

Title 21-A: ELECTIONS
Chapter 1: GENERAL PROVISIONS

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Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 1: GENERAL PROVISIONS

Subchapter 1: DEFINITIONS, CONSTRUCTION AND APPLICATION

§1. DEFINITIONS

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [1985, c. 161, §6 (NEW).]

1. Absentee voter. "Absentee voter" means a person who qualifies under section 751 to cast an absentee ballot.

[1997, c. 436, §1 (AMD) .]

1-A. Affidavit. "Affidavit" with respect to an absentee ballot envelope means the portion of the envelope that includes the voter's signature, the aide certificate and the witness certificate.

[2003, c. 447, §1 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

2-A. Armed Forces members; members of the Armed Forces.

[2003, c. 407, §1 (RP) .]

3. Ballot label. "Ballot label" means that portion of the cardboard, paper or other material to be placed within the ballot frames of a voting machine containing the items required of a paper ballot.

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

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 his consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

[1985, c. 161, §6 (NEW) .]

6. Caucus. "Caucus" means a meeting of a political party or committee.

[1985, c. 161, §6 (NEW) .]

6-A. Central voter registration system. "Central voter registration system" means a single electronic information system and database for voter registration information maintained by the Secretary of State and used by all municipal jurisdictions in the State.

[2005, c. 453, §1 (AMD) .]

7. Challenged ballot. "Challenged ballot" means a ballot cast by one whose eligibility to vote has been questioned during election day.

[2003, c. 447, §2 (AMD) .]

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

[1985, c. 161, §6 (NEW) .]

9. Clerk; municipal clerk. "Clerk" or "municipal clerk" means the clerk, deputy clerk or assistant clerk, where directed by the clerk to carry out duties under this Title, of a municipality.

[1985, c. 161, §6 (NEW); 1985, c. 357, §1 (AMD) .]

10. Closed period. "Closed period" means that time period when the registrar may accept only those voter registration applications presented in person.

[1985, c. 161, §6 (NEW) .]

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.

[1985, c. 161, §6 (NEW) .]

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.

[2009, c. 253, §1 (NEW) .]

12. Disputed ballot. "Disputed ballot" means a ballot whose validity has been questioned during the recount process.

[1985, c. 161, §6 (NEW) .]

13. Distinguishing mark. "Distinguishing mark" means a mark on a ballot of a type or in a place not specifically permitted by this Title, which indicates the apparent intent of the voter to make the voter's ballot distinguishable in a manner that is fraudulent or inconsistent with an honest purpose. A stray mark on the ballot or mark made on or in the voting indicator or near the candidate's name or space for a write-in candidate that differs from the instructions at the top of the ballot is not a distinguishing mark unless it is of such a character or is made in such a manner that it manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose. Marking the write-in space on a ballot with the name of a fictitious person, a deceased person or a person from outside the State who could not be a candidate for that office is not a distinguishing mark unless it is made in such a manner that manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose.

[2005, c. 404, §1 (AMD) .]

13-A. Domestic partner. "Domestic partner" means the partner of a voter who:

- A. Has been legally domiciled with the voter for at least 12 months; [2007, c. 122, §1 (NEW) .]
- B. Is not legally married to or legally separated from another individual; [2007, c. 122, §1 (NEW) .]
- C. Is the sole partner of the voter and expects to remain so; and [2007, c. 122, §1 (NEW) .]
- D. Is jointly responsible with the voter for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. [2007, c. 122, §1 (NEW) .]

[2007, c. 122, §1 (NEW) .]

14. Election official. "Election official" means a warden, ward clerk, deputy warden or election clerk.

[1997, c. 436, §2 (AMD) .]

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

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

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.

[2009, c. 253, §2 (AMD) .]

