



TO: The Honorable Louis Luchini
The Honorable John Schneck, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: January 15, 2020

RE: LD 1903 – An Act To Amend the Laws Governing Activities at or near the Polls on Election Day

Good morning Senator Luchini and Representative Schneck. My name is Anna Kellar and I am here today on behalf of Maine Citizens for Clean Elections. We are testifying in favor of LD 1903 – An Act To Amend the Laws Governing Activities at or near the Polls on Election Day.

Activities in and around the polling place can sometimes result in tension between important competing values. On the one hand, the polling place has a venerable tradition in Maine as a place where members of a community greet each other and speak about a wide range of matters on their mind, both political and non-political. On the other hand, many voters – quite reasonably – view the act of going to the polls as a private and personal matter during which they would prefer not to be approached by strangers or to engage in uninvited conversations.

Over the years, election officials have done a good job of balancing those interests, and our polling places remain an important “public forum” in which most people are reasonably comfortable. However, there are reports of voters who for various reasons have felt uncomfortable when voting. Some of them would like to see more emphasis on privacy and the right to pass in and out of the polls without being approached by anyone.

LD 1903 attempts to address these concerns while preserving the important function of the polls as a place where a limited amount of community activity can occur. We generally support the balance that is struck in the bill.

Maine has a long and respected tradition of allowing signature collection at the polls. This tradition is important because individuals coming through the polls on election day are highly likely to be registered voters – often a requirement for legally binding petitions. There are many reasons why someone might be collecting signatures, including for a local charter amendment or ordinance petition, a state citizen initiative or people’s veto, a candidate petition, an informal petition to show popular support for one issue or another, or just an effort to get folks

to sign up for some local organization or matter of interest. When an Election Day falls during the course of one of these signature collection efforts, advocates will often find the polling place a fruitful place for this activity.

With that in mind, we would suggest two modifications to Sec. 683(3) as written. First, we suggest that, where space allows, this type of activity should not be subject to the discretion of local election officials. This activity is consistent with Maine tradition and with First Amendment considerations, and barring it would be problematic (unless done for a legitimate reason such as inadequate space in the polling place or interfering with the election process). Therefore we would support substituting the term “shall” for the term “may” in the first sentence of that subsection.

Second, subsection 683(3) refers “only” to collecting signatures for an official state or local petition. Given that a wide range of civic activities often occurs around Maine polling places, we are concerned that subsection 683(3) could be interpreted to allow election officials to ban activities that are protected by the United States Constitution. The First Amendment generally does not allow government officials to discriminate among different expressive activities based on the content of what is said during those activities, unless there is a very strong reason to do so.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.