



MAINE OFFICE OF THE ATTORNEY GENERAL ELECTION ADVISORY

The right to vote is a fundamental principle of our democracy. State and federal law protect the rights of Maine voters to vote safely in elections, free from intimidation. The Maine Office of the Attorney General will enforce those laws as necessary to ensure that all Mainers are able to peacefully exercise their fundamental right to vote without disruption.

In furtherance of the right of the people of Maine to vote freely and safely, the Office of the Attorney General issues the following advisory concerning poll monitoring and voter intimidation.

Advisory

Does the law prohibit private citizens from intimidating voters at the polls?

Yes. A number of federal and state laws prohibit private actors from engaging in voter intimidation. *See* 18 U.S.C. § 594; 42 U.S.C. § 1985(3); 52 U.S.C. §§ 10307(b) and 10101(b); 21-A M.R.S. § 674 and 17-A M.R.S. § 603. These laws serve to protect you against intimidation, threats and coercion when casting your vote for the candidate of your choice. State law also prohibits any person within 250 feet of the polling place on election day from influencing or attempting to influence your vote or interfering with your free passage into and out of the polling place. 21-A M.R.S. § 682.

Citizens of Maine are entitled to free and fair elections. For more information about your voting rights, please see the information posted at the Secretary of State's website at:
<https://www.maine.gov/sos/cec/elec/voter-info/right.html>.

Are there limits on the number of people who can be at the polling place at any one time?

Yes. The 50-person gathering limit includes both election officials and voters. The gathering limit applies to each separate area or room of the voting building (e.g., the room where voting takes place, separate hallways where voters may be waiting in line, a separate room where absentee ballots are being processed by the Clerk, etc.).

Can the President send the military and/or federal law enforcement to monitor the polls?

No. An array of federal statutes bar federal employees, law enforcement, and the military from using their official power to interfere with an election. More specifically, federal law prohibits the military and armed federal law enforcement officers from being present at a poll site unless it is necessary to “repel armed enemies of the United States,” 18 U.S.C. § 592, and from interfering in the election, including by intimidating voters, 18 U.S.C. § 594, or interfering with an election officer’s discharge of his or her duties, 18 U.S.C. § 593. Violators can face fines and imprisonment.

Federal law also prohibits federal and state administrative employees from interfering with, or affecting, a presidential or congressional election that has been financed in whole or in part by the federal government. 18 U.S.C. § 595.

Can the President order state and local law enforcement officials to monitor the polls?

No. The President does not have authority to deploy sheriffs or other state officials to monitor the polls. He has no such power. *See generally* U.S. CONST. amend. X. In addition, as with federal actors, state and local administrative employees face criminal sanctions if they interfere with a presidential or congressional election where the state is in receipt of federal monies used in connection with administering the election. *See* 18 U.S.C. § 595. As discussed, violations under this statute are punishable by fines or imprisonment.

Are there permissible forms of election observation and monitoring?

Yes. State law requires that the polling place be arranged so that the ballot box is within view of persons present, and there must be space in each polling place to allow at least one worker from each political party (Democratic, Green Independent and Republican) to remain outside the guardrail enclosure as a poll watcher. 21-A M.R.S. 627. A poll watcher is a “party worker” who remains “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.” 21-A M.R.S. § 1(30-A). Under no circumstances can a poll watcher intimidate, threaten, coerce or otherwise interfere with your right to cast your ballot, or attempt to influence your vote, or interfere with your free passage into or out of the voting area. 21-A M.R.S. § 682(2-A)(2) and 18 U.S.C. § 594. Any person who attempts to influence a voter, creates a disturbance, interferes with a voter’s free passage, or otherwise violates the voting laws at the voting place on election day may be removed by or at the direction of the election warden. 21-A M.R.S. §§ 662(1) & (2) & 681(4).

Where should complaints about voter interference be directed?

Complaints about interference with the right to vote or register to vote that occurs at or around the polling place should be directed to the local election warden, who is in charge of enforcing the laws governing voting at the voting place on election day and has authority to keep order at all times around the voting place. 21-A M.R.S. § 662(1) & (2). Complaints about election law violations that occur elsewhere should be directed to local law enforcement.

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