

MAINE

VOTER REGISTRATION

These resources are current as of 1/17/12. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

What's New in This Guide

The following changes/additions have been made since the previous version of this guide:

- ◆ Section on "[Pending and Enacted Legislation](#)"
- ◆ Additional details on voter registration by outside agencies
- ◆ Information on proof of identity required to register to vote
- ◆ Updates to voter registration deadlines (Election Day registration)
- ◆ Schedule for accepting voter registrations
- ◆ All in-person registrants must show proof of identity and residency (not just those registering in-person within 20 days of Election Day)

This guide summarizes key aspects of laws governing voter registration on the *state* level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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DEADLINES FOR REGISTRATION

Is there a deadline for registering to vote in Maine?

- No. Maine permits individuals to register in person on Election Day. In 2011, the legislature amended the law to do away with Election Day registration, but this provision was restored via referendum in the November 2011 election. The deadline for registering by mail or by 3rd person is the close of business on the 21st day before Election Day. [21-A M.R.S.A § 121\(4-A\), as amended by Public Law 2011-399.](#)
- The registrar shall accept registrations on any business day or other day that the clerk's office is open prior to the registration deadline. On the 3rd business day prior to Election Day (the deadline for in-person registration), the registrar must be available to accept registrations:
 - For at least 2 hours, in a municipality with a population of 500 or fewer;
 - For at least 4 hours, in a municipality with a population of 501-2,499; or
 - For at least 6 hours, including at least 2 hours between 5pm and 9pm, in a municipality with a population of 2,500 or more.

[21-A M.R.S.A. § 122\(6\), as amended by Public Law 2011-399.](#)

- The 20-day period before the election must be in person. 21-A M.R.S.A § 121.
- A voter can register by filling out a voter registration card. A voter can register to vote or receive a voter registration card at their town office or city hall, through any motor vehicle branch office, in most state and federal social service agencies, or at voter registration drives. Completed voter registration cards may be hand delivered or mailed to a voter's town office or city hall, or sent to the Secretary of State's Office in Augusta. 21-A M.R.S.A §§ 130,152.

Does Maine offer Election Day registration?

- Yes. Maine permits voters to register on Election Day. 21-A M.R.S.A. § 122(4).

Does Maine allow by-mail registration?

- Yes. Registration applications sent by mail or delivered by a third person must be received in the registrar's office by the close of business on the 21st day before Election Day in order for the voter's name to appear on the incoming voting list for that election. 21-A M.R.S.A. § 121(1-A).

- If a voter is a new voter in Maine and elects to mail a voter registration card, the voter must include a photocopy of their Maine driver's license, or a utility bill, bank statement, paycheck, or a government document that shows the voters name and address. See Secretary of State - [Voter Registration Guide](#).
- Upon receipt of the application by the registrar, the applicant's name and other information from the voter registration application must be entered into the central voter registration system as expeditiously as possible. 21-A M.R.S.A § 152(2).

May voter register before turning 18?

- Yes. A voter who is 17 may register and vote in a political party's primary election or municipal caucus if the voter will be at least 18 years of age as of the date of the general election. 21-A M.R.S.A § 111.

PHOTO ID REQUIREMENTS

Required for registration? If so, what kinds of ID?

- Individuals registering to vote *in person* must show proof of identity and residency. If satisfactory proof of identity and residency cannot be provided to the registrar or deputy, the person may cast a “challenged ballot.” [21-A M.R.S.A. § 121\(1-A\), as amended by Public Law 2011-399](#).
- Proof of Identity. Any of the following forms of documentation may be offered by an applicant and considered by a registrar in verifying the identity of an applicant who is registering to vote. The registrar need not request or consider all of these forms of documentation in order to verify an applicant's identity:
 - Government-issued photo ID, including, but not limited to, a current and valid United States passport, military identification, driver's license or state identification;
 - Other government-issued ID (without a photo), including, but not limited to, a certified birth certificate or a signed social security card;
 - Other official documents, including, but not limited to, a document confirming eligibility determinations for public benefits, a utility bill, a bank statement, a government check, a paycheck or other government document that shows the name and address of the voter; or
 - Verified unique ID for new voters, including the voter's Maine driver's license number, Maine identification number or the last 4 digits of the voter's social security number that are successfully verified through the central voter registration system verification.

21-A M.R.S.A. § 112-A.

