

RESTRICTED ACTIVITY:

Voting Place Activity:

Certain activities are restricted on election day in and near the voting place, as follows:

The **voting place** is the building in which voting is conducted.

The **guardrail enclosure** encompasses the area within 6 feet of the voting booths and the ballot box. Only the municipal clerk, the election officials (warden, deputy warden or ward clerk and election clerks) and not more than 2 voters in excess of the number of voting booths, are allowed within the guardrail enclosure. Party workers and others may remain in the voting place outside the guardrail as long as they do not attempt to influence voters or interfere with their free passage.

Stickers intended to be pasted on the ballot containing the name and municipality of residence of a **write-in candidate** are allowed in a primary election, but are not allowed in a general election.

Advertising in any form is prohibited within **250 feet** of the **entrance** to either the voting place or the registrar's office.

Cellular phones, beepers, voice or signal pagers and similar devices are prohibited within the voting place. Emergency workers are exempted from this provision.

Candidates are permitted within the voting place and may communicate orally with voters, as long as they do not attempt to influence their vote. A candidate may shake hands and say their name, but may not state the name of the office he or she is running for, or ask a person to vote for them.

Campaign buttons may only be worn by persons who are present in the voting place solely for the purpose of voting. The longest dimension of the button may not exceed 3 inches. Everyone else is prohibited from wearing buttons of any size. The same restrictions apply to badges or tags containing a candidate's name or promoting a question on the ballot.

The **warden** is the presiding officer at the voting place and is responsible for the enforcement of the law governing voting and counting procedures. The jurisdiction of the warden includes the voting place and the area within 250 feet of the entrance to the voting place. The **municipal clerk** is the supervisor of elections and is responsible for advising the warden on election laws and procedures.

Absentee Voting:

1. During the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any **advertising material** intended to influence a voter's choice regarding a candidate or ballot issue is prohibited within the clerk's office and on public property within 250 feet of the entrance to the clerk's office or on the property on which the clerk's office stands.
2. An **absentee ballot** may be requested from the municipal clerk by a voter who believes he or she will be unable to cast a ballot at the polls on election day, or by an immediate family member of the absentee voter.
3. A **candidate** or members of the candidate's immediate family may not handle or deliver absentee ballots.

4. **Immediate family member** means a person's spouse, parent, child, sister, brother, stepparent, stepchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian or former guardian (relationship to voter must be indicated on the application).
5. Absentee ballots delivered by a **third person** must be properly witnessed. A third person may not have more than five absentee ballots from a single municipality in their possession at any one time.
6. An absentee voter may not be influenced or observed in the marking of his or her ballot by any other person, except that a voter may request assistance from an aide in reading or marking their ballot because of physical disability, illiteracy or religious faith. In this event, another individual must act as a witness, but may not observe how the ballot is marked by the absentee voter or aide.

Voter Registration and Enrollment Cards:

1. All applications for voter registration and party enrollment **delivered by mail or by a third person** must be received by the registrar no later than the close of business 10 business days before election day.
2. A person who registers **during the closed period**, beginning 10 business days before election day and including election day, must register in person and show proof of identity and residency, or cast a challenged ballot.
3. An application for voter registration by a person who otherwise qualifies as an **absentee voter**, may be accepted by the clerk at any time. The receipt of a completed absentee ballot application by the clerk establishes a presumption of qualification.

PLACEMENT OF POLITICAL SIGNS:

To All Candidates for Political Office:

The Department of Transportation would like to inform all candidates and their co-workers of the present statutory and regulatory requirements applicable to placement of roadside posters and signs advertising their candidacy.

Under the provisions of Title 23 M.R.S.A., Section 1913-A and Department Regulations, political posters and signs may be erected and maintained as follows:

1. May be erected on private property outside the Right-of-Way limits of public ways at any time prior to any election, limited in size to a maximum of 50 square feet;
2. May be erected within the Right-of-Way limits of public ways no sooner than six (6) weeks prior to any election and must be removed no later than one week following the date of the election, primary or referendum;
3. **Prohibited practices:** political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
4. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an **imitation of or resembles** an official traffic-control device, such as a stop sign.
5. Political signs may be displayed to view to all public ways **except** for the **interstate highway system**. Title 23 MRSA § 1913-A, paragraph 3 regulations, sub-paragraph 6 interstate system states that: **Signs may not be located within the limits of any controlled access highway nor erected within 660 ft. of the nearest edge of the interstate highway system in such a manner that the message may be read from the interstate highway.** All signs located at interstate interchanges are in violation.

6. Municipal ordinances advocating stricter control take precedence over state law.

Traffic safety should be of the utmost consideration in placement of political signs or posters. Candidates and/or their campaign workers should take great care not to place signs or posters where same could create a traffic hazard. For example, signs or posters should not be placed at or near intersections where they could obstruct the view of on-coming traffic to the motorist entering the intersection. Also, signs or posters should not be erected on or in any manner so as to interfere with the effectiveness of traffic control devices.

Acceptable display would be those posters or signs affixed to their own stake or post and set in the ground well outside the traveled portion of the highway, or, with the owners consent and permission, attached to a building or dwelling, or displayed on vehicles or in the windows of business establishments, and in other like manner.

We realize that most "violations" are the result of the efforts of ardent co-workers who do not know the law. It is therefore suggested that this information be passed on to them. Maine Department of Transportation maintenance employees will have instructions to remove all improperly placed or maintained political posters and signs.

