

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
OFFICE  
OF THE  
SECRETARY OF STATE

CHARLES E. SUMMERS, JR.  
SECRETARY OF STATE

January 18, 2011

Honorable Nichi S. Farnham  
Chair, Joint Standing Committee on Veterans and Legal Affairs  
100 State House Station  
Augusta, Maine 04333-0100

Honorable Michael G. Beaulieu  
Chair, Joint Standing Committee on Veterans and Legal Affairs  
100 State House Station  
Augusta, Maine 04333-0100

Dear Senator Farnham, Representative Beaulieu and Members of the Committee:

Maine election law, Title 21-A §195, requires the Secretary of State to report annually “on the administration of the central voter registration system.” The law permits that the report may address issues of “public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process.” The law further provides that the “report may include suggested legislation necessary to administer the central voter registration system.” I am pleased to present the 2011 report.

The 2010 election cycle generated significant interest and activity with the large number of candidates for governor in both the primary and general elections and the number of contested legislative races. The gubernatorial election cycle was the second primary and general election cycle in which Maine’s Central Voter Registration System (CVR) was used by all municipal election officials to conduct their voter registration and absentee voting activities. As in the 2008 election cycle, the CVR was again put to the test and succeeded. The system, maintained by the Department of the Secretary of State, and containing over one million voter records, was regularly accessed and updated over the internet in real time by municipal clerks and registrars from over 500 municipal jurisdictions. Not only did the CVR help election officials smoothly administer a very busy and closely watched election; it also facilitated the use of innovative online citizen services accessed through Maine’s eDemocracy website. While there is still work to be done to assure the CVR contains the most complete and accurate data possible, and that it best serves local election officials and Maine’s voters, it is worth noting its success.

### **CVR Background and Overview**

In 2001, the Maine Legislature enacted legislation requiring the Secretary of State to establish a Central Voter Registration System (CVR) for the State of Maine by December 31, 2007. The following year Congress, as part of the 2002 Help America Vote Act (HAVA) election reforms, similarly required that every state develop a statewide voter registration system.

By the spring of 2007, the Department of the Secretary of State had fully implemented the CVR, meeting the requirements of the State law and federal law. The Department successfully deployed all required CVR infrastructure, including municipal equipment and network connectivity; the CVR application, *ElectioNet*, became fully operational; voter registration data from all municipal jurisdictions were loaded into *ElectioNet*; and election officials from all municipalities received initial training on how to use the new system.

The CVR is, at its core, the system used by municipal clerks and registrars from over 500 municipal jurisdictions to maintain voter registration records and to administer key election management activities, such as issuing and tracking absentee ballots and printing the incoming voting lists that are used to check voters in at voting places on Election Day. With all municipal voter registration data loaded into the CVR, the Department and municipal election officials are now able to realize the full benefits of an integrated system. Municipal election officials have a versatile voter registration system that requires no local licensing or maintenance fees, and that facilitates voter registration and election activities. The CVR allows clerks and registrars to share information through the use of electronic notices, assuring that when a voter registers in a new municipality, the voter's old record is appropriately and automatically removed from the municipality of prior registration, saving the election officials both time and mailing costs. The CVR also allows the Department to efficiently complete activities that were once left to municipalities to perform. These activities include mandatory federal reporting of voter registration statistics and Election Day voting information; and the conduct of voter list maintenance functions required by the National Voter Registration Act of 1993 (NVRA). The Department, in cooperation with municipalities, has worked to identify and remove records of deceased voters, and continues to work to identify for removal duplicate records that existed before statewide implementation of the CVR.

### **CVR Funding**

The implementation and ongoing maintenance of the CVR has been paid for with federal HAVA funds along with the required 5% State matching funds. Prior to 2007, the Department applied for and secured the full amount of federal HAVA funds for which Maine was eligible, based on federal appropriations at that time. Congress, however, had not fully funded HAVA. Anticipating significant ongoing costs of maintenance and administration of the CVR along with the other HAVA requirements, Maine and other states successfully sought and received additional appropriations between 2007 and 2009, bringing the federal appropriations closer to the original authorizations in HAVA.

Maine is now eligible for \$1,425,000 in new federal funds. To obtain these funds, Maine will need to document that it has obtained \$75,000 in State matching funds. In June of 2009, the Legislature provided \$30,263 in matching funds, pursuant to language included in the Supplemental Appropriations and Allocations law (P.L. 2009 Ch. 1). As of the end of 2010, the remaining State match of \$44,737 has now accrued in the Central Voter Registration Other Special Revenue Account, in which monies received from the sale of voter registration data are deposited. Our office will now work on completing the other requirements precedent to receiving the federal funds during 2011.

### **2010 Election Cycle**

In 2010, the CVR was put to the test. Clerks and Registrars across the State were able to efficiently process 50,761 new voter registrations; 75,136 registration changes (such as party enrollment changes or new addresses); and 29,623 registration cancellations. The CVR was also used to successfully process 39,264 absentee ballot requests in the Primary Election and 148,984 absentee ballot requests in the General Election, including 1,347 ballot requests processed by the Elections Division for the Uniformed Service and Overseas Voters.