- **Proof of Residency.** In order to register to vote, a voter must have established and maintain a residence in the municipality where the person intends to register to vote. Residence is something that a voter must establish. While the definition includes the person's "intent to return" to a residence, it makes it clear that the residence must in fact exist, and the person must have established it as a fixed and principal home. The law does not define "fixed" or "principal" or "home". The following factors may be offered by an applicant and considered by a registrar in determining a person's residence under this section:
 - A direct sworn and notarized statement of intention by the person (pursuant to 21-A M.R.S.A § 121(1);
 - The location of any dwelling currently occupied by the person;
 - The place where any motor vehicle owned by the person is registered;
 - The residence address, not a post office box, shown on a current income tax return;
 - The residence address, not a post office box, at which the person's mail is received;
 - The residence address, not a post office box, shown on any current resident hunting or fishing licenses held by the person;
 - The residence address, not a post office box, shown on any motor vehicle operator's license held by the person;
 - The receipt of any public benefit conditioned upon residency, defined substantially as provided in this subsection;
 - Any other objective facts tending to indicate a person's place of residence.

21-A M.R.S.A §112.

Required for voting? If so, what kinds of ID?

- No. Individuals whose names appear on the voter registration list are presumed to meet all eligibility requirements and, in general, are not required to provide identification or proof of residence or otherwise demonstrate eligibility at the polls. See 21-A.M.R.S.A § 671.
- A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the results of an election. 21-A M.R.S.A § 696.

Requirement to provide proof of citizenship to register and/or vote?

- Maine does not require a voter to provide proof of citizenship other than the federally required box that is checked on the voter registration application. However, proof of citizenship will be required to obtain a Maine driver's license.

- To comply with the federal REAL ID law, the Secretary of State may not issue any driver's license or identification card to a person who does not present proof of legal presence in the United States. 29-A M.R.S.A. § 1301(8). A license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay. 29-A M.R.S.A. § 1301(9).

VOTER REGISTRATION DRIVES

Although voter registration drives do occur in Maine, currently there are no rules or statutes that address voter registration drives specifically. Groups or individuals who are interested in participating in voter registration drives are encouraged to contact the Election Division of the Secretary of State.

Does state accept National Voter Registration Act (NVRA) registration forms? Any restrictions?

- Yes, the state will accept NVRA registration forms.

May groups “cage” completed registration forms (i.e. ask voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of the data included on them? If so, any deadlines for sending the completed forms to the state or to local officials?

- No statute, rule, or regulation currently authorizes groups to, or disallows groups from, caging completed registration forms.
- Many organizations distribute Maine voter registration applications in hard copy to individuals along with instructions on how to complete and return the forms. Organizations should use the form provided by the Secretary of State or have their own application approved by the Secretary of State prior to distribution.
- Alternatively, organizations collect the voter registration applications and copies of appropriate identification for each individual and then deliver the forms to the Secretary of State. Registration applications taken by an outside agency must be submitted to the Secretary of State within 5 days of receipt, the Secretary of State then has 7 days to transfer the applications to the appropriate registrar's office (or 5 days if received within 30 days of an election).
- Applicants who attempt to register within 30 days of an election must be advised that the registrar might not receive the application before the deadline for mail or 3rd-person registration. [21-A M.R.S.A. § 121\(1-A\), as amended by Public Law 2011-399.](#)

- The completed forms must be received in the registrar's office by the close of business on the 21st day before Election Day in order for the voter's name to appear on the incoming voting list for that election. After the 21st day, a voter would need to appear in person and show proof of identification to be registered (please note the deadline for in-person voter registration, above).
- No statute or rule that prevents a group from copying the completed forms. However, all new voters are required to provide their state driver's license number or the last four digits of their Social Security number on the form. If the forms are to be copied, the Secretary of State suggests that the numbers be "blacked out" as it can create identity theft issues and may be contrary to other identity theft laws in the state.

May a group "pre-fill" some or all of the form before sending/giving it to a would-be registrant?

- No statute, rule, or regulation precludes an organization from filling in information in the registration form before giving the form to a would-be registrant.
- The elector's original signature is required on each voter registration form.

May voter registration drive workers assist a voter in completing their registration form?

- No statute, rule, or regulation precludes a voter registration drive worker from assisting a voter in completing their registration form.

Does state require training of voter registration workers?

- Maine does not require training of voter registration workers.

Does state require registration of voter registration drives? If so, for by-mail drives, too?