21. Incoming voting list. "Incoming voting list" means the printed list of all of the voters in a municipality that is used by election officials at a voting place to record which voters have been issued a ballot at an election. The list must include the following information for each voter and may not include any other information: name; year of birth; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots, absentee ballots or whether a voter needs to show identification before voting; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the incoming voting list relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection. The

residence address for any voter whose address has been made confidential pursuant to section 22, subsection 3, paragraph B may not be printed on the incoming voting list, and the words "address is confidential" must be printed on the list instead.

[2011, c. 342, §4 (AMD) .]

22. Major party. "Major party" means a political party polling the greatest or the next greatest number of votes cast for Governor at the last gubernatorial election.

[1985, c. 161, §6 (NEW) .]

23. Members of the Armed Forces.

[1985, c. 614, §3 (RP) .]

23-A. Member of the merchant marine. "Member of the merchant marine" means a person, other than a member of a uniformed service or a person employed, enrolled or maintained on the Great Lakes or the inland waterways, who is:

A. Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States or a vessel of foreign-flag registry under charter to or control of the United States; or [2003, c. 407, §2 (NEW) .]

B. Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel described in paragraph A. [2003, c. 407, §2 (NEW) .]

[2003, c. 407, §2 (NEW) .]

24. Minor party. "Minor party" means a political party other than a major party.

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

26. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation.

[1985, c. 161, §6 (NEW) .]

27. Municipality. "Municipality" means a city, town or plantation.

[1985, c. 161, §6 (NEW) .]

27-A. Official tally tape. "Official tally tape" means the first tape produced by an electronic tabulating machine that tallies the final vote totals at the conclusion of voting and that is attached to the zero tape produced by the machine prior to the start of voting.

[2001, c. 310, §2 (NEW) .]

27-B. Overseas voter. "Overseas voter" means:

A. A person who resides outside the United States and who was qualified to vote in the last place in which the person was domiciled in the State before leaving the United States; or [2003, c. 407, §3 (NEW) .]

B. A person who resides outside the United States and, except for such residence, would be qualified to vote in the last place in which the person was domiciled in the State before leaving the United States. [2003, c. 407, §3 (NEW) .]

[2003, c. 407, §3 (NEW) .]

27-C. Office elected by ranked-choice voting. "Office elected by ranked-choice voting" means any of the following offices: United States Senator, United States Representative to Congress, Governor, State Senator and State Representative, and includes any nominations by primary election to such offices.

[2015, c. 3, §1 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

29. Peace officer. "Peace officer" means state police officer, local police officer, sheriff, deputy sheriff or constable.

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

30-A. Pollwatcher. "Pollwatcher" means a party worker who remains in the voting place outside the guardrail enclosure for the purpose of viewing the voting process, keeping track of the voters who have voted or challenging voters whose qualifications appear to be in question.

[2001, c. 310, §2 (NEW) .]

31. Population. "Population" means the population determined by the last Decennial Census of the United States.

[1985, c. 161, §6 (NEW) .]

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

[1987, c. 423, §1 (AMD) .]

33. Protective counter.

[2009, c. 253, §3 (RP) .]

33-A. Public counter. "Public counter" means a separate counter built into a voting device that records the total number of ballots cast or tabulated on the voting device for an election.

[2009, c. 253, §4 (NEW) .]

34. Public official. "Public official" means a person elected or appointed to serve the people.

[1985, c. 161, §6 (NEW) .]

35. Question. "Question" means any proposition submitted to the voters.

[1985, c. 161, §6 (NEW) .]

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.

[2015, c. 3, §2 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

37. Register. "Register" means to enlist as a voter.

[1985, c. 161, §6 (NEW) .]

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

[1997, c. 436, §4 (AMD) .]

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

[1985, c. 161, §6 (NEW) .]

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.

[1997, c. 436, §5 (AMD) .]

40-A. Signature. "Signature" includes a signature stamp and a signature written by another registered voter on behalf of an individual in accordance with the procedure set forth in section 153-A and, for an individual who is unable to sign that individual's own name, a mark.

[2005, c. 196, §1 (NEW) .]

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

[2005, c. 453, §2 (NEW) .]

