

# MAINE STATE LEGISLATURE

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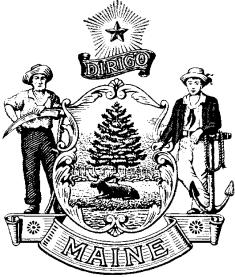


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**State of Maine**  
**2022 Candidate's Guide**  
**to Ballot Access**



**State of Maine**  
**Shenna Bellows**  
**Secretary of State**



## Office of the Secretary of State

I am pleased to present the 2022 edition of the State of Maine Candidate's Guide to Ballot Access.

If you are considering becoming a candidate or already have decided to run for public office, I hope this guide will be helpful to you.

Public service through elected office is among the oldest and noblest traditions in our democratic system. While the decision to seek public office can be a highly personal one, I can attest that, once undertaken, it can be both a challenging and rewarding experience.

The Secretary of State's Division of Elections is available to assist you with any questions regarding the conduct of elections. They can be reached at (207) 624-7650, Monday through Friday, 8:00 a.m. – 5:00 p.m., state and federal holidays excepted. The Commission on Governmental Ethics and Election Practices is also available to assist you with any questions regarding campaign finance laws and reporting requirements. The Commission can be reached by calling (207) 287-4179, Monday through Friday, 8:00 a.m. – 5:00 p.m.

If you have any questions, or if I can be of further assistance to you, please do not hesitate to contact me personally at (207) 626-8400.

Take care,

A handwritten signature in blue ink that reads "Shenna Bellows".

Shenna Bellows  
Secretary of State

# Table of Contents

Chapter	Description	Page
	Directory	1
	Introduction	2
	Ranked-Choice Voting (RCV)	3
One	<b>Becoming a Candidate</b>	4
	Who is a Candidate?	4
	Offices and Requirements	
	• Federal and State Offices	5
	• County Offices	6
	Legal References	7
Two	<b>Getting on the Ballot: The Petition Process</b>	8
	<u>All Candidates</u>	8
	<u>Primary (Party) Candidates</u>	8
	Primary (Party) Petition Filing Checklist	9
	Required Number of Signatures – Primary (Party) Candidates	10
	Other Points Pertinent to Primary (Party) Candidate Petitions	10
	Sample of Primary (Party) Candidate Petition	11
	Completing Primary (Party) Candidate Petitions and Forms	11
	• Instructions for Candidate Information Section	11
	• Instructions for Collection of Signatures	12
	• Instructions for Circulator's Oath	13
	• Instructions for Registrar's Certification	13
	• Instructions for Candidate's Consent and Certification of Enrollment	14
	Restrictions on Candidate Withdrawal	15
	<u>Non-Party Candidates</u>	16
	Non-Party Petition Filing Checklist	16
	Required Number of Signatures – Non-Party Candidates	17
	Other Points Pertinent to Non-Party Candidate Petitions	17
	Sample of Non-Party Candidate Petition	18
	Completing Non-Party Candidate Petitions	18
	• Instructions for Candidate Information Section	18
	• Instructions for Collection of Signatures	19
	• Instructions for Circulator's Oath	20

	• Instructions for Registrar's Certification	20
	• Instructions for Candidate's Consent and Certification of Unenrollment	21
	Restrictions on Candidate Withdrawal	22
	Legal References	22
<b>Three</b>	<b>Write-in Candidates</b>	<b>23</b>
	Who is a Write-in Candidate?	23
	Enrollment Qualifications of a Primary Write-in Candidate	23
	Party Name or Designation of a Write-in Candidate	23
	Minimum Number of Votes Needed in Primary Election	24
	Minimum Number of Votes Needed in General Election	24
	Casting a Write-in Vote	24
	Legal References	25
<b>Four</b>	<b>Restricted Activity</b>	<b>26</b>
	Legal References	26
<b>Five</b>	<b>Placement of Political Signs</b>	<b>27</b>
	Letter from Department of Transportation	27
<b>Six</b>	<b>Voter Registration and Absentee Voting</b>	<b>29</b>
	Voter Registration	29
	Voter Registration for Persons with Disabilities	29
	Voter Registration Deadline	30
	Absentee Voting	30
	Accessible Absentee Ballot	31
	Legal References	31

## Directory

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Website: [www.maine.gov/sos](http://www.maine.gov/sos)      email: [cec.elections@maine.gov](mailto:cec.elections@maine.gov)

Commission on Governmental Ethics and Election Practices  
Office Location: 45 Memorial Circle, Augusta  
Mail: 135 State House Station  
Augusta, ME 04333-0135  
Telephone: (207) 287-4179      Fax: (207) 287-6775  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Electronic Filing: [www.mainecampaignfinance.com/PublicSite/homepage.aspx](http://www.mainecampaignfinance.com/PublicSite/homepage.aspx)

Federal Elections Commission  
1050 First Street, NE  
Washington, DC 20463  
Telephone: (800) 424-9530 or (202) 694-1000  
Website: [www.fec.gov](http://www.fec.gov)

Federal Communications Commission  
Office of Political Programming  
45 L Street NE  
Washington, D.C. 20554  
Telephone: (202) 418-1440      email: [campaignlaw@fcc.gov](mailto:campaignlaw@fcc.gov)  
National Call Center (Toll Free): 888-225-5322  
Website: <https://www.fcc.gov/media/policy/political-programming#block-menu-block-4>

Department of Transportation  
Right of Way Maintenance Control Section  
Mail: 16 State House Station  
Augusta, ME 04333-0016  
Telephone: (207) 624-3000  
Website: <https://www.maine.gov/mdot/>

## **Introduction**

Candidates have filing responsibilities and other requirements with both the Secretary of State's office and the Commission on Governmental Ethics and Election Practices.

***The Elections Division within the Department of the Secretary of State*** administers elections for federal, state and county offices. The Division advises election officials in approximately 500 municipalities, as well as hundreds of state candidates, about election laws and procedures. For example, the Division accepts and reviews primary (party) and non-party candidate petitions. Through this petition process, candidates qualify to have their names placed on the ballot for either the primary or general election.

The *Candidate's Guide to Ballot Access* is a useful reference for candidates and the general public. Each chapter describes the election requirements and references the authorizing statutes which may be viewed at the State's web site at: <http://www.mainelegislature.org/legis/statutes/>

The Department of the Secretary of State has taken care to make this Guide concise and accurate. However, you should not substitute the information presented here for the applicable statutory provisions of the Election Law. The statutory requirements are controlling in the event of any omission in this publication. This Guide is current as of December 1, 2021. Its contents are subject to statutory changes enacted by the Legislature and rule changes approved under the Administrative Procedure Act.