- No statute, rule, or regulation requires registration of voter registration drives. If the organizers of a drive choose to use a high volume of voter registration cards directly from the Secretary of State, they will be required to complete a short application before receiving the voter registration cards. Nothing precludes voter registration drives from using state voter registration cards received in any other fashion.

Any requirement that a group must provide information to voters about how they may contact the group to determine the status of their registration?

- No statute, rule, or regulation requires a group to provide information to voters about how the voter may contact the group to determine the status of their registration.

May a group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?

- No statute, rule, or regulation precludes a group from paying voter registration drive workers, or from paying on a per-voter-registered basis.

Note: Special Registration Deputies

- A registrar may appoint deputy registrars who are authorized to register qualified electors. 21-A M.R.S.A § 102.
- A deputy registrar serves at the will of the registrar, may perform any of the duties of office prescribed by the registrar. 21-A M.R.S.A § 102.
- Deputy registrars must be a citizen of the United States, a resident of the State and at least 18 years of age. The registrar may not hold or be a candidate for any state, local or county office, or be an officer of a municipal, county or state party committee. The registrar may not be an employee of a party or candidate. Before assuming the duties of office, the registrar must be sworn. 21-A M.R.S.A § 102.

PENDING AND ENACTED LEGISLATION

HP 156 (2011) – ENACTED ([Public Law No. 2011-40](#))

Prohibits a municipal clerk from issuing a 2nd state absentee ballot to an applicant after a ballot has been returned by the applicant to the clerk, except for good cause, and stipulates that an applicant's decision to change a vote does not constitute good cause.

HP 176 (2011) – Pending (Carryover)

Requires that a voter provide proof of identity with photograph identification approved by the Secretary of State by rule for the purpose of voting.

SP 284 (2011) – Pending (Carryover)

Proposes the adoption in this State of the Uniform Military and Overseas Voters Act approved and recommended by the National Conference of Commissioners on Uniform State Laws and the incorporation of the provisions of the uniform act into the State's election laws.

HP 1087 (2011) – Enacted ([Public Law No. 2011-409](#))

Relates to a enfranchised voters and a biennial caucus, provides that, if a state legislative district consists of more than one town, a person who resides in a town in that state legislative district that does not hold a caucus after the death, withdrawal or disqualification of a candidate may vote at a caucus held by another town in the legislative district if the person is eligible to vote in a primary election, requires the chair of each political party to determine where a caucus is to be held.

HP 1122 (2011) – Enacted ([Public Law No. 2011-342](#))

This bill clarifies the requirements for the information that is created to help voters understand ballot questions, including the Attorney General's explanatory statement of what a "yes" vote favors and what a "no" vote opposes, the Office of

Fiscal and Program Review's estimate of the fiscal impact on state revenues, appropriations and allocations of each ballot measure, and the Treasurer's Statement that accompanies each bond issue. This bill reorganizes the section on retention of election materials so that the incoming voting list is addressed separately from the ballots. The bill adds a voter's year of birth to the information that must be included on the incoming voting list and specifies that the incoming voting list is a public record after it is unsealed following the election. This bill reorganizes and enhances the sections of law governing the instructions that the Secretary of State must prepare for election officials and voters and details how informational materials must be made available to the voters. The bill clarifies the sections dealing with candidate withdrawals less than 60 days before a primary or general election. The bill also reorganizes the section of law governing how official ballots are provided to municipalities and specifies how the chain of custody must be maintained. This bill reorganizes the section of law governing how voted ballots are sealed and secured following the election and creates a separate section to describe the ballot security materials supplied by the Secretary of State. The bill creates a new requirement that a municipality must apply to the Secretary of State at least 60 days before an election to change the location of a voting place. The bill makes explicit that it is a crime for a person who is entrusted with another voter's marked ballot to disclose the contents of that ballot to another person. The bill also provides that absentee envelopes and applications are to be sealed separately from the ballots so that they become public records after they are unsealed. The bill permits the Secretary of State to authorize the municipal clerk, in the presence of the warden and an election clerk from each of the major parties, to open the sealed ballot security containers after an election for specific, limited purposes. The bill requires the municipal clerk or registrar to keep a log of the petitions that are submitted to the municipal office for certification. The bill also clarifies the supervisory experience required for candidates for the office of sheriff. The bill makes other routine or technical changes.

