free zone of up to 150
13 feet outside the entrance to the voting place where activities on public property relating to
14 any campaign for a candidate or ballot question in that election year are restricted. The
15 bill clarifies those restrictions. Collecting signatures on petitions for direct initiatives,
16 people's veto referenda and municipal referenda may be permitted by the election warden
17 inside the voting place and within the 150-foot zone but outside the 6-foot-wide access
18 corridor, to the extent space allows. The bill removes the provision making any violation
19 of the laws governing political activities at the polling place a Class E crime. It directs
20 the Secretary of State to issue guidelines to assist local election officials, candidates,
21 campaigns and the public in interpreting and applying these restrictions.