***The Commission on Governmental Ethics and Election Practices*** administers the campaign finance law and the Maine Clean Election Act (MCEA), a publicly-funded campaign financing option. Through the Commission, candidates register, declare their intention to run as a Maine Clean Election Act candidate or as a traditionally financed candidate and file the required campaign finance reports. These guidebooks will be posted on the Ethics Commission's web site and can also be obtained by contacting the Commission. Below are some helpful links to the Ethics Commission's web site:

- <https://www.maine.gov/ethics/candidates> Main page for Candidate resources, providing links to the guidebooks prepared by the Ethics Commission.
- <https://www.maine.gov/ethics/forms/StateCandidate/legislative-mcea> Forms and Guides for Legislative Candidates (MCEA)
- <https://www.maine.gov/ethics/forms/StateCandidate/legislative-traditional> Forms and Guides for Legislative Candidates (Traditionally Financed)

## **Ranked-Choice Voting (RCV)**

The June 14, 2022 primary elections for U.S. Congress, Governor, State Senate and State Representative to the Legislature will be decided by a system of ranked-choice voting instead of by plurality, if three or more candidates qualify for the office. The November 8, 2022 general election for U.S. Congress will be decided by a system of ranked-choice voting, if three or more candidates qualify for the office. However, the November 8, 2022 general election for Governor, State Senate and State Representative to the Legislature will be decided by a plurality, regardless of the number of candidates who qualify for the race. Offices determined by ranked-choice voting are defined in 21-A MRS §1(§27-C).

On election night, municipal officials count the first-choice selections only for each ranked-choice voting contest. If it appears that no candidate received more than 50% of the first choice votes, then the memory devices containing the results (for tabulator municipalities) and the paper ballots (for hand-count municipalities) are transported to the Secretary of State in Augusta for a central ranked-choice voting tabulation. All memory devices and paper ballots are uploaded into one database. The cast vote records are extracted and then processed through the ranked-choice voting software to produce the results.

An informative outline of ranked-choice voting in the State of Maine:

<https://legislature.maine.gov/lawlibrary/ranked-choice-voting-in-maine/9509>

Helpful ranked-choice resources found on the Secretary of State website:

<https://www.maine.gov/sos/cec/elec/upcoming/rcv.html>

# **CHAPTER ONE**

## **Becoming a Candidate**

### **Who is a Candidate?**

A candidate is any one or a combination of the following:

- A person who has filed a petition and has qualified to be nominated by the Primary Election as a party candidate;
- A person who has filed a petition and has qualified as a “non-party” candidate;
- A person who has filed a declaration with the Secretary of State as a write-in candidate;
- A person who has received contributions or made expenditures with the intent of qualifying as a candidate; or
- A person who has given their consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

A person may be a candidate for only one federal, state or county office in any election and may choose only one method (primary election or non-party petition) to gain access to the printed general election ballot.

Exception: A person may be a candidate for a **presidential elector or a county charter commission** and may also be a candidate for one additional office at the same election.

## **Offices and Requirements – Federal and State Offices**

In addition to the residency requirements outlined below, no person may be a candidate unless, at the time of nomination for placement on the primary, general, or special election ballot, that person is a resident of the district which the candidate seeks to represent, with the exception of Representative to Congress, which does not have this requirement.

Maine election law (21-A MRS §336(1) for party candidates and §355(1) for non-party candidates) requires the Secretary of State to provide a separate consent form that includes a list of the statutory and constitutional requirements for the office sought by the candidate. For more information, see page 14 for Primary Candidate's Consent and page 21 for Non-party Candidate's Consent.

Office Type	Office	Minimum Age	Citizenship: Minimum Number of Years	Residency	Statute Reference
Federal	Representative to Congress	25	7	Resident of Maine	U.S. Constitution, Article I, §2
State	Governor	30	15	5 years Maine resident	Maine Constitution, Article V, Part First, §4
State	Senator	25	5	1 year Maine resident; reside in district for 3 months before the election	Maine Constitution, Art. IV, Part Second, §6
State	Representative to the Legislature	21	5	1 year Maine resident; reside in district for 3 months before the election	Maine Constitution, Art. IV, Part First, §4

## Offices and Requirements – County Offices

In addition to the residency requirements outlined below, no person may be a candidate unless, at the time of nomination for placement on the primary, general or special election ballot, that person is a resident of the district which the candidate seeks to represent.

Maine election law (21-A MRS §336(1) for party candidates and §355(1) for non-party candidates) requires the Secretary of State to provide a separate consent form that includes a list of the statutory and constitutional requirements for the office sought by the candidate. For more information, see page 14 for Primary Candidate's Consent and page 21 for Non-party Candidate's Consent.

Somerset County enacted a county charter in 2010. Under the provisions of this charter, county officers (except for District Attorney) are elected in a non-partisan election and appear only on the General Election ballot. Candidates follow the requirements for non-party candidates, except that the candidate does not have to be an unenrolled voter. Individuals running for a Somerset County office must request petitions drafted specifically for this county.

Aroostook County and Knox County follow a similar procedure for electing the Aroostook County Finance Committee and the Knox County Budget Committee. Candidates for these offices also must request the petition specific for these offices.

Office Type	Office	Minimum Age	Residency and Citizenship: Minimum Number of Years	Statute Reference	See Note
County	County Commissioner	18	A candidate for any County Office must be a resident and voter in the electoral district which the candidate seeks to represent as of the date that the candidate files nomination petitions in the year of the election. (21-A MRS §333 or §352).	30-A MRS §61	
County	County Treasurer	18		30-A MRS §151	
County	District Attorney	18		30-A MRS §251	1
County	Judge of Probate	18		Maine Constitution, Art. VI, §6; 4 MRS §301	2
County	Register of Probate	18		Maine Constitution, Art. VI, §6; 18-A MRS §1-501	
County	Register of Deeds	18		33 MRS §601	
County	Sheriff	18		Maine Constitution, Art. IX, §10; 30-A MRS §371-B	3

**Notes from chart on previous page:**

**Note 1:** Candidate must be an attorney who is a member in good standing of the bar of Maine.

**Note 2:** Candidate must be an attorney, admitted to the general practice of law in Maine.

**Note 3:** Candidates for sheriff must file a “Candidate’s Consent for Sheriff” with the Secretary of State, along with the nomination papers, confirming compliance with the following qualifications:

1. Must swear to or affirm the Law Enforcement Code of Ethics;
2. Must never have been convicted of a Class C or higher crime;
3. Must apply to the Secretary of State for a criminal background investigation;
4. Must submit written certification from the Maine Criminal Justice Academy that the candidate:
  - Is currently certified as a law enforcement officer and has met the basic law enforcement training standards under Title 25 §2804-C; or
  - Was previously certified as a law enforcement officer and agrees to meet the basic law enforcement training standards under Title 25 §2804-C within one year of taking office; and
5. Must swear or affirm that the candidate has at least 2 years of supervisory employment experience in law enforcement or corrections or a combination of both and submits the name, address and telephone number for the relevant employer or employers.

