

Title 21-A M.R.S.
Chapter 1: General Provisions

Subchapter 1
Definitions, Construction and Application
[Selected definitions and provisions]

§ 1. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings.

2. Any election. “Any election” means primary and general elections and referenda, whether regular or special.

3-A. Ballot question committee. “Ballot question committee” has the same meaning as in section 1052, subsection 2-A.

4. Business day. “Business day” means any day of the calendar year other than a Saturday, Sunday or legal holiday.

5. Candidate. “Candidate” means any person who has filed a petition under either sections 335 and 336 or sections 354 and 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

8. Circulate. “Circulate” means the presenting of a petition to a voter with an accompanying request that the voter sign it.

11. County office. “County office” means the office of judge of probate, register of probate, county treasurer, register of deeds, sheriff, district attorney or county commissioner.

11-A. Declared write-in candidate. “Declared write-in candidate” means a write-in candidate who has filed a declaration to be a write-in candidate pursuant to section 722-A.

13-A. Domestic partner. [Repealed]

15. Election year. “Election year” means the calendar year within which a particular election is held.

16. Electoral division. “Electoral division” means an area set off for election purposes. It may include the entire State.

17. Enroll. “Enroll” means to enlist as a member of a political party.

18. Federal office. “Federal office” means the office of the United States Senator or Representative to Congress.

19. General election. “General election” means the regular election of state and county officials occurring biennially in November.

20. Immediate family. “Immediate family” means a person’s spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, stepparent, stepgrandparent, stepchild, stepgrandchild, 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.

25. Municipal committee. “Municipal committee” means a city, town or ward committee of a political party.

26. Municipal officers. “Municipal officers” means the mayor and aldermen or councillors of a city, the members of the select board or councillors of a town and the assessors of a plantation.

27. Municipality. “Municipality” means a city, town or plantation.

27-C. Elections determined by ranked-choice voting. “Elections determined by ranked-choice voting” means any of the following elections in which 3 or more candidates have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative;

B. General and special elections for the offices of United States Senator and United States Representative to Congress;

C. [Repealed]

D. General elections for presidential electors; and

E. Primary elections for the office of President of the United States.

28. Party. “Party” means a political organization which has qualified to participate in a primary or general election under chapter 5.

29-A. Political action committee. “Political action committee” has the same meaning as in section 1052, subsection 5.

30. Political committee. “Political committee” means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle.

32. Primary election. “Primary election” means the regular election for the election of nominees of a party for the general election.

35. Question. “Question” means any proposition submitted to the voters.

35-A. Ranked-choice voting. “Ranked-choice voting” means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.

36. Referendum. “Referendum” means an election for the determination of a question.

37. Register. “Register” means to enlist as a voter.

38. Registrar. “Registrar” means the registrar or deputy registrar of voters of a municipality.

39. Regular election. “Regular election” means an election or a referendum held at a regular time prescribed by statute.

40. Residence. “Residence” means that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

40-B. Residence address. “Residence address” means the street and number or other designation indicating the physical location of a person’s residence.

41. Special election. “Special election” means an election other than a regular election.

42. State office. “State office” means the office of Governor, State Senator, Representative to the State Legislature or presidential elector.

45. Treasurer. “Treasurer” means a person appointed by a candidate or a political committee to accept or disburse money to promote or defeat a candidate, party or principle. A person who collects money to be transferred to the treasurer of a candidate or committee is not a treasurer.

45-A. Undeclared write-in candidate. “Undeclared write-in candidate” means a write-in candidate who has not filed a declaration pursuant to section 722-A.

46. Uncontested office. “Uncontested office” means an office where, as of the final date for filing primary nomination petitions, either:

A. Only members of one party have filed as candidates for nomination for that office; or

B. Only one unenrolled nominee has filed as a candidate for that office.

47. Voter. “Voter” means a person registered to vote.

51. Write-in candidate. “Write-in candidate” means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect the candidate.

§ 6. Date falling on holiday

When the date on which an act must be performed or an event must take place falls on a Saturday, Sunday or legal holiday, the act shall be performed or the event shall take place on the next following business day.

§ 7. Use of words

When used in this Title, the words “shall” and “must” are used in a mandatory sense to impose an obligation to act in the manner specified by the context. The word “may,” when used in this Title, is used in a permissive sense to grant authority or permission, but not to create duty, to act in the manner specified by the context. When used in this Title, the term “may not” indicates a lack of authority or permission to act or refrain from acting in the manner specified by the context.

Subchapter 2 Records and Documents

§ 23. Preservation and destruction of records

The preservation and destruction of records and other materials required by this Title are governed by the following provisions.

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9. Registration of treasurer. The Commission on Governmental Ethics and Election Practices shall keep the registration of a treasurer under section 1013 in its office for 2 years.