41. Special election. "Special election" means an election other than a regular election.

[1985, c. 161, §6 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

43. Street address.

[2005, c. 453, §3 (RP) .]

43-A. Third person or 3rd person. "Third person" or "3rd person," with respect to an absentee ballot, means a person, other than the clerk or an immediate family member of a voter, who delivers an absentee ballot to a voter.

[1999, c. 645, §1 (NEW) .]

44. Township. "Township" means unorganized territory.

[1985, c. 161, §6 (NEW) .]

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.

[1985, c. 161, §6 (NEW) .]

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.

[2009, c. 253, §5 (NEW) .]

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 [1985, c. 161, §6 (NEW) .]

B. Only one unenrolled nominee has filed as a candidate for that office. [1985, c. 161, §6 (NEW) .]

[1985, c. 161, §6 (NEW) .]

46-A. Uniformed service. "Uniformed service" means the United States Army, Navy, Air Force, Marine Corps and Coast Guard, the commissioned corps of the United States Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration.

[2003, c. 407, §4 (NEW) .]

46-B. Uniformed service voter. "Uniformed service voter" means:

A. A member of a uniformed service on active duty who, by reason of active duty or service, is absent from the place of residence in the State where the member is otherwise qualified to vote; [2003, c. 407, §4 (NEW) .]

B. A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or [2003, c. 407, §4 (NEW) .]

C. A spouse or dependent of a member referred to in paragraph A or B who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote. [2003, c. 407, §4 (NEW) .]

[2003, c. 407, §4 (NEW) .]

47. Voter. "Voter" means a person registered to vote.

[1985, c. 161, §6 (NEW) .]

47-A. Voter participation history. "Voter participation history" means the indication in the central voter registration system of whether a voter has cast a ballot in a certain election, as reflected on the incoming voting list for that election.

[2005, c. 453, §4 (NEW) .]

47-B. Voting booth or voting station. "Voting booth" or "voting station" means the location within a voting place where voters may mark their ballots or record their votes screened from the observation of others. "Voting booth" or "voting station" includes the area, location, booth, table or enclosure where voting takes place and includes any voting machine, voting device or accessible voting system placed in the voting booth or voting station.

[2007, c. 455, §1 (NEW) .]

48. Voting district. "Voting district" means an area set off from another in the same municipality for voting purposes. It includes wards and precincts. In a municipality that has only one voting district, it means the entire municipality. The first breakdown of a municipality is a ward. Further breakdowns of a municipality are precincts.

[1997, c. 436, §6 (AMD) .]

48-A. Voting indicator. "Voting indicator" means the space provided for marking a vote in accordance with a particular type of ballot.

[2003, c. 447, §3 (NEW) .]

49. Voting place. "Voting place" means the building in which ballots are cast at an election.

[1985, c. 161, §6 (NEW) .]

50. Warden. "Warden" means the presiding officer at a voting place.

[1985, c. 161, §6 (NEW) .]

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.

[2009, c. 253, §6 (AMD) .]

52. Write-in indicator. "Write-in indicator" means the space provided, in accordance with a particular type of ballot, for marking a write-in vote.

[1997, c. 436, §7 (NEW) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 357, §§1,19 (AMD). 1985, c. 614, §§2,3 (AMD). 1987, c. 423, §1 (AMD). 1993, c. 447, §1 (AMD). 1995, c. 459, §1 (AMD). 1997, c. 436, §§1-7 (AMD). 1999, c. 426, §1 (AMD). 1999, c. 645, §1 (AMD). 2001, c. 310, §§1,2 (AMD). 2001, c. 637, §1 (AMD). 2003, c. 407, §§1-4 (AMD). 2003, c. 447, §§1-3 (AMD). 2005, c. 196, §1 (AMD). 2005, c. 364, §1 (AMD). 2005, c. 404, §1 (AMD). 2005, c. 453,

§§1-4 (AMD). 2005, c. 568, §1 (AMD). 2007, c. 122, §§1, 2 (AMD). 2007, c. 455, §1 (AMD). 2007, c. 515, §2 (AMD). 2009, c. 253, §§1-6 (AMD). 2011, c. 342, §4 (AMD). IB 2015, c. 3, §§1, 2 (AMD).