**Any person who served as a full-time law enforcement officer employed by a municipal police department or a state agency, including the University of Maine System on or before July 1, 1990, or was serving in the office of sheriff on June 26, 2021 or served prior to that date is deemed to meet these minimum qualifications.**

**Legal References**

Definition of a Candidate  
Limitations to Candidacy  
Qualification for County Office

21-A MRS § 1(5)  
21-A MRS §§ 331 and 351  
21-A MRS §§ 333 and 352

## CHAPTER TWO

# Getting on the Ballot: The Petition Process

### All Candidates

Petitions are available to download and print on the Department of the Secretary of State, Division of Elections website, or for physical pickup at the Division of Elections' office at Burton M. Cross State Office Building, 4th floor, 111 Sewall Street, Augusta. You may pick up the petitions in person, have another person obtain them for you, or have the petitions mailed to you. Candidates requesting pre-filled forms should contact the Elections Division.

Downloaded petitions have been formatted to print on 8.5 x 14 inch (legal size) paper.

**Petitions must be printed double-sided on 8.5 x 14 inch (legal size) paper so that:**

- The Secretary of State can confirm that all signers were able to see the candidate information on the front side before signing
- The text is large enough for voters to read easily
- The petition lines are large enough for voters to keep their information on one line

You may begin circulating petitions January 1, 2022, and they must be submitted by the applicable deadline for either primary (party) or non-party petitions. Once submitted to the Secretary of State, petitions will be reviewed to ensure that all required elements have been properly completed. If all requirements of law are met and the minimum number of signatures is submitted, the petitions will be accepted and filed by the Secretary of State. You will be notified of the acceptance of the petitions once the filing deadline and challenge period have passed.

### Primary (Party) Candidates

Parties meeting the qualifications of 21-A MRS Chapter 5 are eligible to participate in the Primary Election on June 14, 2022. Parties currently qualified to participate in the 2022 Primary Election are Democratic Party, Green Independent Party, Libertarian Party and Republican Party.

If you are changing enrollment from one party to another, you must file an application to change enrollment prior to **January 1, 2022**. If you are a primary (party) candidate and are not currently enrolled in a party (Unenrolled), you must enroll in the party named in the petition on or before **March 15, 2022**, or by the date you file your petitions, if earlier. Petitions must be filed with the Secretary of State on or before 5 p.m. on **March 15, 2022**. Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the "Primary (Party) Petition Filing Checklist" on page 9

**Note:** If you move between January 1 and March 15, you cannot change parties and run as a primary candidate at the new residence.

## Primary (Party) Petition Filing Checklist

- Collect at least the minimum number of signatures for the office you are seeking as indicated in the chart “Required Number of Signatures – Primary (Party) Candidates” provided on page 10. Signers must be Maine registered voters of the electoral district of the candidate and enrolled in the party named in the petition.
- Have each petition verified by its circulator – the “Circulator’s Oath” must be completed on each petition – see page 13 for further details.
- Have all signatures certified by the applicable registrar of voters prior to filing with the Secretary of State – see page 13 for further details.
- Sign the “Candidate’s Consent” section of the *Candidate’s Consent and Certification of Enrollment* (a separate form from the petition) before a Notary Public – see page 14 for further details.
- Have the Registrar of Voters in the municipality where you are registered to vote complete the “Certification of Candidate Enrollment” which is printed as part of the *Candidate’s Consent and Certification of Enrollment* form – see page 14 for further details.
- Present the petitions and the *Candidate’s Consent and Certification of Enrollment* to the Secretary of State for review on or before **5 p.m., March 15, 2022**.

**NOTE:** The Secretary of State encourages candidates to file in advance of the March 15, 2022 deadline to allow time for review of the petitions and correction of any deficiencies.

- Comply with the campaign finance law regarding registration, record keeping and reporting requirements. (*Please refer to the Commission on Governmental Ethics and Election Practices for information and reporting forms.*)

## **Required Number of Signatures – Primary (Party) Candidates**

The required number of valid signatures of registered voters on primary (party) petitions is:

Office	Minimum	Maximum
Governor	2,000	2,500
Representative to Congress	1,000	1,250
State Senator	100	150
Representative to the Legislature	25	40
County Commissioner	50	75
Other County Officers	150	200

### **Other Points Pertinent to Primary (Party) Candidate Petitions:**

- Petition forms must be typed or printed in ink, except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted. (This is for ease of municipal verification of voters, not an error that would invalidate the petition.)
- **The circulator of a petition does not have to be a Maine resident or Maine registered voter. The circulator must personally witness every signature that is made to the petition and be able to take an oath to that effect.**
- A voter may sign for more than one candidate running for the same office in a federal, state or county election. However, a voter may sign each candidate's petition only once.
- To ensure that the registrar will be able to certify a voter's signature, the voter should sign a petition in the same manner as the voter is registered to vote. However, immaterial irregularities will not invalidate a signature as long as the registrar can determine that the signer is the voter on the municipality's voting list. Immateral irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution or initials or nicknames for given names.

# Sample of Primary (Party) Candidate Petition



STATE OF MAINE  
PRIMARY NOMINATION PETITION  
June 14, 2022 State Primary Election  
— ① — Party

DATE FILED  
With Secretary of State

Legal name of candidate as it will appear on the ballot: (See Title 21-A, §601(2)(H) for requirements.)

<p>② _____ (Last name and suffix, if any)</p>	<p>③ _____ (First name)</p>	<p>④ _____ (Middle name or initial)</p>
Office: _____	Electoral Division: _____	Term: <b>N/A</b>
Voting Residence Address of Candidate (Street Address - not P.O. Box)	⑥ _____ (City, Town, or Plantation; Zip Code)	
Mailing Address of Candidate (if different from above): _____ <b>⑦</b>		

*Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.  
Deadline for filing petitions and Candidate's Consent with Secretary of State: 5 p.m., March 15, 2022*

## Completing Primary (Party) Candidate Petitions

### Instructions for Candidate Information Section

1. Write the name of the qualified party in which the candidate is enrolled.
2. Write the candidate's legal name on the petition in one of the following forms:
  - a. last name, first name, middle name
  - b. last name, first name, middle initial
  - c. last name, first initial, middle name
  - d. last name, first name

The name should be completed as it will appear on the ballot and must be in one of the forms listed above, as required by 21-A MRS §601(2)(H). The candidate must also sign the Candidate's Consent in the same manner. A candidate's name listed on the ballot must be the candidate's legal name or must be the name approved by the Probate Court, if applicable, pursuant to 18-C MRS §1-701, or in the absence of a court order, the name consistently used by the candidate during the last 2 years in filings with governmental agencies and other legal transactions.

