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**VETERANS AND LEGAL AFFAIRS**

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**STATE OF MAINE**

**SENATE**

**129TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 655, L.D. 1903, Bill, “An Act To Amend the Laws Governing Activities at or near the Polls on Election Day”

Amend the bill by striking out all of section 5 and inserting the following:

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

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

This section governs the activities that are prohibited or permitted at the voting place on election day.

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

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

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

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

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

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

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1 Election Act candidate pursuant to section 1125. For purposes of this  
2 subparagraph, "contribution" includes a contribution as defined in section 1012,  
3 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 B. Notwithstanding paragraph A, the following activities are permitted within the  
9 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 30-A, section 2522 or Title 30-A, section 2528, subsection 5 or a municipal charter or  
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  
35 must make arrangements with the clerk before election day or with the warden on  
36 election day. The clerk and the warden may not unreasonably deny requests for space to  
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.

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

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

7 Amend the bill by inserting after section 6 the following:

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

10 **8. Absentee voting in presence of clerk.** A person who wishes to vote by absentee  
11 ballot may, without completing an application, vote by absentee ballot in the presence of  
12 the clerk, except as provided in subsection 2. The method of voting is otherwise as  
13 prescribed in this article. After the person has voted, the clerk shall sign the affidavit on  
14 the return envelope as a witness, indicate on the envelope that the voter voted in the  
15 presence of a clerk and ensure that the affidavit on the return envelope is properly  
16 completed by the voter. ~~For the 45 days preceding an election, during~~ During the hours  
17 when the clerk's office is open and ~~may be conducting~~ absentee voting may take place,  
18 ~~the display or distribution of any advertising material intended to influence a voter's~~  
19 ~~decision regarding a candidate or question on the ballot for that election is prohibited~~  
20 ~~within the clerk's office and on public property within 250 feet of the entrance to the~~  
21 ~~building in which the clerk's office is located~~ provisions of section 683, subsections 1, 3,  
22 5 and 6 apply and the clerk may direct the removal from the clerk's office of any person  
23 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.'~~

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

37 **SUMMARY**

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

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

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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)**

**COMMITTEE AMENDMENT**