



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

Testimony of the Maine Municipal Association

In Support of

LD 805- *An Act To Allow Municipalities To Prohibit Firearms at Voting Places*

April 12, 2021

Senator Baldacci, Representative Matlack and distinguished members of the Joint Standing Committee on State and Local Government, my name is Rebecca Graham, and I am providing testimony in support of LD 805 on behalf of MMA at the direction of our 70-member Legislative Policy Committee.

This bill provides municipal officials the same permissive authority as enjoyed by this legislative body, private landowners, corporations, Maine State government offices and public and private schools year-round. This bill is not a blanket removal of weapons from town property. It simply affords a municipality in consultation with their residents, the option to prohibit weapons in any polling station, regardless of the property's location or type and only when conducting an election.

This bill recognizes that our communities are made up of individuals with varying degrees of experiences and challenges from combat related health needs and trauma to anxiety. All citizens have the protected right to exercise their civic voice safely and privately, free of intimidation or physical barriers and have their vote is recorded accurately.

Election law is established at both the state and federal level to ensure the legal structures support these duties and protect voting rights. Elections laws additionally allow the country to uphold its international treaty obligations as an example to emerging democracies.

Recognizing the role that official armed personnel play in creating an intimidating atmosphere regardless of intent, federal law prohibits the presence of armed law enforcement or military personnel in the polling station under 18 U.S.C. § 592, except to repel "enemies of the United States". Under federal law 18 U.S.C. § 594; 42 U.S.C. § 1985(3); 52 U.S.C. §§ 10307(b) and 10101(b); and under state laws, 21-A M.R.S. § 674 and 17-A M.R.S. § 603 all voters have the right to be free from intimidation, influence, or coercion when they cast their vote.

Additionally, state law also prohibits any person within 250 feet of the polling place on election day from influencing or attempting to influence your vote or interfering with your free passage into and out of the polling place. 21-A M.R.S. § 682.

In practice, these laws provide the municipal election clerk the authority to ask voters to leave and return after the removal of political statements on clothing or other worn accessories and allow a

voter access to the polling station without having to pass through a gauntlet of candidates or issue interested parties.

While there is widespread acceptance that guns are not permitted on school grounds or in private buildings like the Cross Arena where the property owner has established their own policy, election officials are faced with having to approach an armed individual and ask them to leave or store the gun should they receive a complaint from a fellow voter who reports feeling threatened in a polling station on town property.

The result is that both staff and voters can feel intimidated, and officials must field these citizen complaints with no authority to remedy the situation.

Simultaneously, the very trained personnel that would normally be present to address such a situation, must remain outside until the perceived intimidation turns to an active threat or their response is requested by the election official. The process is unnecessary, and stressful for everyone involved. Municipal officials also do not want nor can they have armed security present inside the polling station for similar reasons where voters may be intimidated by a uniformed presence.

Both speech and gun ownership are constitutionally protected rights with recognized limits for where they can and cannot be exercised. They are not absolute rights. Both need to be treated equally in the polling station where they inevitably intersect with the right to vote, which is the elevated and primary right exercised in this location. Writing utensils —not weapons or political messages— are necessary to exercise your voice during a vote.

Additionally, polling stations must remain a non-partisan neutral space that is endowed with the ability to collect voter intention regardless of their mobility, ability to visually read a ballot, ability to communicate orally, their emotional or mental state or their political views.

Officials ask that you provide them with the tools necessary to start these conversations with their communities to make all polling stations, regardless of building ownership, equal in providing a uniform neutral voter experience and urge you to vote ought to pass on LD 805.