See 21-A MRS §601(2)(B-1).

3. Write the exact title of the office sought, i.e., Representative to Congress, State Senator, Representative to the Legislature, etc.

4. Write the electoral division to be represented, i.e., District 1, Androscoggin County, etc.
5. Write the term of office only when 2 U.S. Senators are to be nominated (not applicable in 2022).
6. Write the residence address where the candidate is registered to vote.
7. Write the mailing address of the candidate, if different.

Note: The information required on the petition must be completed prior to circulation. If a petition that is missing the required information is filed with the Secretary of State, it may be rejected.

## Instructions for Collection of Signatures

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
1.					
2.					
3.					

1. The petition may be signed only by voters who reside in the electoral district in which the nomination is sought and who are enrolled in the party named in the petition. The voter must sign his, her, or their name personally, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRS §153-A(3), may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant).
2. The printed name of the voter, the date signed, the street address and the municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration. **Signatures may not be collected prior to January 1, 2022.**

## Instructions for the Circulator's Oath

### Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is enrolled in the party named on this petition, and is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

*Signature of Circulator* \_\_\_\_\_ *Printed Name of Circulator* \_\_\_\_\_

*Signature of Notary* \_\_\_\_\_ *Printed Name of Notary* \_\_\_\_\_

Subscribed to and sworn before me on this date: \_\_\_\_\_ Date my Notary Commission expires: \_\_\_\_\_  
(Date must be completed by Notary)

**Circulator's Oath:** After the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a notary public that:

- The circulator personally witnessed all of the signatures to the petition;
- Each signature is that of the person whose name it purports to be;
- Each signer is a registered voter of the electoral district named on the petition and enrolled in the party designated on the petition; and
- If a voter was unable to sign due to a physical disability, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

The circulator must take the oath for each petition circulated. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**

## Instructions for the Registrar's Certification

### Registrar's Certification

Municipality \_\_\_\_\_ TOTAL VALID \_\_\_\_\_ TOTAL INVALID \_\_\_\_\_

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as registered voters in this municipality, in the electoral division named in the petition, and are enrolled in the party named on this petition.

DATE & TIME PETITION RECEIVED:

*Signature of Registrar:* \_\_\_\_\_

*Date petition certified:* \_\_\_\_\_

**Registrar's Certification:** The registrar of voters or municipal clerk must certify that each person whose signature appears on the petition is registered to vote in that municipality, in the electoral district named on the petition, and is enrolled in the party designated on the petition.

# Instructions for the Candidate's Consent and Certification of Enrollment

## Primary Candidate's Consent and Certification of Enrollment For Representative to the Legislature Party

Legal name of candidate as it will appear on the ballot: (See Title 21-A, §601(2)(H) for requirements.)

(Last name and suffix, if any)

(First name)

(Middle name or initial)

Phonetic pronunciation of name for accessible audio ballot \_\_\_\_\_

Voting Residence Address of Candidate:

(Street Address - not P.O. Box)

(City, Town, or Plantation; Zip Code)

### Qualifications of Representative to the Legislature (Maine Constitution, Article IV, Part First, Section 4)

At the time of nomination for placement on the primary election ballot, the person shall:

- Be a resident in the district which the person seeks to represent.

At the commencement of the period for which that person is elected, the person shall:

- Have been a citizen of the United States for at least 5 years;
- Be at least 21 years of age;
- Have been a resident of this State at least 1 year; and
- Have been a resident in the district which the person seeks to represent for the month period immediately preceding the election.]

### Candidate's Consent

I hereby declare my consent to accept the nomination of the primary election. I further declare that my residence is in the municipality listed above; that I am enrolled in the party named on this consent; that I meet the qualifications to hold this office as listed above; and that this declaration is true.

(Signature of Candidate)

Subscribed to and sworn before me on this date:

(Date)

(Signature of Notary Public)

(Printed Name of Notary Public)

### Certification of Candidate Enrollment (To be completed by the Registrar in the candidate's municipality of residence)

I hereby certify that,

(Name of Candidate as it appears on municipality's voting list)

, is enrolled

in the party named on this consent as of this date, and has not filed an application to change enrollment on or after January 1, 2022.

(Signature of Registrar/Municipal Clerk)

(Date)

(Name of Town, City or Plantation)

Filing deadline for Candidate's Consent and Certification of Enrollment and Primary Nomination petitions to be received by the Division of Elections is 5 pm, Tuesday, March 15, 2022.

**NOTE** - This is a sample form only. You must obtain the correct consent and enrollment form from the Division of Elections for the specific office you are seeking.

**Candidate's Consent:** The candidate's consent is a separate form from the petition. The consent forms are customized with the qualifications of each office, so candidates must ensure they meet the qualifications for the office named on the consent and that the consent form submitted is the correct one for the office sought.

Candidates must complete the “Phonetic pronunciation” following the candidate’s name section, so that the audio for the candidate’s name will be pronounced correctly on the accessible ballot. Example: If your name is Colin Boucher, write your name phonetically “KO-Lin BOW-cher” or “Kollin Bushy” as you would like it to be pronounced in the audio ballot.

The candidate must sign, before a notary public, the candidate’s consent form, which includes a statement that the candidate will accept the nomination of the Primary Election, a declaration of the candidate’s municipality of residence and party designation, and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent form must appear the same as the name of the candidate on the petition form(s).

**Certification of Candidate Enrollment:** The certification of enrollment is included as part of the candidate’s consent form. The registrar of voters or municipal clerk in the candidate’s municipality of residence must certify that the candidate is enrolled in the party named on the petition as of the date the petition is certified (and no later than March 15, 2022).

#### **Restrictions on Candidate Withdrawal**

A candidate for an office on the primary ballot may withdraw by submitting a written notice, signed by the candidate, to the Secretary of State.

The deadline for withdrawal in order to have the candidate’s name removed from the ballot is 70 days before the primary election (**by 5 p.m. Tuesday, April 5, 2022**).

If a primary candidate submits a withdrawal notice to the Secretary of State less than 70 days before the primary, the candidate’s name will not be removed from the ballot. However, the Secretary of State will instruct the local election officials in the candidate’s electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. Notice of the late withdrawal also will be posted on the Secretary of State’s publicly accessible website.

See 21-A MRS §371

A candidate nominated by a party at the primary election must withdraw on or before 5 p.m. on the 2nd Monday in July (**July 11, 2022**) preceding the general election in order to be replaced by the party no later than 5 p.m. on the 4th Monday in July (**July 25, 2022**) preceding the general election.

