

Election Statute Navigator: Maine

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/maine/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration) **§ 122(4)**
- Voters (other than above) register prior to Election Day **§ 121-A**
 - Deadlines: The deadline for receipt of voter registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for in-person registration is the close of the polls on election day.
- Registration via mail available **§ 130**
- In-Person registration available **§ 122**
 - Locations: before the registrar
- Preregistration allowed **§ 155**
 - 17-year-olds may preregister if otherwise qualified to vote.
- Residency requirement **§ 112**
 - The residence of a person is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return
- Voter list maintenance guidelines **§ 161(2-A)**

State Absentee, Early, and Mail Voting

- Early voting allowed **§ 753-B(8)**
 - In-person absentee voting available as soon as absentee ballots are ready (30-45 days before election)
- In-Person early voting only **§ 753-B**
- No-excuse absentee voting **§ 751**
- Online absentee ballot application available **§ 753-A(6)**
- Absentee ballot application is verified **§ 753-B**



- Absentee ballot verification details **§ 756**
 - The signature on the envelope is compared with the signature of the voter on the absentee ballot application. The absentee ballot is rejected and not counted if the signatures do not appear to have been made by the same person or if the affidavit is not properly completed. It is a crime to forge the name of another on an absentee ballot, the return envelope or the application for an absentee ballot.
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter
- **§ 753-B**
- Deadline by which election official must receive absentee/mailed ballots **§ 755**
 - Election Day (before polls close)
- Absentee/Mail ballot processing and counting procedures **§ 759**
- Absentee ballots (for military and overseas voters) are reported separately from precinct totals **§ 759**
- Spoiling/Replacement/Correction ballot restrictions **§ 753-B(4)**

In-Person Voter ID

- No document required to vote **§ 111**

Provisional Voting

- Provisional ballot availability **§ 673**
 - Voter eligibility cannot be immediately established
 - The voter's eligibility is challenged by a poll watcher
 - Voter did not present ID as required by the state
 - Registration reflects an error in party listing (primary election only)
- Time allotted to determine the status of provisional ballot **§ 673**
 - Reasonable time after the election.
- Provisional ballot rejection reasons: **§ 673**
 - All challenged ballots are initially counted in the same manner as regular ballots. No further determination is made on the challenge unless a recount occurs and it is determined that the challenged ballot could affect the outcome of the election. If there are enough challenged ballots to affect the outcome of an election, then the challenged ballots in that district will be segregated, and the basis for each



challenge may be determined by the appropriate authority designated by statute or by state or federal constitution.

Polling Place

- Polling Place availability and requirements **§ 631-A**
- Electioneering or campaigning must not be closer than 250 feet to the entrance of the polling place **§ 682**
- Rules governing poll observers **§ 627**
- Poll watcher qualifications **§ 627**
 - Municipalities must allow at least one person per party to be a poll watcher.

State Emergency Rules and How Elections are Affected

- Secretary of State has authority to set rules and procedures (after declaring “election emergency”) **§ 663**
- Listed triggers for Emergency Rules **§ 663**
 - Natural disaster or other occurrence for which the governor of that state has declared a state of emergency covering that area
- Explicit remedies in election statute **§ 663**

Counting Rules

- Voting system requirements **§ 812**
- Counting procedures **§ 759**

Contest/Protest, Recount Rules

- Candidate protesting **§ 737-A**
- Contest filing guidelines **§ 737-A**
- Challenging a voter **§ 673**

