

## Keeping Polls Open Late Because of Excessive Registration Purging

*Maine Democratic Party v. City of Portland*  
(*Kermit V. Lipez, D. Me. 2:00-cv-360*)

On the afternoon of the 2000 general election, Maine's Democratic Party and a voter filed a federal complaint against the City of Portland in the District of Maine's Portland courthouse seeking an extension of polling hours and other immediate relief from Portland's allegedly improper purging of voter registrations.<sup>1</sup> Apparently, Portland had purged from its registration rolls voters who should not have been purged, and the purged voters had to wait in a long line at city hall to correct the errors before they could vote.<sup>2</sup>

All three district judges were out of town, but Circuit Judge Kermit Victor Lipez, whose chambers are in Portland, was available.<sup>3</sup> The district court now ensures that one of its judges is always available on election day.<sup>4</sup>

Judge Lipez got the call to preside over the case at 4:40 p.m.<sup>5</sup> At approximately 6:00 p.m., he held an evidentiary hearing.<sup>6</sup> At approximately 7:15, at the end of the hearing, Judge Lipez ruled against keeping the polls open late because it would have been too disruptive.<sup>7</sup> Judge Lipez ruled that the city was in violation of the National Voter Registration Act.<sup>8</sup> He ordered the city to allow voters to correct registration errors at their polling places, rather than only at city hall, and he ordered that anyone in line by 8:00 p.m. be permitted to vote.<sup>9</sup>

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1. Complaint, *Me. Democratic Party v. City of Portland*, No. 2:00-cv-360 (D. Me. Nov. 7, 2000), D.E. 1.

2. See Eric Blom, *Error Removes Hundreds from Portland Voter Lists*, *Portland Press Herald*, Nov. 8, 2000, at 5A.

3. Interview with Hon. Kermit V. Lipez, June 19, 2012. Tim Reagan interviewed Judge Lipez for this report by telephone.

4. *Id.*

5. *Id.*

6. Docket Sheet, *Me. Democratic Party*, No. 2:00-cv-360 (D. Me. Nov. 7, 2000); Audio Transcript of Evidentiary Hearing, *id.* (Nov. 7, 2000).

7. Audio Transcript of Evidentiary Hearing, *supra* note 6; see Blom, *supra* note 2.

8. Order, *Me. Democratic Party*, No. 2:00-cv-360 (D. Me. Nov. 7, 2000), D.E. 4 (noting, in particular, violation of § 1973gg-6(e)(1) and (2)(A)); see Pub. L. No. 103-31, 107 Stat. 77 (1993), *as amended*, 42 U.S.C. §§ 1973gg to 1973gg-10 (2012).

9. Order, *supra* note 8.