See 21-A MRS §374-A(3)

## Non-Party Candidates

If you wish to be a non-party candidate and are enrolled in a party, you must withdraw from that party on or before to March 1, 2022, or by the date you file your petitions, if earlier, and must not have changed parties after January 1, 2022. Petitions must be filed with the Secretary of State on or before **5:00 p.m. on June 1, 2022**. The candidate must remain unenrolled from **March 1<sup>st</sup> until the general election** in order to remain qualified as an unenrolled candidate for the office sought in the nomination petition in that election year. Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the “Non-Party Petition Filing Checklist” below.

### Non-Party Petition Filing Checklist

- Collect at least the minimum number of signatures for the office you are seeking as indicated in the chart “Required Number of Signatures – Non-Party Candidates” provided on page 17. Signers must be Maine registered voters of the electoral district of the candidate.
- Have each petition verified by its circulator – the “Circulator’s Oath” must be completed on each petition – see page 20 for further details.
- Have all signatures certified by the applicable registrar of voters prior to filing with the Secretary of State – see page 20 for further details. Petitions must be submitted to the appropriate registrars for certification by 5 p.m., May 25, 2022.
- Sign the “Candidate’s Consent” section of the *Non-Party Candidate’s Consent and Certification of Unenrollment* (a separate form from the petition) before a Notary Public – see page 21 and 22 for further details.
- Have the Registrar of Voters in the municipality where you are registered to vote complete the “Certification of Candidate Unenrollment” which is printed as part of the *Non-Party Candidate’s Consent and Certification of Unenrollment* form – see page 21 for further details.
- Present the petitions and the *Non-Party Candidate’s Consent and Certification of Unenrollment* to the Secretary of State for review on or before **5 p.m., June 1, 2022**.

**NOTE:** The Secretary of State encourages candidates to file in advance of the June 1, 2022 deadline to allow time for review of the petitions and correction of any deficiencies.

- Comply with the campaign finance law regarding registration, record keeping and reporting requirements. (*Please refer to the Commission on Governmental Ethics and Election Practices for information and reporting forms.*)

## Required Number of Signatures – Non-Party Candidates

The required number of valid signatures of registered voters on non-party nomination petitions is:

Office	Minimum	Maximum
Governor	4,000	5,000
U.S. Representative to Congress	2,000	2,500
State Senator	200	300
Representative to the Legislature	50	80
County Commissioner	100	150
Other County Officers	300	400

### Other Points Pertinent to Non-Party Candidate Petitions:

- Petition forms must be typed or printed in ink, except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted. (This is for ease of municipal verification of voters, not an error that would invalidate the petition.)
- **The circulator of a petition does not have to be a Maine resident or Maine registered voter. The circulator must personally witness every signature that is made to the petition and be able to take an oath to that effect.**
- A voter may sign for more than 1 candidate running for the same office in a federal, state or county election. However, a voter may sign each candidate's petition only once.
- To ensure that the registrar will be able to certify a voter's signature, the voter should sign a petition in the same manner as the voter is registered to vote; however, immaterial irregularities will not invalidate a signature as long as the registrar can determine that the signer is the voter on the municipality's list. Immateral irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution or initials or nicknames for given names.

# Sample of Non-Party Candidate Petition



STATE OF MAINE  
NON-PARTY NOMINATION PETITION  
November 8, 2022 General Election

DATE FILED  
With Secretary of State

Legal name of candidate as it will appear on the ballot: (See Title 21-A, §601(2)(H) for requirements.)

1

(Last name and suffix, if any)

(First name)

(Middle name or initial)

Office:

2

Electoral Division:

3

Term:

4

5

Voting Residence Address of Candidate

(Street Address - not P.O. Box)

(City, Town, or Plantation; Zip Code)

6

Mailing Address of Candidate (if different from above):

7

Political Designation

(To be expressed in not more than 3 words in length, and may not incorporate the candidate's name or the designation of a qualified party) – See 21-A MRS §354(1)

Deadline for submitting to municipal registrars for certification: 5 p.m., May 25, 2022

Deadline for filing petitions and Candidate's Consent with Secretary of State: 5 p.m., June 1, 2022

## Completing Non-Party Candidate Petitions

### Instructions for Candidate Information Section

1. Write the candidate's legal name on the petition in one of the following forms:
  - a. last name, first name, middle name
  - b. last name, first name, middle initial
  - c. last name, first initial, middle name
  - d. last name, first name

The name should be completed as it will appear on the ballot and must be in one of the forms listed above, as required by 21-A MRS §601(2)(H). The candidate must also sign the Candidate's Consent in the same manner. A candidate's name listed on the ballot must be the candidate's legal name or must be the name approved by the Probate Court, if applicable, pursuant to 18-C MRS §1-701 or in the absence of a court order, the name consistently used by the candidate during the last 2 years in filings with governmental agencies and other legal transactions.

See 21-A MRS §601(2)(B-1)

2. Write the exact title of the office sought, i.e., Representative to Congress, State Senator, Representative to the Legislature, etc.
3. Write the electoral division to be represented, i.e., District 1, Androscoggin County, etc.
4. Write the term of office only when 2 U.S. Senators are to be nominated (not applicable in 2022).
5. Write the residence address where the candidate is registered to vote.
6. Write the mailing address of the candidate, if different.
7. State the candidate's political designation which may not exceed 3 words in length and may not incorporate the candidate's name or the designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election, and may not consist of or comprise language that is obscene, contemptuous, profane or prejudicial, promotes abusive or unlawful activity or violates any other provision of Maine law with respect to names.

### **Instructions for Collection of Signatures**

<b>For Registrar use only</b>	<b>SIGNATURE OF VOTER (Not Printed Name)</b>	<b>DATE SIGNED</b>	<b>ACTUAL STREET ADDRESS (Not P.O. Box)</b>	<b>MUNICIPALITY (Where Registered)</b>	<b>PRINTED NAME OF VOTER</b>
1.					
2.					
3.					

1. The petition may be signed only by voters who reside in the electoral district in which the nomination is sought. The voter must sign their name personally, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRS §153-A(3), may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant).
2. The printed name of the voter, the date signed, the street address and the municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration. **Signatures may not be collected prior to January 1, 2022.**

## Instructions for the Circulator's Oath

### Circulator's Oath

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is a resident of the electoral division named on the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

*Signature of Circulator* \_\_\_\_\_ *Printed Name of Circulator* \_\_\_\_\_

*Signature of Notary* \_\_\_\_\_ *Printed Name of Notary* \_\_\_\_\_

Subscribed to and sworn before me on this date: \_\_\_\_\_ Date my Notary Commission expires: \_\_\_\_\_  
(Date must be completed by Notary)

**Circulator's Oath:** After the circulator has gathered all of the signatures on a particular petition form, the circulator must take an oath before a notary public that:

- The circulator personally witnessed all of the signatures to the petition;
- Each signature is that of the person whose name it purports to be;
- Each signer is a registered voter of the electoral district named on the petition; and
- If a voter was unable to sign due to a physical disability, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

The circulator must take the oath for each petition circulated. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**

## Instructions for the Registrar's Certification

### Registrar's Certification

Municipality \_\_\_\_\_ TOTAL VALID \_\_\_\_\_ TOTAL INVALID \_\_\_\_\_

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as registered voters in this municipality, in the electoral division named in the petition.

