

§1. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 161, §6 (NEW).]

1. Absentee voter. "Absentee voter" means a person who qualifies under section 751 to cast an absentee ballot.

[PL 1997, c. 436, §1 (AMD).]

1-A. Affidavit. "Affidavit" with respect to an absentee ballot envelope means the portion of the envelope that includes the voter's signature, the aide certificate and the witness certificate.

[PL 2003, c. 447, §1 (NEW).]

2. Any election. "Any election" means primary and general elections and referenda, whether regular or special.

[PL 1985, c. 161, §6 (NEW).]

2-A. Armed Forces members; members of the Armed Forces.

[PL 2003, c. 407, §1 (RP).]

3. Ballot label. "Ballot label" means that portion of the cardboard, paper or other material to be placed within the ballot frames of a voting machine containing the items required of a paper ballot.

[PL 1985, c. 161, §6 (NEW).]

4. Business day. "Business day" means any day of the calendar year other than a Saturday, Sunday or legal holiday.

[PL 1985, c. 161, §6 (NEW).]

5. Candidate. "Candidate" means any person who has filed a petition under either sections 335 and 336 or sections 354 and 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given his consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

[PL 1985, c. 161, §6 (NEW).]

6. Caucus. "Caucus" means a meeting of a political party or committee.

[PL 1985, c. 161, §6 (NEW).]

6-A. Central voter registration system. "Central voter registration system" means a single electronic information system and database for voter registration information maintained by the Secretary of State and used by all municipal jurisdictions in the State.

[PL 2005, c. 453, §1 (AMD).]

7. Challenged ballot. "Challenged ballot" means a ballot cast by one whose eligibility to vote has been questioned during election day.

[PL 2003, c. 447, §2 (AMD).]

8. Circulate. "Circulate" means the presenting of a petition to a voter with an accompanying request that the voter sign it.

[PL 1985, c. 161, §6 (NEW).]

9. Clerk; municipal clerk. "Clerk" or "municipal clerk" means the clerk, deputy clerk or assistant clerk, where directed by the clerk to carry out duties under this Title, of a municipality.

[PL 1985, c. 161, §6 (NEW); PL 1985, c. 357, §1 (AMD).]

10. Closed period. "Closed period" means that time period when the registrar may accept only those voter registration applications presented in person.

[PL 1985, c. 161, §6 (NEW).]

11. County office. "County office" means the office of judge of probate, register of probate, county treasurer, register of deeds, sheriff, district attorney or county commissioner.
[PL 1985, c. 161, §6 (NEW).]

11-A. Declared write-in candidate. "Declared write-in candidate" means a write-in candidate who has filed a declaration to be a write-in candidate pursuant to section 722-A.
[PL 2009, c. 253, §1 (NEW).]

12. Disputed ballot. "Disputed ballot" means a ballot whose validity has been questioned during the recount process.
[PL 1985, c. 161, §6 (NEW).]

13. Distinguishing mark. "Distinguishing mark" means a mark on a ballot of a type or in a place not specifically permitted by this Title, which indicates the apparent intent of the voter to make the voter's ballot distinguishable in a manner that is fraudulent or inconsistent with an honest purpose. A stray mark on the ballot or mark made on or in the voting indicator or near the candidate's name or space for a write-in candidate that differs from the instructions at the top of the ballot is not a distinguishing mark unless it is of such a character or is made in such a manner that it manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose. Marking the write-in space on a ballot with the name of a fictitious person, a deceased person or a person from outside the State who could not be a candidate for that office is not a distinguishing mark unless it is made in such a manner that manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose.
[PL 2005, c. 404, §1 (AMD).]

13-A. Domestic partner. "Domestic partner" means the partner of a voter who:

A. Has been legally domiciled with the voter for at least 12 months; [PL 2007, c. 122, §1 (NEW).]

B. Is not legally married to or legally separated from another individual; [PL 2007, c. 122, §1 (NEW).]

C. Is the sole partner of the voter and expects to remain so; and [PL 2007, c. 122, §1 (NEW).]

D. Is jointly responsible with the voter for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.
[PL 2007, c. 122, §1 (NEW).]