§2. DELEGATION OF AUTHORITY

When this Title requires the performance of a duty by an official, he may delegate the duty to another under his supervision, if it is ministerial. [1985, c. 161, §6 (NEW).]

SECTION HISTORY

1985, c. 161, §6 (NEW).

§3. SIGNATURES AND NAMES

When this Title requires a name or signature on a document, immaterial irregularities do not invalidate the name or signature if the identity of the person named is clear to the public official charged with reviewing that document. [2009, c. 538, §2 (AMD).]

1. Immaterial irregularities. Immaterial irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution of initials or nicknames for given names.

[1997, c. 436, §8 (AMD) .]

2. Application. This policy applies to circumstances including, but not limited to, the following:

A. Absentee ballot applications; [1985, c. 161, §6 (NEW).]

B. Absentee ballot affidavits; [1985, c. 161, §6 (NEW).]

C. Signatures on petitions; and [1985, c. 161, §6 (NEW).]

D. Names appearing for write-in candidates on ballots. [1985, c. 161, §6 (NEW).]

[2009, c. 538, §2 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1997, c. 436, §8 (AMD). 2009, c. 538, §2 (AMD).

§4. TOWN CLERK TO PERFORM WARD CLERK'S DUTIES

(REPEALED)

SECTION HISTORY

1985, c. 161, §6 (NEW). 1997, c. 436, §9 (RP).

§5. APPLICATION TO PLANTATIONS

The provisions of this Title pertaining to towns apply equally to plantations. [1985, c. 161, §6 (NEW).]

SECTION HISTORY

1985, c. 161, §6 (NEW).

§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. [1989, c. 166, §1 (NEW).]

SECTION HISTORY

1989, c. 166, §1 (NEW).

§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. [2009, c. 538, §3 (AMD).]

SECTION HISTORY

1989, c. 166, §1 (NEW). 2009, c. 538, §3 (AMD).

Subchapter 2: RECORDS AND DOCUMENTS

§21. FORM AND CONTENT OF DOCUMENTS

The Secretary of State may establish the form and content of all forms, lists, documents and records required by or necessary to the efficient operation of this Title. [1985, c. 161, §6 (NEW).]

SECTION HISTORY

1985, c. 161, §6 (NEW).

§22. RECORDS AND DOCUMENTS ARE PUBLIC; EXCEPTION FOR BALLOTS AND VOTER ADDRESS

1. Public records. All lists, books, documents and records required to be prepared by or filed with a public official are public records, except as otherwise provided in this Title. Public records are open to public inspection during regular business hours under proper protective regulations made by the official charged with their custody.

[2005, c. 453, §5 (AMD) .]

2. Ballots. Ballots are not public records and may be inspected only in accordance with this Title.

[1997, c. 248, §1 (NEW) .]

3. Confidential information. Notwithstanding subsection 1 and Title 1, section 408-A, if a registered voter meets certain conditions, the voter's information must be kept confidential as provided in this subsection.

A. For a voter who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B, all records maintained by the registrar pertaining to that voter must be kept confidential and must be excluded from public inspection. [2005, c. 568, §2 (NEW).]

B. For a voter who submits to the registrar a signed statement that the voter has a good reason to believe that the physical safety of the voter or a member of the voter's immediate family residing with the voter would be jeopardized if the voter's residence address were open to public inspection, that

voter's residence address and mailing address, if the mailing address is the same as or discloses the voter's residence address, must be kept confidential and must be excluded from public inspection. The remainder of the information in that voter's record that is designated as public information in section 196-A remains a public record and may be made available to the public according to the use and distribution requirements provided in that section. The voter's signed statement is also a public record. A voter's address that is excluded from public inspection under this paragraph may be made available free of charge to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order. [2009, c. 564, §1 (AMD).]