DATE & TIME PETITION RECEIVED:

*Signature of Registrar:* \_\_\_\_\_

*Date petition certified:* \_\_\_\_\_

**Registrar's Certification:** The registrar of voters or municipal clerk must certify that each person whose signature appears on the petition is registered to vote in that municipality, in the electoral district named on the petition.

# Instructions for the Candidate's Consent and Certification of Candidate Unenrollment

## Non-party Candidate's Consent and Certification of Unenrollment For Representative to the Legislature

Legal name of candidate as it will appear on the ballot: (See Title 21-A, §601(2)(H) for requirements.)

(Last name and suffix, if any)

(First name)

(Middle name or initial)

Phonetic pronunciation of name for accessible audio ballot \_\_\_\_\_

Voting Residence Address of Candidate: \_\_\_\_\_  
(Street Address - not P.O. Box) \_\_\_\_\_  
(City, Town, or Plantation; Zip Code) \_\_\_\_\_

Political Designation: \_\_\_\_\_  
(To be expressed in not more than 3 words in length and may not incorporate the candidate's name or the designation of a qualified party)

### Qualifications of Representative to the Legislature (Maine Constitution, Article IV, Part First, Section 4)

At the time of nomination for placement on the general election ballot, the person shall:

- Be a resident in the district which the person seeks to represent.

At the commencement of the period for which that person is elected, the person shall:

- Have been a citizen of the United States for at least 5 years;
- Be at least 21 years of age;
- Have been a resident of this State at least 1 year; and
- Have been a resident in the district which the person seeks to represent for the 3-month period immediately preceding the election.

### Candidate's Consent

I hereby declare my consent to accept the nomination of the general election. I further declare that my residence is in the municipality listed above; that I have not been enrolled in a qualified party after March 1, 2022; that I meet the qualifications to hold this office as listed above; and that this declaration is true.

\_\_\_\_\_  
(Signature of Candidate)

Subscribed to and sworn before me on this date: \_\_\_\_\_  
(Date) \_\_\_\_\_  
(Signature of Notary Public) \_\_\_\_\_

\_\_\_\_\_  
(Printed Name of Notary Public)

### Certification of Unenrollment (To be completed by the Registrar in the candidate's municipality of residence.)

I hereby certify that, \_\_\_\_\_  
(Name of Candidate as it appears on municipality's voting list)  
was not enrolled in a qualified party after March 1, 2022.

\_\_\_\_\_  
(Signature of Registrar/Municipal Clerk)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Name of Town, City or Plantation)

Filing deadline for Candidate's Consent and Certification of Unenrollment and Non-party Nomination petitions to be received by the Division of Elections is 5 p.m., Wednesday, June 1, 2022.

**NOTE – This is a sample form only. You must obtain the correct consent and certification of unenrollment form for the specific office you are seeking from the Division of Elections.**

**Candidate's Consent:** The candidate's consent is a separate form from the petition. The consent forms are customized with the qualifications of each office, so candidates must ensure they meet the qualifications for the office named on the consent and that the consent form submitted is the correct one for the office sought.

Candidates must complete the “Phonetic pronunciation” following the candidate’s name section, so that the audio for the candidate’s name will be pronounced correctly on the accessible ballot. Example: If your name is Colin Boucher, write your name phonetically “KO-Lin BOW-cher” or “Kollin Bushy” as you like it to be pronounced in the audio ballot.

The candidate must sign, before a notary public (or by another official authorized to administer oaths), the candidate’s consent form, which includes a statement that the candidate will accept the nomination for the general election, a declaration of the candidate’s municipality of residence and that the candidate was not enrolled in a party at the time of certification (and after March 1, 2022), and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent form must appear the same as the name of the candidate on the petition form(s).

**Certification of Candidate Unenrollment:** The certification of unenrollment is included on the candidate’s consent form. The registrar of voters or municipal clerk in the candidate’s municipality of residence must certify that the candidate was not enrolled in a party as of the date the petition is certified (and no later than March 1, 2022).

### **Restriction on Candidate Withdrawal**

A candidate for an office on the general election ballot may withdraw by submitting a written notice, signed by the candidate, to the Secretary of State.

The deadline for withdrawal in order to have the candidate’s name removed from the ballot is 70 days before the general election (**by 5 p.m. Tuesday, August 30, 2022**).

If a general election candidate submits a withdrawal notice to the Secretary of State less than 70 days before the general election, the candidate’s name will not be removed from the ballot. However, the Secretary of State will instruct the local election officials in the candidate’s electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. Notice of the late withdrawal also will be posted on the Secretary of State’s publicly accessible website.

See 21-A MRS §374-A(3)

### **Legal References**

Qualification of (Party) Candidates - Primary Election	21-A MRS § 334
Primary Petition Requirements	21-A MRS § 335
Consent of Primary (Party) Candidate	21-A MRS § 336
Qualification of Candidate - Nomination by Petition	21-A MRS § 353
Nomination by Petition (Non-party) Requirements	21-A MRS § 354
Consent of Petition (Non-party) Candidate	21-A MRS § 355
Deadline for Withdrawal - Primary	21-A MRS § 371
Withdrawal of Candidates - General Election	21-A MRS § 374-A
Requirements for Candidate’s Name on Ballot	21-A MRS § 601(2)(H)

## CHAPTER THREE

# Write-in Candidates

### Who is a Write-in Candidate?

A “write-in candidate” is a person:

- Whose name is not printed on the ballot; and
- Who otherwise fulfills the qualifications for the office designated; and
- Who receives one or more valid write-in votes for an office listed on a primary, general or special election ballot; and
- Who has filed a “Declaration of Write-in Candidacy” no later than **60 days prior to** the election, which is April 15, 2022 for the Primary Election and September 9, 2022 for the General Election.

Declaration forms are available from the Secretary of State, Division of Elections.

**NOTE:** Declaration forms for the General Election will not be available until after the Primary Election.

### Enrollment Qualifications of a Primary Write-in Candidate

A write-in candidate for the primary election must:

1. Be enrolled, on or before March 15, 2022, in the party in which the candidate is seeking a write-in nomination; and
2. Meet the same qualifications as a candidate filing a petition for nomination by primary election under 21-A MRS §144(3).

