



## *Department of the Secretary of State*

### *Bureau of Corporations, Elections and Commissions*

Matthew Dunlap  
Secretary of State

#### **Memorandum**

Julie L. Flynn  
Deputy Secretary of State

To: Municipal Clerks  
From: Secretary of State, Division of Elections  
RE: Apparel and Masks Showing Political Messages  
Date: October 7, 2020

We have received inquiries regarding poll workers, voters, and others, including poll watchers and signature gatherers wearing hats, shirts, and face masks displaying political messages and whether that will be allowed at the voting place during the General Election on November 3<sup>rd</sup>.

Title 21-A §682, subsection 3, of the Maine Revised Statutes provides as follows:

**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.**

I have highlighted the relevant exception to the political advertising prohibition. It is our intention to publicize this section and to strongly encourage voters, while attending the voting place to exercise their voting franchise, to refrain from wearing face masks or other regalia that displays the name of a candidate who appears on the ballot. It is a courtesy to other voters to allow everyone to come to the polls to vote without having to confront any explicit messages for or against candidates on the ballot. That said, we also discourage the conflict that will inevitably arise if a warden turns away a voter who is so garbed. We recommend instead minimizing the amount of time that voters wearing such apparel remain in or around the voting place. Once they have cast their ballots, they should leave the voting place right away. A voter so equipped who lingers within the 250-foot zone around the polls should be regarded at that point as being in violation of the prohibition on political advertising and asked to leave.

Under no circumstances should any election workers, pollwatchers, or others in attendance at the polls for reasons other than voting be allowed to wear apparel that either explicitly or implicitly expresses support for a candidate or issue on any ballot.