[PL 2007, c. 122, §1 (NEW).]

14. Election official. "Election official" means a warden, ward clerk, deputy warden or election clerk.
[PL 1997, c. 436, §2 (AMD).]

15. Election year. "Election year" means the calendar year within which a particular election is held.
[PL 1985, c. 161, §6 (NEW).]

16. Electoral division. "Electoral division" means an area set off for election purposes. It may include the entire State.
[PL 1985, c. 161, §6 (NEW).]

17. Enroll. "Enroll" means to enlist as a member of a political party.
[PL 1985, c. 161, §6 (NEW).]

18. Federal office. "Federal office" means the office of the United States Senator or Representative to Congress.
[PL 1985, c. 161, §6 (NEW).]

19. General election. "General election" means the regular election of state and county officials occurring biennially in November.

[PL 1985, c. 161, §6 (NEW).]

20. Immediate family. "Immediate family" means a person's spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, domestic partner, the half-brother or half-sister of a person's spouse, or the spouse of a person's half-brother or half-sister.

[PL 2009, c. 253, §2 (AMD).]

21. Incoming voting list. "Incoming voting list" means the printed list of all of the voters in a municipality that is used by election officials at a voting place to record which voters have been issued a ballot at an election. The list must include the following information for each voter and may not include any other information: name; year of birth; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots, absentee ballots or whether a voter needs to show identification before voting; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the incoming voting list relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection. The residence address for any voter whose address has been made confidential pursuant to section 22, subsection 3, paragraph B may not be printed on the incoming voting list, and the words "address is confidential" must be printed on the list instead.

[PL 2011, c. 342, §4 (AMD).]

22. Major party. "Major party" means a political party polling the greatest or the next greatest number of votes cast for Governor at the last gubernatorial election.

[PL 1985, c. 161, §6 (NEW).]

23. Members of the Armed Forces.

[PL 1985, c. 614, §3 (RP).]

23-A. Member of the merchant marine. "Member of the merchant marine" means a person, other than a member of a uniformed service or a person employed, enrolled or maintained on the Great Lakes or the inland waterways, who is:

A. Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States or a vessel of foreign-flag registry under charter to or control of the United States; or [PL 2003, c. 407, §2 (NEW).]

B. Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel described in paragraph A. [PL 2003, c. 407, §2 (NEW).]

[PL 2003, c. 407, §2 (NEW).]

24. Minor party. "Minor party" means a political party other than a major party.

[PL 1985, c. 161, §6 (NEW).]

25. Municipal committee. "Municipal committee" means a city, town or ward committee of a political party.

[PL 1985, c. 161, §6 (NEW).]

26. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation.

[PL 1985, c. 161, §6 (NEW).]

27. Municipality. "Municipality" means a city, town or plantation.

[PL 1985, c. 161, §6 (NEW).]

27-A. Official tally tape. "Official tally tape" means the first tape produced by an electronic tabulating machine that tallies the final vote totals at the conclusion of voting and that is attached to the zero tape produced by the machine prior to the start of voting.
[PL 2001, c. 310, §2 (NEW).]

27-B. Overseas voter. "Overseas voter" means:

A. A person who resides outside the United States and who was qualified to vote in the last place in which the person was domiciled in the State before leaving the United States; or [PL 2003, c. 407, §3 (NEW).]

B. A person who resides outside the United States and, except for such residence, would be qualified to vote in the last place in which the person was domiciled in the State before leaving the United States. [PL 2003, c. 407, §3 (NEW).]

[PL 2003, c. 407, §3 (NEW).]

27-C. Elections determined by ranked-choice voting. "Elections determined by ranked-choice voting" means any election described in paragraph A or B in which 3 or more candidates have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative; and [PL 2019, c. 320, §1 (AMD).]

B. General and special elections for the offices of United States Senator and United States Representative to Congress. [PL 2019, c. 320, §1 (AMD).]