May we please have your full cooperation in our endeavor to prevent an unsightly, indiscriminate and uncontrolled display of election campaign posters throughout the state, also to prevent any possible embarrassment to political candidates.

Sincerely,

William McFarland
Supervisor
Right of Way Maintenance Control

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Contribution Limitations:

- No individual may make contributions to a candidate aggregating more than \$1,000 in any election. This limitation does not apply to contributions by the candidate or the candidate's spouse.
- No political committee, other committee, corporation, or association may make contributions to a candidate aggregating more than \$5,000 in any election.

For purposes of the foregoing, the primary and general elections are considered separate elections.

- No individual may make contributions to candidates aggregating more than \$25,000 in any calendar year.

Disposal of Surplus Funds:

After an election campaign, a candidate may be left with unexpended funds. These funds may not be converted to personal use. Pursuant to the provisions of 21-A M.R.S.A. § 1017(8), a treasurer may dispose of surplus funds exceeding \$50 solely by:

- Distributing the funds to the candidate's contributors on a pro rata basis;
- Donating a gift to a qualified political party within this State, including any county or municipal subdivision of such a party;
- Making an unrestricted gift to the State's general fund;
- Carrying forward the funds to a political committee established to promote the same candidate for a subsequent election;
- Carrying forward the surplus balance for use by the candidate for a subsequent election;

- Transferring the surplus balance to one or more other registered candidates or to a political committee established to promote the election of those candidates, provided that the amount transferred does not exceed contribution limits;
- Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;
- Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; or
- Making a gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

PUBLICATION/DISTRIBUTION OF POLITICAL COMMUNICATIONS:

Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other non periodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication.

The following are examples of suitable disclaimers for political communications:

For a Candidate:

- Paid for and authorized by John Doe, 2 Main Street, Pinetree City
- Paid for and authorized by the candidate, 2 Main Street, Pinetree City (where the candidate's full name is clearly stated in the communication)

For a Candidate's Political Committee:

- Authorized and paid for by the Committee to Elect John Doe, 2 Main Street, Pinetree City

For the Candidate's Agents:

- Authorized and paid for by Sam Smith, Treasurer, 5 Oak Street, Pinetree City
- Paid for and authorized by John Jones, Chairman of John Doe's Re-election Committee, 1 Cool Street, Pinetree City

Exempted Items:

Items exempt from the disclaimer law include: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, and tickets to fund-raisers.

The Commission may exempt similar items if it determines these items are too small for attribution.

NOTE: YARD SIGNS ARE NOT EXEMPT.

Broadcast Communications:

Broadcast communications must state the name and address of the person who authorized and paid for them. Attributions must be oral for radio, and either written or oral for television.

COMPLIANCE PROCEDURES:

The Commission on Governmental Ethics and Election Practices is responsible for administering the Campaign Finance Reports and Finances Law. The agency consists of 9 citizens and a small full-time staff who conducts the day-to-day business of the Commission.

While the Commission is strongly committed to assisting candidates and their treasurers in completing reports, its primary mission is to require the full accounting of campaign contributions and expenditures.

To assure the complete, accurate, and timely disclosure of campaign information, all filings are reviewed by the Commission staff. The first such review is conducted on the filing date for the purpose of identifying late reports. Following the review, each candidate and treasurer submitting a late report is notified by certified letter of the tardiness of the report, the potential penalty, and of the candidate's right to apply to the Commission for consideration of a penalty waiver. If a waiver is requested, the candidate or treasurer may either appear in person before the Commission, or designate a representative to appear on the candidate's behalf; or, he or she may submit a notarized written explanation of the reasons for the late filing. A request for a waiver must be made within 10 days of receipt of the Commission's certified letter.

The Commission may waive the penalty in whole or in part if it determines that the tardiness of the report was due to mitigating circumstances. Pursuant to the provisions of 21-A M.R.S.A. § 1020-A, "mitigating circumstances" is defined as follows:

- A. A valid personal emergency such as a personal illness or death in the immediate family;
- B. An error by the Commission staff; or
- C. Failure to receive notice of the filing deadline.

After a hearing, the candidate and treasurer are promptly notified of the Commission's decision.

If no hearing is requested, the staff calculates the penalty, using the statutorily prescribed formula (see page 42 of this guide), and the candidate is billed for that amount.

The Commission staff conducts a second review of reports several days after the filing date. If apparent errors or omissions are found, the candidate and treasurer responsible for submitting the report are notified by mail and asked to correct the error or omission within 15 days of the date of the notice. Failure to provide the remedy requested may result in the matter being brought before the Commission. If the Commission finds that a report does not substantially conform to the requirements of the law or that a report has not been properly signed, the report may be deemed late.

Failure to pay any penalty levied under the campaign finance and reports law is a civil violation. The Commission refers instances of nonpayment and other apparent violations of the law to the Attorney General for prosecution.

In addition to levying late fees, the Commission is authorized to investigate any violations of the requirements for campaign reports and campaign financing and may call on the Attorney General, Secretary of State, and Department of Audit for aid in the performance of its duties.

DEFINITIONS:

The term "Contribution" includes:

- (1) A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;
- (3) Funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source; and
- (4) The payment, by any person other than a candidate or a political committee, of compensation for the personal services of other persons that are provided to the candidate or political committee without charge for any such purpose; and

Does not include:

- (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
- (2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$50 with respect to any election;

NOTE: Please check ⁴⁹ for updates to these
State laws @ www.mainelegislature.org/legis/statutes/