### Party Name or Designation of a Write-in Candidate

A write-in candidate for the **primary** election must indicate which party’s nomination the candidate is seeking by checking the appropriate box on the *Declaration of Write-in Candidacy*.

A write-in candidate for the **general** election may indicate a party or political designation by writing that party or political designation in the appropriate space on the *Declaration of Write-in Candidacy*. The candidate may indicate the name of a qualified party (Democratic, Green Independent, Libertarian, or Republican), or choose a political designation that meets the following requirements:

- May not exceed three words in length;

- May not incorporate the candidate's name, or the designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election; and
- May not consist of or comprise language that is obscene, contemptuous, profane, or prejudicial, promotes abusive or unlawful activity or violates any other provision of Maine law with respect to names.

**NOTE:** A candidate who intends to form a new party about that person's candidacy must use the political designation for the proposed party.

### **Minimum Number of Votes Needed in Primary Election**

A write-in candidate in the primary election must receive a minimum number of votes for nomination. The minimum number of votes needed to win the nomination is twice the minimum number of signatures required on a primary petition for that office. If more than one person receives the minimum number of votes for a ranked choice contest, the person who receives the most votes in the final round of counting is nominated; in all other contests the candidate who receives the greatest number of votes is nominated.

Office	Primary Election – Minimum Number of Valid Votes Needed for Nomination
Governor	4,000
Representative to Congress	2,000
State Senator	200
Representative to the Legislature	50
County Commissioner	100
Other County Offices	300

### **Minimum Number of Votes Needed in General Election**

In the general election, a candidate needs to receive at least one (1) vote. In a ranked-choice contest, the person who receives the most votes in the final round of counting is elected; in all other contests the candidate who receives the greatest number of votes is elected.

### **Casting a Write-in Vote**

A voter must mark the write-in indicator (oval) as instructed on the ballot and the voter must also write the name of the candidate in the blank space provided at the end of the list of candidates for that office. The use of stickers is not allowed to cast a write-in vote for **any** ballot.

## **Legal References**

Definition of Write-in Candidate	21-A MRS § 1(51)
Casting a Write-in Vote - Primary Election	21-A MRS § 691(2)
Casting a Write-in Vote - General Election	21-A MRS § 692(2)
Determination of Write-in Candidate	21-A MRS § 722-A
Write-in Votes Required - Primary Election	21-A MRS § 723(1)(A)

# CHAPTER FOUR

## Restricted Activity

### Restricted Activity at the Voting Place

On Election Day, certain activities are restricted at voting places:

- **Interference with the voters' free passage;**
- **Influence or attempting to influence another person's decision regarding a candidate or question that is on the ballot for the election that day**, on public property within 250 feet of the entrance to the voting place or the registrar's office;
- **The use of cellular phones, voice pagers or similar devices to make audible communication within the voting place** that influences or attempts to influence a voter's decision regarding a candidate or ballot issue;
- **Within the guardrail enclosure**, only the clerk, the election officials and not more than 2 voters in excess of the number of voting booths are allowed. Party workers and others may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage.
- **Candidates** are permitted within the voting place and may communicate orally with voters, as long as they do not attempt to influence their vote. **Candidates may state their name but may not state the name of the office sought or ask a person to vote for them.**
- **Campaign buttons** may be worn only by persons who are present in the voting place solely for the purpose of voting. The longest dimension of the button may not exceed 3 inches. Everyone else is prohibited from wearing campaign buttons of any size. **Badges or stickers** containing a candidate's name or promoting a question on the ballot are likewise prohibited.

The **voting place** is the building in which ballots are cast at an election. See 21-A MRS §1(49)

The **guardrail enclosure** is the area within 6 feet of the voting booths and the ballot box.

The **warden** is the presiding officer at the voting place and is responsible for the enforcement of the law governing voting and counting procedures. The jurisdiction of the warden includes the voting place and the area within 250 feet of the entrance to the voting place.

The **municipal clerk** is the supervisor of elections and is responsible for advising the warden on election laws and procedures.

### Legal References

Definition of Municipal Clerk	21-A MRS § 1(9)
Definition of Warden	21-A MRS § 1(50)
Positions at Voting Place	21-A MRS § 681
Political Activities (Restrictions)	21-A MRS § 682

## CHAPTER FIVE

# Placement of Political Signs – Letter from MaineDOT



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Janet T. Mills  
GOVERNOR

Bruce A. Van Note  
COMMISSIONER

To Whom It May Concern:

As we approach another campaign season, the Maine Department of Transportation would like to take this opportunity to offer some information regarding the placement of temporary signs in the right-of-way on state and state aid highways.

Changes were made to the temporary sign laws during the 129<sup>th</sup> Legislature. The law allows temporary signs, which include campaign signs, to be placed in the right-of-way for up to 6 weeks from January 1<sup>st</sup> to June 30<sup>th</sup> and another 6 weeks between July 1<sup>st</sup> and December 31<sup>st</sup>. The law further states that individual signs bearing substantially the same message must be placed at least 30 feet from one another and requires that each sign be labeled with the owner's name, address, and the date on which the sign was erected. This will help MaineDOT discern whether a sign is in compliance and also allows the Department to contact an entity if a sign needs to be removed for any reason.

There are areas within the state's roadway system that are off-limits to temporary signs. These areas include the Maine interstate system, the Maine Turnpike Authority system, and Route 1 between Bath and Brunswick including all connecting interchanges and ramps. Along with the interstate system, some sections of state highways have been designated as "control of access" (C.O.A) roadways where ingress and egress to and from the highway is prohibited/limited. **No temporary signs of any kind can be placed along these control of access areas.** These areas have been officially designated with signage indicating the beginning and ending of a C.O.A. A sample of these signs has been provided below for your reference:



Note: The interstate, including the Maine Turnpike and all its ramps and the portion of Route 1 between Bath and Brunswick are not signed. The signage denoted here is for those other roadways that have C.O.A.

Temporary signs are also prohibited on traffic control devices (stop signs, yield signs, warning signs, guide signs, regulatory signs, etc.), on all utility poles and trees, on islands within a rotary/roundabout, and in medians/islands in the center of the road that are fewer than six feet wide.

