



A Short Guide to Helping Voters Register Under Maine Law

WHO IS ELIGIBLE TO VOTE?

In Maine, a person may register to vote if she is:¹

- A U.S. citizen;
- A legal resident of the State of Maine and in the municipality in which she seeks to register;
 - Students have the right to register to vote at their address where they attend school if they have established residency in that municipality. Students who are not residents of the municipality where they attend school cannot register to vote in that municipality. Students must meet the same residency requirements as all other potential voters, but may not be asked to meet any additional requirements. Students must determine where they have established residency and register to vote there.²
 - A person may have a nontraditional residence, including, but not limited to a shelter, park or underpass. A person's residency is not subject to challenge on the sole basis that the person has a nontraditional residence.³
- At least 18 years of age as of the date of the next general election; and
- Not under guardianship for reasons of mental illness.

A person 17 years of age, if otherwise qualified, may conditionally register to vote, with registration automatically becoming effective on the person's 18th birthday.⁴ A person who is 17 years of age may vote in a Primary Election if he or she will be 18 by the General Election.⁵

The person must be enrolled in a party in that municipality to vote at the party's caucus, convention, or primary election, unless otherwise permitted by the party.⁶

WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?

Federal law⁷ requires that voter registration applications include:

- The applicant's Driver's License or State ID number; or, if none,
- Last four digits of Social Security Number; or, if none,
- The state will assign the applicant a number; and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Federal law authorizes states to require only such identifying information as "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."⁸

Maine law requires that a completed voter registration application must include the following information:⁹

- Full name;
- Residence address;
- Mailing address, if different from residence address;
- Date of birth;
- Most recent prior residence where registered to vote, including the name under which registered, if changed, legal address and mailing address;



- Information on change of name is required only if the voter's legal name has changed since registering to vote in Maine¹⁰
- Date of application;
- Signature of applicant;
- Choice of political party or that the applicant does not wish to enroll in a political party;
 - Voters who check "Other qualifying party" (with or without writing a designation on the line provided) and voters who choose Unenrolled (no party choice) will be designated as "U" on the voting list and will not be eligible to vote in party primaries, caucuses and conventions, but can vote in other elections.
- The applicant's driver's license number, if applicable, or if none, the last 4 digits of the applicant's Social Security Number, if applicable. If the applicant has neither number, the form must include a space to write "NONE" or "not applicable"; and
- An indication in the appropriate checkboxes that the applicant is a U.S. citizen and will 18 years of age on or before Election Day.

The state voter registration application states that new Maine voters must include a photocopy of their Maine driver's license, Maine State ID, or a current utility bill, bank statement, or government document that shows the applicant's name and address.¹¹ Maine law allows registrars to verify the identify of an applicant using the driver's license number, state ID number, or last four digits of the applicant's Social Security Number, if it can be verified through the central voter registration system verification.¹²

WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

Registration applications submitted by mail or by a registration drive must be received in the registrar's office by the close of business on the 21st day before Election Day.¹³ However, applicants may also register during the 20 days before Election Day,¹⁴ and on Election Day itself, by appearing in-person and showing proof of identity and residency.¹⁵

Under Maine election law, 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 must be performed or the event must take place on the next following business day.¹⁶

WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

BEFORE THE DRIVE

- A. Does the state require organizations conducting voter registration drives to register or file other information detailing its voter registration activities?**
No.
- B. Does the state require any training in order to conduct voter registration drives?**
No.
- C. Does the state have restrictions on who may help others register to vote?**
No.
- D. Does the state have restrictions on whether workers may be paid?**
No.
- E. Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?**



Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."¹⁷ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."¹⁸

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."¹⁹

DURING THE DRIVE

A. Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?

No.

B. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?

This is not addressed in Maine election law.

C. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?

This is not addressed in Maine election law.

D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?