[PL 2019, c. 320, §1 (AMD).]

REVISOR'S NOTE: Paragraph C and the blocked paragraph of subsection 27-C, as created by Public Law 2017, chapter 316, section 1, were vetoed pursuant to a people's veto on June 12, 2018 in accordance with the Maine Constitution Article IV, Part Third, Section 17.

28. Party. "Party" means a political organization which has qualified to participate in a primary or general election under chapter 5.
[PL 1985, c. 161, §6 (NEW).]

29. Peace officer. "Peace officer" means state police officer, local police officer, sheriff, deputy sheriff or constable.
[PL 1985, c. 161, §6 (NEW).]

30. Political committee. "Political committee" means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle.
[PL 1985, c. 161, §6 (NEW).]

30-A. Pollwatcher. "Pollwatcher" means a party worker who remains in the voting place 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.
[PL 2001, c. 310, §2 (NEW).]

31. Population. "Population" means the population determined by the last Decennial Census of the United States.
[PL 1985, c. 161, §6 (NEW).]

32. Primary election. "Primary election" means the regular election for the election of nominees of a party for the general election.
[PL 1987, c. 423, §1 (AMD).]

33. Protective counter.
[PL 2009, c. 253, §3 (RP).]

33-A. Public counter. "Public counter" means a separate counter built into a voting device that records the total number of ballots cast or tabulated on the voting device for an election.
[PL 2009, c. 253, §4 (NEW).]

34. Public official. "Public official" means a person elected or appointed to serve the people.
[PL 1985, c. 161, §6 (NEW).]

35. Question. "Question" means any proposition submitted to the voters.
[PL 1985, c. 161, §6 (NEW).]

35-A. Ranked-choice voting. "Ranked-choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.
[IB 2015, c. 3, §2 (NEW).]

36. Referendum. "Referendum" means an election for the determination of a question.
[PL 1985, c. 161, §6 (NEW).]

37. Register. "Register" means to enlist as a voter.
[PL 1985, c. 161, §6 (NEW).]

38. Registrar. "Registrar" means the registrar or deputy registrar of voters of a municipality.
[PL 1997, c. 436, §4 (AMD).]

39. Regular election. "Regular election" means an election or a referendum held at a regular time prescribed by statute.
[PL 1985, c. 161, §6 (NEW).]

40. Residence. "Residence" means that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.
[PL 1997, c. 436, §5 (AMD).]

40-A. Signature. "Signature" includes a signature stamp and a signature written by another registered voter on behalf of an individual in accordance with the procedure set forth in section 153-A and, for an individual who is unable to sign that individual's own name, a mark.
[PL 2005, c. 196, §1 (NEW).]

40-B. Residence address. "Residence address" means the street and number or other designation indicating the physical location of a person's residence.
[PL 2005, c. 453, §2 (NEW).]

41. Special election. "Special election" means an election other than a regular election.
[PL 1985, c. 161, §6 (NEW).]

42. State office. "State office" means the office of Governor, State Senator, Representative to the State Legislature or presidential elector.
[PL 1985, c. 161, §6 (NEW).]

43. Street address.
[PL 2005, c. 453, §3 (RP).]

43-A. Third person or 3rd person. "Third person" or "3rd person," with respect to an absentee ballot, means a person, other than the clerk or an immediate family member of a voter, who delivers an absentee ballot to a voter.
[PL 1999, c. 645, §1 (NEW).]

44. Township. "Township" means unorganized territory.
[PL 1985, c. 161, §6 (NEW).]

45. Treasurer. "Treasurer" means a person appointed by a candidate or a political committee to accept or disburse money to promote or defeat a candidate, party or principle. A person who collects money to be transferred to the treasurer of a candidate or committee is not a treasurer.
[PL 1985, c. 161, §6 (NEW).]

45-A. Undeclared write-in candidate. "Undeclared write-in candidate" means a write-in candidate who has not filed a declaration pursuant to section 722-A.
[PL 2009, c. 253, §5 (NEW).]