10. Records and campaign finances. Each treasurer and each candidate shall keep the records required by section 1016 for 2 years following the election to which they pertain.

11. Campaign reports. The Commission on Governmental Ethics and Election Practices shall keep the campaign reports or report data in its office for at least 8 years.

13. Miscellaneous. The official charged with the custody of any record not specifically provided for in this section shall keep it in that official's office for 2 years.

14. Destruction of records. After the records and other materials have been kept for the required period, they may be destroyed. Posted notices, sample ballots and instruction posters may be destroyed as soon as the election to which they pertain is past. Ballots must be destroyed using a method that makes the contents unreadable.

Subchapter 3 Violations and Penalties

§ 32. Violations and penalties

1. Class E crime. A person commits a Class E crime if that person:

- A.** Knowingly violates a provision of this Title for which no penalty has been provided; or
- B.** Knowingly displays or distributes political advertisements in or on state-owned or state-leased property.

This paragraph does not apply to acts on state highways or to displays on motor vehicles not owned by the State while temporarily parked in parking areas on land maintained by the State. This paragraph does not apply to acts in or on a state-owned or state-leased building for a period beginning 48 hours before and ending 48 hours after that building is used by a political party to conduct a political activity within the building.

2. Class D crime. A person commits a Class D crime if that person:

- A.** Is a public official and knowingly fails or refuses to perform a duty required of that official under this Title.

3. Class C crime. A person commits a Class C crime if that person misuses a state government computer system. For purposes of this subsection, a person is guilty of misuse of a state government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:

- A.** To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office or elective municipal, county or state office, including leadership positions in the State Senate and the State House of Representatives; or
- B.** With the intent to solicit contributions reportable under chapter 13.

For purposes of this subsection, “computer system” has the same meaning as in Title 17-A, section 431 and “leadership positions” means the presiding officers of each House of the Legislature, party leaders, the Clerk of the House, the Assistant Clerk of the House, the Secretary of the Senate and the Assistant Secretary of the Senate.

This subsection may not be construed to prohibit a public employer from deducting dues or other funds from an employee’s pay, as authorized by the employee and provided through a collective bargaining agreement, and remitting those funds to an account or fund owned by the employee’s collective bargaining agent, even if the funds might be used for political or legislative purposes.

§ 33. Prosecution of violations

The Attorney General shall designate a Deputy Attorney General or an Assistant Attorney General to investigate and prosecute alleged violations of the election laws. This section does not preclude a district attorney from investigating and prosecuting election law violations.

Title 30-A M.R.S.
Chapter 121: Meetings and Elections

Subchapter I
General Provisions

§ 2501. Applicability of provisions

Except as otherwise provided by this Title or by charter, the method of voting and the conduct of a municipal election are governed by Title 21-A.

1. Clerk to perform duties of Secretary of State. When Title 21-A applies to any municipal election, the municipal clerk shall perform the duties of the Secretary of State prescribed by Title 21-A.

2. Qualifications for voting. The qualifications for voting in a municipal election conducted under this Title are governed solely by Title 21-A, section 111.

3. Determining and counting write-in votes. A municipality may choose the method of determining and counting write-in votes according to this subsection. Once a municipality has voted to accept the option under this subsection, the option applies to all municipal elections until the municipal officers hold a public hearing and the legislative body of the municipality votes to rescind the option at least 90 days before the next election of candidates by secret ballot.

A. After the municipal officers hold a public hearing, at least 90 days prior to an election of candidates by secret ballot, the legislative body of a municipality may vote to be governed by the provisions of Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A. Votes for a write-in candidate are counted only if that candidate has filed a timely declaration of write-in candidacy with the municipal clerk in accordance with Title 21-A, section 722-A, except that votes for write-in candidates who have not filed a declaration of write-in candidacy must be counted if:

(1) The printed ballot does not include a properly nominated candidate for the office; or

(2) A properly nominated candidate for the office listed on the ballot withdraws from the race before or on election day.

B. In a municipality that has not voted under paragraph A to be governed by Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A, votes cast for write-in candidates must be counted if:

(1) The printed ballot does not include a properly nominated candidate for the office;

(2) A properly nominated candidate for the office listed on the ballot withdraws from the race before or on election day; or

(3) The number of write-in votes for an office as determined by a machine count or initial hand count exceeds the number of votes in that count for a candidate printed on the ballot.

Votes for write-in candidates may be counted even if none of the criteria listed in subparagraphs (1) to (3) are met in a municipality that has not voted to be governed by Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A.

Nothing in this subsection requires a municipal clerk to count or tally write-in votes for a fictitious person, a deceased person or a person from outside the municipality when residency is a qualification of office or who is otherwise not qualified to be a candidate for the office for which the person is a write-in candidate.