Registration applications submitted by mail or by a registration drive must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election without registering to vote in person.²⁰

E. What are the consequences for failing to submit voter registration applications on time?

A person commits a Class C crime if that person knowingly causes a delay in the registration or enrollment of another or knowingly causes a delay in the delivery of an absentee ballot or absentee ballot application with the intent to prevent a person from voting or to render that person's vote ineffective.²¹ Further, any person who knowingly violates a provision of the Election Code, Title 21-A, for which no penalty has been provided, commits a Class E crime.²²

F. How are completed voter registration forms tracked?

The registrar must notify the applicant of the acceptance or rejection of her application by providing the applicant with a written acknowledgement as expeditiously as possible following the entry of the applicant's information in the central voter registration system.²³ The registrar must send this notice no later than the 18th day before Election Day to all applicants whose applications were received by mail or from a 3rd person by the 21st day before Election Day.²⁴

The registrar must keep all 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.²⁵

G. Who is responsible for investigating and enforcing the state rules?

The Attorney General must designate a Deputy Attorney General or an Assistant Attorney General to investigate and prosecute alleged violations of the election laws. District attorneys may also investigate



and prosecute election law violations.²⁶ The Secretary of State is the coordinator of state responsibilities under the National Voter Registration Act of 1993.²⁷

WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

- A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?**

This is not addressed in Maine election law.

- B. How may an applicant correct an incomplete application after it has been submitted to county election officials?**

This is not addressed in Maine election law.

WEB PAGE OF STATUTE

<http://www.mainelegislature.org/legis/statutes/21-A/title21-Ach0sec0.html>

For more information, contact:

Project Vote

805 15th St NW, Suite 250
Washington, D.C. 20005
(202) 546-4173
www.projectvote.org

Last Revised: 02/2014

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¹ Me. Const. Art. II § 1; Me. Rev. Stat. Ann. tit. 21-A, § 111

² Maine Secretary of State, *Information on Voter Eligibility in Maine*, (last visited Feb. 20, 2014), <http://www.maine.gov/sos/cec/elec/resident.htm>

³ Me. Rev. Stat. Ann. tit. 21-A, § 112(15)

⁴ Me. Rev. Stat. Ann. tit. 21-A, § 155

⁵ Me. Rev. Stat. Ann. tit. 21-A, § 111-A

⁶ Me. Rev. Stat. Ann. tit. 21-A, § 111(5)

⁷ Help America Vote Act of 2002 (HAVA), Sections 303(a), 303(b)

⁸ National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

⁹ Me. Rev. Stat. Ann. tit. 21-A, § 152; Maine Secretary of State, *Maine Voter Guide*, <http://maine.gov/sos/cec/elec/voterguide.html> (last visited Feb. 20, 2014).

¹⁰ Maine Secretary of State, *Maine Voter Guide*, <http://maine.gov/sos/cec/elec/voterguide.html> (last visited Feb. 20, 2014).

¹¹ Maine Secretary of State, *Voter Registration Card 2012* (last revised June 2012), <http://www.maine.gov/sos/cec/elec/2012/voterregcard2012.pdf>

¹² Me. Rev. Stat. Ann. tit. 21-A, § 112-A(4)

¹³ Me. Rev. Stat. Ann. tit. 21-A, § 121(1-A)



¹⁴ Me. Rev. Stat. Ann. tit. 21-A, § 121-A

¹⁵ Me. Rev. Stat. Ann. tit. 21-A, § 122(4)

¹⁶ Me. Rev. Stat. Ann. tit. 21-A, § 6

¹⁷ 42 U.S.C. § 1973i(c).

¹⁸ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

¹⁹ California Secretary of State, Guide to Voter Registration Drives, at 11 (last revised Feb. 2012), <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>.

²⁰ Me. Rev. Stat. Ann. tit. 21-A, §§ 121-A

²¹ Me. Rev. Stat. Ann. tit. 21-A § 674

²² Me. Rev. Stat. Ann. tit. 21-A § 32

²³ Me. Rev. Stat. Ann. tit. 21-A, § 122(2); § 152(2)

²⁴ Me. Rev. Stat. Ann. tit. 21-A, § 121(1-A)

²⁵ Me. Rev. Stat. Ann. tit. 21-A, § 23

²⁶ Me. Rev. Stat. Ann. tit. 21-A, § 33

²⁷ Me. Rev. Stat. Ann. tit. 21-A, § 180