



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1903

S.P. 655

In Senate, December 24, 2019

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

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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3 repealed.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.

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## 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.