LD 2110 (2008) – ENACTED ([Public Law, Ch. 515](#))

This bill clarifies that the signed statement of the Treasurer of State regarding the ratification of a bond issue may be printed on the ballot or may be printed as a separate document that is made available to voters. Specifies that voters who register to vote by telephone or email must submit a properly completed voter registration application form before they may receive an absentee ballot. Requires the incoming voter list to include information on whether or not each voter is required to show identification in order to vote. Prohibits printing the address of any voter whose address has been made confidential on the voter list that is made public. Decreases from 10 to 5 days after an election the time by which the central voter registration list must be updated. Permits applications for absentee ballots to be submitted via email. Prohibits family members and third parties from delivering absentee ballots applied for by email.

LD 1169(2009) – ENACTED ([Public Law, Chap. 253](#))

The bill establishes a retention period for direct initiative of legislation and people's veto petitions. The bill clarifies the registrar's consideration of residency factors in determining the voting residence of an applicant and provides factors for the registrar to consider in verifying the identity of a voter. The bill expands the "fail safe" provision for a voter who moves to a new state before a presidential election from 30 days to 60 days before the election. The bill also provides that United States citizens who have never lived in the United States may register to vote at the Maine voting residence claimed by either of the person's parents. The bill increases the voter registration period before a presidential year municipal caucus from at least 30 minutes to at least one hour. The bill requires that decisions made by the authority hearing an appeal from a voter registration decision must be issued to the voter in writing. The bill authorizes the Secretary of State to determine the form of the registrar's enrollment certification on candidate petitions. It also clarifies that petition circulators must take oath that they "personally witnessed" all the signatures to the petition, rather than simply swearing that the signatures were made in the circulator's presence. The bill changes the requirements for the number of copies of postings at the voting place from 2 to one and adds a new requirement for posting the list of declared write-in candidates next to the sample ballot. The bill amends the requirements for casting a write-in vote and clarifies the requirements for when a write-in vote may be counted. The bill changes the references for absentee ballot e-mail requests to requests made by "electronic means." The bill clarifies the time period allowed for early processing of absentee ballots and requires municipalities that wish to process absentee ballots early to provide a copy of the notice of election to the Secretary of State by 30 days before the election. The bill prohibits a candidate from assisting an absentee ballot.

LD 1484 (2009) – ENACTED ([Public Law, Chap. 370](#))

This bill provides that either a municipal registrar or the Secretary of State has the authority to cancel voter registration records in the central voter registration system when the records are duplicates or when the voter has moved to another jurisdiction. The bill gives the Secretary of State the explicit authority to conduct a system-wide program of voter list maintenance. The bill provides for access to statistical voter registration information. The bill changes the sunset date of the law regarding the use and distribution of central voter registration system information from 2009 to 2011.

LD 1579 (2010) – ENACTED ([Public Law, Chap. 563](#))

This bill allows voters from all municipalities in the State to request absentee ballots using the Secretary of State's online absentee ballot request service. The bill also allows the Secretary of State to facilitate voting by uniformed service and overseas voters by allowing central issuance, receipt and counting of the absentee ballots of these voters and electronic transmission of absentee ballots to and receipt of absentee ballots from these voters.

LD 1627 (2010) – ENACTED ([Public Law, Chap. 564](#))

This bill repeals several provisions of law relating to the implementation of a central voter registration system. The bill removes the provision of law that would have repealed laws governing the use and distribution of central voter registration system information and clarifies the restrictions on access to data from the central voter registration system, enhances access to voter data by governmental or quasi-governmental entities for authorized purposes other than solicitations and improves access to absentee voter data and statistical data. The bill provides that individuals or entities that purchase voter data electronically are entitled to receive up to 11 free updates to the data in a one-year period, but not more frequently than one update in any 30-day period. This amendment clarifies that the use and distribution of central voter registration system information for party activities are permitted even if those activities do not relate to a campaign or a so-called "get out the vote" effort. The amendment also adds language that allows a Legislator use of central voter registration system data for purposes of communicating with the Legislator's constituents and conducting legislative business.

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Bureau of Corporation, Elections and Commissions

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Tel: 207-624-7736
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111 Sewall St., 4th Floor

List of Municipal Clerks

<http://www.maine.gov/sos/cec/elec/clerk.htm>

List of Municipal Registrars

<http://www.maine.gov/sos/cec/elec/reg.htm>

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FOR FURTHER ASSISTANCE

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