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)

A large number of voters went to the polls in Portland, Maine, for the 2000 general election to discover that their voter registrations had been canceled. Poll workers referred them to city hall, where lines grew very long. On the afternoon of the election, the Democratic Party sought a temporary restraining order to keep the polls open an extra two hours. All district judges were out of town, so a local circuit judge heard the motion. The judge declined to keep the polls open late but ordered the polls to let voters correct registration errors at the polls and ordered that all voters in line by the time the polls closed be able to vote.

Subject: Poll hours. *Topics:* Registration challenges; National Voter Registration Act; polling hours.

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.[1] 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.[2]

All three district judges were out of town, but Circuit Judge Kermit V. Lipez, whose chambers were in Portland, was available.[3] The district court later ensured that one of its judges would always be available on election day.[4]

Judge Lipez got the call to preside over the case at 4:40 p.m.[5] At approximately 6:00, he held an evidentiary hearing.[6] 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.[7] Judge Lipez ruled that the city was in violation of the National Voter Registration Act.[8] He ordered the city to

---

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 Recording of Evidentiary Hearing, *id.* (Nov. 7, 2000).

7. Audio Recording 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 42 U.S.C. § 1973gg-6(e)(1) and (2)(A), *now* 52 U.S.C. § 20507(e)(1)

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 be permitted to vote.[9]

---

and (2)(A)); *see* Pub. L. No. 103-31, 107 Stat. 77 (1993), *as amended*, 52 U.S.C. §§ 20501–20511 (2021). *See generally* Robert Timothy Reagan, Motor Voter: The National Voter Registration Act (Federal Judicial Center 2014).

9. Order, *supra* note 8.