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# Maine Voting Residence Fact Sheet

Elections Division of the Secretary of State

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# Maine Voting Residence Fact Sheet

## *Prepared by the Elections Division of the Secretary of State, August 2012*

### Eligibility to Register and Vote in Maine

To be eligible to register to vote in Maine, you must:

- Be a citizen of the United States;
- Be at least 17 years of age (you must be at least 18 years of age to vote, except that in primary elections you may vote if you are 17 but will be 18 by the general election);
- **Have established and maintain a voting residence** in the municipality (i.e. city, town, plantation or unorganized township) where you seek to register.

### Maine Voting Residence

“Residence” is defined in the Maine election law (Title 21-A, section 112(1)) as “that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.” Note that this definition has two components: 1) the establishment of a fixed and principal home in a given place, and 2) the intent to return there whenever temporarily absent.

Under this definition, residence is something that you **establish**, not something you **choose**.

You may offer any of the following factors, which the Registrar of Voters may consider in determining whether you have established a residence in a particular municipality in Maine:

- a direct statement of your intention to reside at a particular place;
- the location of any dwelling you currently occupy;
- the place where you have registered your motor vehicle (if you own the vehicle);
- your current income tax return showing your residence address;
- the residence address where your mail is received;
- the residence address on your current hunting or fishing license;
- the residence address shown on your driver’s license;
- your eligibility for public benefits based on residency; or
- any other objective facts that tend to indicate your place of residence.

### Residency and Domicile

Maine courts have held that voting residency as defined in Maine’s election statutes is equivalent to the common law concept of **domicile**. Whereas “residence” typically refers to the location where you physically reside, domicile means something more. In order to establish domicile, you must intend to make a place your home, and not just physically live there.

Once you have established a fixed and principal home where you live, that home is assumed to be your domicile until you establish a new one. Changing your domicile usually requires **action** -- moving some place -- **and intent** -- intending for the new place to become your home. You may live in two different homes during different parts of the year, but as a matter of law you can have only one domicile and thus only one voting residence. Therefore, when you complete a voter registration application, you must provide an address where you were previously registered to vote (either within or outside of Maine), unless you are registering to vote for the first time.

## Consequences of Declaring Your Voting Residence (by Registering to Vote) in Maine

You should be aware that if you register to vote in Maine, you will be deemed to have declared residency in Maine, which may have consequences for compliance with other Maine laws, including the motor vehicle laws and tax laws. If you drive a car in Maine, you are required to obtain a Maine driver's license within thirty days of establishing residency here. Driving without a Maine license more than ninety days after you have established residency in the state is a crime under Maine law. If you are a resident of Maine and own a vehicle here, state law also requires you to register that vehicle in Maine within thirty days of establishing residency. By declaring Maine as your voting residence, you may be treated as a resident of Maine for income tax purposes and be subject to Maine income tax.

## Residency requirements for students, military personnel, incarcerated persons, and citizens living outside the United States

***Students.*** If you are a student, you have the right to register in the municipality in Maine where you attend school, **provided you have established a voting residence there** as defined in Maine's election laws and explained above. You can establish a voting residence at your Maine school address if you have a present intention to remain at that address for the time being, whether that residence is a dorm, apartment, house or even a hotel. Maine law expressly provides that you will not gain or lose residency solely because of your presence in or absence from the state while attending school, and this provision may not be interpreted "to prevent a student at any institution of learning from qualifying as a voter" in the town "where the student resides while attending" that school. In other words, as a student, you must meet the same residency requirements as all other potential voters. You must first determine where you have established residency and then register to vote there. If you pay "**out-of-state tuition**" as a student at a Maine college or university, that **does not preclude you from establishing residency in Maine for voting purposes**. If you have established residency in another municipality or state, you may vote by absentee ballot in that state.

If you lived in Maine prior to attending school and you wish to establish or keep your voting residency in Maine at that location (e.g., at your parents' home address)- you may do so as long as you have not already registered to vote in another state. Maine students may keep their voting residency even if they move out of the county, state, or country to attend school. The only way you will lose this residency is if you "abandon" it by asserting residency in a new state. If you have registered to vote in another state, you will have to re-qualify as a Maine resident by providing proof of residency before you can register.

***Uniformed Service Voters.*** If you are a member of the uniformed service, and are qualified to register to vote, you do not gain or lose residency solely because of your presence or absence while on active duty in the uniformed service. Generally, the home of record that you claim for your service branch is your established residency for voting purposes. If that legal residence is in Maine, you may register to vote at that address. Your spouse or dependents may have the same voting residence as you do, or they may have established and maintain a separate residence where they would register to vote.

***Citizens living outside the United States (also called "Overseas Voters").*** If you are qualified to register to vote, but you reside outside the United States and you do not maintain a fixed and principal home or other address in Maine, you may register and enroll using the last residence address where you lived in Maine immediately before leaving the United States.

***Incarcerated persons.*** If you are incarcerated in a correctional facility or in a county jail, you are entitled to register to vote in the Maine municipality where you previously established residency (a fixed and principal home to which you intend to return) prior to incarceration.