Here are some questions that campaign personnel may ask regarding the placement of political signs:

### How do I recognize a "control of access" area?

- *Aside from the interstate system, MaineDOT officials have marked C.O.A areas across the state. These areas will have signs indicating the beginning and ending of a C.O.A.*

**What will happen to my sign if it has been placed within a C.O.A. section?**

- *MaineDOT personnel have been advised to remove temporary signs from within the C.O.A. areas. Maintenance crews have also been instructed to safely store the signs until the owner of the sign can be contacted or for 60 days, whichever comes first.*

**Does MaineDOT enforce these sign placement restrictions statewide?**

- *MaineDOT is committed to providing the equitable enforcement of these sign restrictions upon notification of a violation.*
  - *Per a recent statute change, temporary signs within urban compact areas may be enforced by the municipality they are within.*

## **What do I need to know about placing my sign along the roadway?**

- *The first thing to consider in placement is the safety of the traveling public. Please do not install your signs where they will limit the sight line of anyone trying to pull out of a side road or driveway. Signs that block a driver's sight line will be removed and held at the closest MaineDOT maintenance lot to be picked up by the owner.*

In summary, when placing political signs, the important areas to avoid are the interstate system with the connecting interchanges, including the MTA system, and control of access areas across the state. Also, individual signs bearing the same message can be no closer than 30 feet from one another and must contain appropriate contact information and the date on which the sign was placed in the ROW. Candidates/referendums/special interest signage may want to work with sign making companies to have the contact information printed on their signs. MaineDOT will continue to provide the necessary information to help Maine's candidates.

For more information regarding the appropriate placement of political signs, please contact the department's legislative liaison, Meghan Russo, at [meghan.russo@maine.gov](mailto:meghan.russo@maine.gov) or 207-624-3558.

MaineDOT appreciates your cooperation in this effort.

Sincerely,

Stephen Sandy

Stephen Landry, P.E.  
State Traffic Engineer  
MaineDOT

## **CHAPTER SIX**

# **Voter Registration and Absentee Voting**

### **Voter Registration**

A person must meet the following qualifications to be eligible to register to vote:

- Must be a United States citizen;
- Must be at least 16 years of age\*; and
- Must be a resident of the municipality where registering to vote.

\*The registrar shall conditionally accept the registration and enrollment of any person who is 16 or 17 years of age and who is otherwise qualified to be a voter. The conditional registration automatically becomes effective on the person's 18<sup>th</sup> birthday and the registrant then is eligible to vote.

A person must be at least 18 years of age in order to vote, except that 17 year olds (who will be 18 years old by the General Election) may register and, if enrolled in a qualified party, participate in party caucuses and vote for candidates in the June Primary Election.

### **Voter Registration for Persons with Disabilities**

Title 21-A MRS §153-A provides a process for people with disabilities who are unable to sign their names to register to vote and sign candidate petitions and Maine Clean Election Act (MCEA) forms. The law defines a signature to include a signature stamp and a signature written by another voter under the alternative registration procedure, and a mark. Any voter who wishes to register to vote under this process must file an *Alternative Registration Signature Statement* with the registrar of voters in the municipality where the person resides. The assistant who completes and signs the *Alternative Registration Signature Statement* (and the voter registration application) for the voter must sign the forms at the direction of the applicant and in the presence of a corroborating witness.

## Voter Registration Deadline

Maine has same day voter registration allowing a person to register to vote and cast a ballot on the same day including on Election Day. However, all applications for voter registration and party enrollment **delivered by mail or by a third person** (a person other than the voter) must be received by the registrar no later than the close of business 21 days before Election Day. Any applicant who is a new Maine registered voter and mails the application to the municipal registrar of voters must include a copy of the applicant's Maine driver license or a utility bill or government document showing the applicant's name and residence address or provide the Maine driver license/state ID number or last 4 digits of the social security number to be matched and verified by the registrar.

An application for voter registration by a person, who otherwise qualifies as an **absentee voter**, may be accepted by the clerk at any time. The receipt of a completed absentee ballot application by the clerk establishes a presumption of qualification, sufficient for the clerk to issue an absentee ballot to the voter, along with a voter registration application. The voter must complete and return the voter registration application to the registrar, separate from the absentee ballot, **by 8 p.m. on Election Day, in order for the absentee ballot to be counted.**

A person who registers during the "closed period, beginning at the close of business on the 21<sup>st</sup> day before Election Day and including Election Day, must register in person and show proof of identity and residency, or cast a challenged ballot.

## Absentee Voting

Any registered voter may cast an absentee ballot instead of voting in person at the voting place on Election Day. The voter does not need to have a specific reason or be unable to vote at the polls on Election Day to ask for and receive an absentee ballot.

The **deadline to request** an absentee ballot is the close of business on the third business day before Election Day (i.e., close of business on Thursday for an election held on a Tuesday). There are four (4) instances under which a voter may request an absentee ballot after the deadline. The voter must complete and sign a special circumstances application stating that the voter meets one of the following qualifications:

1. The voter has an unexpected absence from the municipality during the entire time the polls are open on Election Day;
2. The voter has a physical disability;
3. The voter is unable to leave their home or treatment facility due to an incapacity or illness; or,
4. The voter has an inability to travel to the polls because the voter is a resident of a coastal island.

During the 45 days preceding an election (or as soon as absentee ballots are provided to the municipality by the State) and during the time 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 choice regarding a candidate or ballot issue for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the clerk's office or on the property on which the clerk's office stands.

A candidate or members of the candidate's immediate family may not handle or deliver absentee ballots (except their own ballots). Immediate family member means a person's spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, stepparent, step grandparent, stepchild, step grandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, domestic partner, the half-brother or half-sister of a person's spouse, or the spouse of a person's half-brother or half-sister.

Absentee ballots delivered by a third person (someone other than the voter or an immediate family member of the voter) must be properly witnessed. A third person may not have more than **5** absentee ballots from a single municipality in their possession at any one time.

An **absentee voter** may not be influenced or observed in the marking of their ballot by any other person, except that a voter may request assistance from an aide in reading or marking their ballot because of physical disability, illiteracy or religious faith. In this event, another individual must act as witness, but may not observe how the ballot is marked by the absentee voter or aide.

## **Accessible Absentee Ballot**

The Secretary of State developed an online accessible absentee ballot request service in 2020 in coordination with Maine's online service provider, InforME, with input from advocates at Disability Rights Maine. It is intended for voters with print disabilities, which may include vision impairment or blindness, physical dexterity limitations, learning disabilities or cognitive impairment, all of which prevent the individual from independently marking a paper ballot. An accessible absentee ballot option is available on the Secretary of State's Absentee Ballot Request (ABR) Service prior to each election:

<https://apps.web.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl>.

### **Legal References**

Voter Eligibility	21-A MRS §§ 111-115
Voter Registration and Enrollment Requirements	21-A MRS §§ 121-145
Alternative Registration Procedure for Voters with Disabilities	21-A MRS § 153-A
Absentee Voting	21-A MRS §§ 751-783
Special Circumstances (After Deadline) Absentee Ballot Request	21-A MRS § 753-B(2)(D)