[2011, c. 662, §11 (AMD) .]

4. Disclosure of address.

[2005, c. 364, §3 (RP) .]

5. Signature and identification number of registered voter. Notwithstanding subsection 1 and Title 1, section 408-A, the voter's signature and identification number on the voter registration application and associated records in electronic format are designated as nonpublic records and the registrar shall exclude those items from public inspection. Voter signatures on voter registration applications and associated records in a printed hard-copy format are public records in accordance with subsection 1 and Title 1, section 408-A.

[2011, c. 662, §12 (AMD) .]

6. Disclosure of voter's signature and identification number electronically. A voter's signature and identification number in electronic format that are excluded from public inspection pursuant to subsection 5 and associated records may be made available for inspection only to the voter of record, to municipal and state election officials, to a law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order.

[2003, c. 584, §1 (NEW) .]

7. Incoming voting list. After the incoming voting list is unsealed following the election, the list must be made available for public inspection and copying in accordance with Title 1, section 408-A.

[2011, c. 662, §13 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1997, c. 248, §1 (RPR). 2003, c. 584, §1 (AMD). 2005, c. 364, §§2,3 (AMD). 2005, c. 453, §5 (AMD). 2005, c. 568, §2 (AMD). 2009, c. 564, §1 (AMD). 2011, c. 342, §5 (AMD). 2011, c. 662, §§11-13 (AMD).

§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. [1985, c. 161, §6 (NEW).]

1. Registration and enrollment applications. The registrar shall keep registration and enrollment applications and requests and all documentation of changes in registration and enrollment as part of each active or inactive voter's permanent registration record. Records must be kept only 2 years for a voter whose registration has been cancelled or for an applicant whose registration application has been rejected.

[2005, c. 453, §6 (AMD) .]

2. Convention certificates. The Secretary of State shall keep the certificates required by section 322 in his office for 2 years.

[1985, c. 161, §6 (NEW) .]

3. Primary and nomination petitions. The Secretary of State shall keep primary petitions, nomination petitions and consents in the office of the Secretary of State through the end of the calendar year in which the petition was filed.

[2013, c. 131, §2 (AMD) .]

3-A. Direct initiative of legislation and people's veto petitions. The Secretary of State shall keep direct initiative of legislation and people's veto petitions in the Office of the Secretary of State for 6 months after any appeal period has passed.

[2009, c. 253, §7 (NEW) .]

3-B. Party formation documents. The Secretary of State shall keep party formation declarations of intent and certification forms filed pursuant to section 303 in the office of the Secretary of State for 6 months after any appeal period has passed.

[2013, c. 131, §3 (NEW) .]

4. Receipts for ballots. The Secretary of State and each clerk shall keep a record of receipts for ballots issued and received under sections 606 and 651 in their respective offices for 6 months.

[2013, c. 457, §1 (AMD) .]

5. Receipt of incoming voting list. The registrar shall keep the receipt for certified copies of the incoming voting list required by section 624, subsection 2, in the registrar's office for one year.

[2005, c. 453, §7 (AMD) .]

6. Election tabulations. The Secretary of State shall keep election tabulations in his office for 10 years.

[1985, c. 161, §6 (NEW) .]

7. Ballots and other election materials. For 22 months following an election in which a candidate for a federal office is on the ballot, the clerk shall keep the ballots, tabulation materials related to those ballots and challenge certificates, if any, in the clerk's office or other secure location under the control of the clerk, unless sooner released to the Secretary of State or required by the Secretary of State to be kept longer. Once released to the Secretary of State, they must be kept by the Secretary of State until any appeal period bearing on the validity of the election has expired. Notwithstanding this subsection, ballots used for municipal elections conducted under this Title, referenda elections or special legislative elections must be kept for 2 months.

[2011, c. 534, §1 (AMD) .]