Data provided by the CVR allowed the Department, in partnership with InforME, to continue to offer innovative citizen services. The Voter Information Look-up Service allows citizens to find the name and address of their voting place; to quickly find information about all the candidates for office in their district; and to find contact information for their municipal officials. The CVR allowed the State to monitor and audit its Online Absentee Ballot Request Service, to assure that all requests were properly processed.

By the time the polls closed on November 2<sup>nd</sup>, 580,538 Maine voters had cast their ballots in the General Election. The municipal clerks are working on completing the voter participation history (VPH) for the election, which captures the names of voters who voted either in person or by absentee ballot for the election. Although this effort was delayed until the conclusion of the statewide referendum recount in mid-December, the project is now well underway. As of this date, with 65% of the municipalities having completed their VPH, the following are the numbers of voters by party enrollment who voted in the 2010 General Election:

- 183,942 Democrats
- 14,934 Green Independents
- 170,057 Republicans
- 144,420 Unenrolled Voters

This data confirms that all three currently qualified political parties has retained their party qualification, pursuant to 21-A M.R.S.A. section 301, subsection 1(E).

### **Ongoing Obligations, Improvements and Enhancements**

In addition to its election-specific CVR activity, the Department has ongoing responsibilities to maintain the system and provide support to its municipal partners in the election process. The

Department maintains and staffs a toll-free Help Desk to provide assistance to municipal clerks and registrars, as needed, and offers annual refresher training. In 2010, there were almost 2,700 calls handled by the CVR Help Desk. Additionally, the Department continues to work with the *ElectioNet* software vendor and municipal users to introduce new or enhanced functionality that was not required at the outset. For example, the Department is implementing a robust petition module which will streamline the certification of statewide and municipal citizen initiative and candidate petitions; and also is designing a module that will facilitate redistricting.

#### **Issues with Administration of the CVR**

As we maintain the CVR, our office will continue to rely on municipal expertise and cooperation. Continued collaboration is essential to maintaining a functional and successful system.

As previously noted, the CVR is a statewide system maintained by the Department, and accessed by municipal clerks and registrars over the Internet. Clerks and registrars in over 500 municipalities are primarily responsible for voter record maintenance, including: adding new voter records; updating records with address changes, party changes, or other changes; and entering election participation history. Consequently, as we noted in previous reports, the success and accuracy of the CVR relies not only on the Department performing its system maintenance duties, but also on the accurate and timely use of the system by municipal clerks and registrars. Updates and changes are made in real-time and are immediately visible to authorized Department staff. This provides the Department with an unprecedented view of municipal compliance with election laws and procedures.

With this visibility, as the Department identifies issues, staff has worked with municipalities to resolve the problems on an expedited basis. It is worth noting, however, that with limited staff resources, and without direct enforcement authority, the Department is restricted in its capacity to rectify issues. For example, an individual may request from the Department a file detailing statewide voter participation history. If a significant number of municipalities has not completed the voter participation history for a given election in a timely manner, the file provided by the Department will be incomplete. The requestor will look to the Department for the missing data; however, without municipal assistance there is no way for us to remedy the matter. As these issues arose throughout 2010, the Department staff worked to streamline and target reminders in an effective manner. As we continue to analyze the completeness and accuracy of the required post-election activities, it will be important that such efforts take into account limited staff resources and are conducted in a cost efficient manner.

#### **CVR Data: Use and Distribution Recommendations**

The 2008 election cycle provided our first opportunity to learn how the laws governing use and distribution of CVR data worked and what might be improved. In the last report, our office recommended legislation to reflect what we had learned. The 124<sup>th</sup> Legislature enacted these changes as Chapter 564 of the Public Laws of 2009, which became effective on July 12, 2010.

During the 2010 election cycle, we gained even more experience with providing CVR data to parties, candidates and issue campaigns, and groups conducting get-out-the-vote activities. We found the new laws on access to CVR data were very easy to understand and administer. Further, in the fall of 2010, the Legislative Subcommittee of the Right to Know Advisory Committee reviewed Maine's statute on access to voter registration data from the CVR, and recommended that no changes be made. This recommendation was accepted by the full Right to Know Advisory Committee. Accordingly, at this time, we are not recommending any further changes to the laws governing use and distribution of voter registration data from the CVR.

Throughout the Department's effort to deploy the CVR and through its first uses, our primary objective has been to seamlessly implement a reliable system that facilitates the voter registration process and assures the accuracy and integrity of Maine's elections. I am confident that we have met and exceeded that goal, and we have begun to enjoy many additional benefits of the CVR.

I look forward to working with you as you consider this report, and as our Department continues to maintain the CVR, administer other HAVA initiatives and fulfill its ongoing obligations. As always, you may contact me at 626-8400 if I can provide you with any additional materials, answer any questions, or assist you in any way.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Summers, Jr.", written in a cursive style.

Charles E. Summers, Jr.  
Secretary of State