4. Ballot questions. Notwithstanding the provision of Title 21-A, section 906, subsection 7 requiring sequential numbering of ballot questions, municipal officers may elect to list municipal initiative and referendum questions on the ballot using sequential capital letters of the alphabet instead of sequential numbers. All other provisions of Title 21-A, section 906, subsection 7 apply.

§ 2502. Campaign reports and registrations in municipal elections

1. Reports and registrations by candidates. Financial activities by candidates and others to influence elections for municipal office in a town or city with a population of 15,000 or more are governed by Title 21-A, sections 1001 to 1020-A, except that registrations and campaign finance reports must be filed with the municipal clerk instead of the Commission on Governmental Ethics and Election Practices. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, sections 1001 to 1020-A by vote of its legislative body at least 90 days before an election for office. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to those sections.

A. [Repealed]

2. Municipal referenda campaigns. Municipal referenda campaigns are governed by Title 21-A, chapter 13, subchapter 4.

3. Public access to records. A town or city that receives registrations or reports pursuant to this section must keep them for 8 years.

Title 36 M.R.S.
Chapter 10: Tax Expenditure Review

§ 199-E. Elimination of certain tax expenditures. (Repealed)

Chapter 831: Procedure and Administration

§ 5286. Contribution to Maine Clean Election Fund; voluntary checkoff

- 1. Designation.** Resident taxpayers may designate that \$3 of their taxes be deposited in the Maine Clean Election Fund in accordance with Title 21-A, section 1124.
- 2. Forms.** The State Tax Assessor shall provide on the first page of the income tax form a space for the filing individual to indicate whether that filer wishes to pay \$3, or \$6 if filing a joint return, from the General Fund of the State to finance the Maine Clean Election Fund.
- 3. Transfer of Funds.** The State Tax Assessor shall transfer funds from the General Fund in accordance with Title 21-A, section 1124.

Title 21-A M.R.S.
Chapter 9: Conduct of Elections

Subchapter 2
Election Procedure
Article 4: Restrictions

§ 682. Political activities

Certain activities are prohibited on election day.

1. Instruction limited. Within the voting place, a person may not instruct another in the method of marking the ballot, except as provided in section 672.

1-A. Definition. For the purposes of this section, unless the context otherwise indicates, "candidate" has the same meaning as in section 1, subsection 5 and includes a write-in candidate, as defined in section 1, subsection 51. "Candidate" includes a candidate of any party designation and a candidate that is not enrolled in a political party.

2. Influence prohibited. On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

A. Influence another person's decision regarding a candidate for an office that is on the ballot for the election that day, whether or not the candidate's name is on the ballot or a question that is on the ballot for the election that day; or

B. Attempt to influence another person's decision regarding a candidate for an office that is on the ballot for the election that day, whether or not the candidate's name is on the ballot, or a question that is on the ballot for the election that day.

These limitations do not prohibit a candidate, or no more than one representative of a candidate, from greeting a voter if the candidate or representative of the candidate does not state the name of the office that the candidate is seeking in that election year or wear any button, name tag, apparel or label or have or use any item or sign displaying the candidate's name or the name of the office the candidate is seeking, engage in the conduct described in subsection 7 or otherwise express support for or opposition to a party, a candidate or a ballot question.

2-A. Application. This subsection governs the application of subsection 2.

A. Subsection 2 does not apply to pollwatchers, who 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.

B. Subsection 2 does not prohibit media representatives from conducting an exit poll, as long as they do not solicit voters until after the voters have voted and do not orally communicate with voters in a way that influences a voter's vote.

C. If a person attempts to influence voters or interfere with their free passage, the warden shall have that person removed from the voting place.

3. Advertising prohibited. A person may not display advertising material; operate an advertising medium, including a sound amplification device; or display or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate for an office or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches

B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising.

4. Devices for audible communication. Party workers or others may not use cellular phones, voice pagers or similar devices to make audible voice communication within the voting place that is in violation of subsection 2.

5. Violation. A person who knowingly engages in activities prohibited by this section commits a Class E crime.

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

7. Other political activities prohibited by candidates; collection of signatures; funding. On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a candidate or a representative of a candidate may not:

A. Collect or solicit voter signatures on a petition in support of the candidate's candidacy for an office the candidate is seeking in that election year;

B. Collect or solicit contributions in support of the candidate's candidacy for an office the candidate is seeking in that election year. For the purposes of this paragraph, "contribution" has the same meaning as in section 1012, subsection 2; or

C. Collect or solicit qualifying contributions under the Maine Clean Election Act in support of the participating candidate's candidacy for an office the candidate is seeking in that election year. For the purposes of this paragraph, "participating candidate" has the same meaning as in section 1122, subsection 6 and "qualifying contribution" has the same meaning as in section 1122, subsection 7.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.