Maine: SEP campaign faced arcane ballot requirements, private property restrictions

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To obtain ballot status in the state of Maine, supporters of SEP congressional candidate Carl Cooley had to surmount numerous obstacles both in collecting and filing nominating petitions.

Political parties seeking to get on the Maine ballot, other than Democrats and Republicans, face a formidable array of legal and technical challenges. Over the past several decades US Supreme Court and lower court rulings have seriously eroded the right to free speech, holding that the property rights of shopping mall owners take precedence over the right to leaflet and solicit signatures, even in the cases where petitioning is mandated by law to obtain ballot access. Across the Unites States, the right to petition is subject to the whim of business owners and private security guards. The post-9/11 attack on democratic rights has compounded these difficulties.

The lack of guaranteed access by third party petitioners to shopping areas and other places with large concentrations of working people such as factory entrances is particularly onerous in northern Maine, where the population is widely dispersed. The half million registered voters in Maine's Second District are spread out over the geographically largest congressional district east of the Mississippi River. According to the *Almanac of American Politics*, large portions of the district have more moose than people.

It was rare for the SEP to encounter a store manager democratically minded enough to allow petitioning, even for an afternoon. It seemed beyond the comprehension of many that they were not only violating the democratic rights of our candidate but also preventing their own customers from expressing their political views. Several people defiantly signed petitions even as store managers and security guards were demanding that SEP campaigners leave their property.

SEP campaigners were refused the opportunity to petition from virtually every major retail outlet, including Wal-Mart, Home Depot, Kmart, Borders Books, Target as well as the most popular supermarket chains in Maine, Shaw's and Hanneford.

The Catch-22 situation facing petitioners was summed up by the following exchange with a security guard sent out by the manager of a Target store in Bangor.

Guard: "You can't petition here without permission."
SEP campaigner: "How do we get permission?"
Guard: "We don't give permission."

SEP petitioners confronted difficulties even in areas considered public property. An SEP team outside the post office in Bangor, which is adjacent to a federal courthouse, were told by security guards that due to post-9/11 regulations and the passage of the Patriot Act they had to take down petitioners names and other personal information, even though the SEP campaigners were standing on a public sidewalk.

At Bates College in Lewiston SEP candidate Carl Cooley and several supporters were asked to leave the campus grounds. Later, Cooley was told by a security guard that he could not petition in front of the performing arts center on the University of Maine campus in Orono. Organizers of an art festival in Bangor asked SEP petitioners to leave, citing the fear of losing their nonprofit status.

While Maine's signature requirements are not as high as some other states—it requires 2,000 registered voters for a congressional candidate—its verification requirements are Byzantine.

Maine statutes require that those seeking ballot access submit completed petitions separately to voter registrars in each locality for signature verification,

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even before submitting the total number of signatures to the secretary of state in Augusta. This procedure, which had been in place in most of the New England states, has since been struck down in Massachusetts and Vermont.

The Second Congressional District, in which the SEP is running, contains hundreds of cities and towns, some with no more than a few hundred residents, scattered across thousands of square miles. The largest city in the district, Lewiston, has just 30,000 residents.

In the course of a day a petitioner would normally meet voters from dozens of different towns. This necessitated that each campaigner maintain a ream of petitions, a separate sheet for each locality in the area. Simply finding the correct sheet could cost several minutes for each signature obtained.

The process for petition filing might better be named "The Maine Notary Public Full Employment Act." State election law requires that each of the hundreds of separate petitions submitted for verification be witnessed and stamped by a notary public. Finding notary publics willing to sign and seal hundreds of petitions, a process that required many hours, proved to be a serious and costly challenge.

After gathering and notarizing signatures, SEP supporters had to spend additional hours sorting, addressing, stuffing and mailing petitions to local voter registrars. Each envelope mailed had to contain a self-addressed return envelope bearing correct postage. This procedure had to be followed even if there were only one or two signatures to be verified in a particular town—a cost of about $1.00 per signature including posting, excluding the envelope.

Once verified by local voter registrars, Maine election law puts the onus on the candidate to retrieve petitions and submit them to state officials by the June 1 filing deadline. There appeared to be divergent views among local voter registrars over the period within which their offices had to verify and return signatures. A clerk in Bangor, for example, said they had five business days, a rule, which if strictly adhered to, would have meant that scores of SEP petitions submitted to registrars on May 25, the final day for petitioning, would have still been sitting in clerks' offices on June 1.

There are other petty rules. For example, Maine has the odd requirement that information on petition sheets—candidate name, address office sought—cannot be preprinted. The SEP campaign faced the time consuming task of filling in hundreds of petition sheets by hand, creating the possibility of copying errors leading to the potential invalidation of entire petition sheets.

Despite these obstacles the SEP successfully collected and submitted 3,000 signatures, well over the required 2,000 signatures needed to place Carl Cooley on the ballot. The ability of the SEP in Maine, with its relatively limited resources, to meet this goal is a significant accomplishment, which underscores the growing support for the party's program among layers of workers, students and professionals.

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