7-A. Incoming voting lists. For 5 years following any election, the clerk shall keep the incoming voting lists in the clerk's office or other secure location under the control of the clerk.

[2011, c. 534, §2 (AMD) .]

7-B. Absentee envelopes and applications. For 2 years following any election, the clerk shall keep the absentee ballot envelopes, including the unopened envelopes containing rejected absentee ballots, the applications for absentee ballots and the list of voters who were issued absentee ballots in the clerk's office or other secure location under the control of the clerk.

[2011, c. 534, §3 (NEW) .]

8. Certificate of presidential electors. The Secretary of State shall keep the certificate of the votes of the presidential electors, delivered to him under section 805, in his office for one year.

[1985, c. 161, §6 (NEW) .]

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.

[1985, c. 161, §6 (NEW) .]

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.

[1985, c. 161, §6 (NEW) .]

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.

[1995, c. 1, §10 (AMD) .]

12. Certificate of appointment. The Secretary of State shall keep a certificate of appointment to fill a vacancy under section 363 in his office for 2 years.

[1985, c. 161, §6 (NEW) .]

12-A. Informational filings. The Secretary of State shall keep a copy of the election-specific informational filings and reports received from the municipal clerks and registrars in the office of the Secretary of State for 6 months after the election to which they pertain, except that the return of votes cast report must be kept for 2 years.

[2013, c. 131, §5 (NEW) .]

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

[1985, c. 161, §6 (NEW) .]

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.

[2003, c. 447, §4 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 383, §1 (AMD). IB 1995, c. 1, §10 (AMD). 1995, c. 459, §2 (AMD). 1997, c. 436, §§10,11 (AMD). 2001, c. 310, §3 (AMD). 2003, c. 447, §4 (AMD). 2003, c. 584, §2 (AMD).

2005, c. 453, §§6,7 (AMD). 2009, c. 253, §7 (AMD). 2011, c. 342, §§6, 7 (AMD). 2011, c. 534, §§1-3 (AMD). 2013, c. 131, §§2-5 (AMD). 2013, c. 457, §1 (AMD).

§24. NEWSPAPER PUBLICATION TO BE REASONABLY NOTICEABLE

When publication in a newspaper is required by this Title, the item published must be set in such a size and location as to be reasonably noticeable. [1985, c. 161, §6 (NEW).]

SECTION HISTORY

1985, c. 161, §6 (NEW).

§25. DITTO MARKS

Ditto marks may be used, wherever practicable, in the preparation of lists required under this Title. [1985, c. 161, §6 (NEW).]

SECTION HISTORY

1985, c. 161, §6 (NEW).

Subchapter 3: GENERAL PENALTIES

§31. CLASS E CRIMES

(REPEALED)

SECTION HISTORY

1985, c. 161, §6 (NEW). 1993, c. 473, §46 (AFF). 1993, c. 473, §1 (RP).

§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 [1993, c. 473, §2 (NEW); 1993, c. 473, §46 (AFF).]

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. [1993, c. 473, §2 (NEW); 1993, c. 473, §46 (AFF).]

[1993, c. 473, §2 (NEW); 1993, c. 473, §46 (AFF) .]

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. [1993, c. 473, §2 (NEW); 1993, c. 473, §46 (AFF).]

[1993, c. 473, §2 (NEW); 1993, c. 473, §46 (AFF) .]

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 [2003, c. 176, §3 (NEW).]

B. With the intent to solicit contributions reportable under chapter 13. [2003, c. 176, §3 (NEW).]

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.

[2009, c. 144, §1 (AMD).]

SECTION HISTORY

1993, c. 473, §2 (NEW). 1993, c. 473, §46 (AFF). 2003, c. 176, §3 (AMD). 2009, c. 144, §1 (AMD).

§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. [1993, c. 473, §2 (NEW); 1993, c. 473, §46 (AFF).]

SECTION HISTORY

1993, c. 473, §2 (NEW). 1993, c. 473, §46 (AFF).

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