46. Uncontested office. "Uncontested office" means an office where, as of the final date for filing primary nomination petitions, either:

A. Only members of one party have filed as candidates for nomination for that office; or [PL 1985, c. 161, §6 (NEW).]

B. Only one unenrolled nominee has filed as a candidate for that office. [PL 1985, c. 161, §6 (NEW).]

[PL 1985, c. 161, §6 (NEW).]

46-A. Uniformed service. "Uniformed service" means the United States Army, Navy, Air Force, Marine Corps and Coast Guard, the commissioned corps of the United States Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration.
[PL 2003, c. 407, §4 (NEW).]

46-B. Uniformed service voter. "Uniformed service voter" means:

A. A member of a uniformed service on active duty who, by reason of active duty or service, is absent from the place of residence in the State where the member is otherwise qualified to vote; [PL 2003, c. 407, §4 (NEW).]

B. A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or [PL 2003, c. 407, §4 (NEW).]

C. A spouse or dependent of a member referred to in paragraph A or B who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote. [PL 2003, c. 407, §4 (NEW).]

[PL 2003, c. 407, §4 (NEW).]

47. Voter. "Voter" means a person registered to vote.
[PL 1985, c. 161, §6 (NEW).]

47-A. Voter participation history. "Voter participation history" means the indication in the central voter registration system of whether a voter has cast a ballot in a certain election, as reflected on the incoming voting list for that election.
[PL 2005, c. 453, §4 (NEW).]

47-B. Voting booth or voting station. "Voting booth" or "voting station" means the location within a voting place where voters may mark their ballots or record their votes screened from the observation of others. "Voting booth" or "voting station" includes the area, location, booth, table or enclosure where voting takes place and includes any voting machine, voting device or accessible voting system placed in the voting booth or voting station.
[PL 2007, c. 455, §1 (NEW).]

48. Voting district. "Voting district" means an area set off from another in the same municipality for voting purposes. It includes wards and precincts. In a municipality that has only one voting district, it means the entire municipality. The first breakdown of a municipality is a ward. Further breakdowns of a municipality are precincts.
[PL 1997, c. 436, §6 (AMD).]

48-A. Voting indicator. "Voting indicator" means the space provided for marking a vote in accordance with a particular type of ballot.

[PL 2003, c. 447, §3 (NEW).]

49. Voting place. "Voting place" means the building in which ballots are cast at an election.

[PL 1985, c. 161, §6 (NEW).]

50. Warden. "Warden" means the presiding officer at a voting place.

[PL 1985, c. 161, §6 (NEW).]

51. Write-in candidate. "Write-in candidate" means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect the candidate.

[PL 2009, c. 253, §6 (AMD).]

52. Write-in indicator. "Write-in indicator" means the space provided, in accordance with a particular type of ballot, for marking a write-in vote.

[PL 1997, c. 436, §7 (NEW).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§1,19 (AMD). PL 1985, c. 614, §§2,3 (AMD). PL 1987, c. 423, §1 (AMD). PL 1993, c. 447, §1 (AMD). PL 1995, c. 459, §1 (AMD). PL 1997, c. 436, §§1-7 (AMD). PL 1999, c. 426, §1 (AMD). PL 1999, c. 645, §1 (AMD). PL 2001, c. 310, §§1,2 (AMD). PL 2001, c. 637, §1 (AMD). PL 2003, c. 407, §§1-4 (AMD). PL 2003, c. 447, §§1-3 (AMD). PL 2005, c. 196, §1 (AMD). PL 2005, c. 364, §1 (AMD). PL 2005, c. 404, §1 (AMD). PL 2005, c. 453, §§1-4 (AMD). PL 2005, c. 568, §1 (AMD). PL 2007, c. 122, §§1, 2 (AMD). PL 2007, c. 455, §1 (AMD). PL 2007, c. 515, §2 (AMD). PL 2009, c. 253, §§1-6 (AMD). PL 2011, c. 342, §4 (AMD). PL 2017, c. 316, §1 (AMD). PL 2019, c. 320, §1 (AMD).

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