

MAINE STATE LEGISLATURE

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**Report on Information Provided to Voters Regarding
Statewide Referendum Questions**

*Prepared for the 123rd Maine Legislature
Pursuant to the Public Laws of 2005, Chapter 575*

September 1, 2006



*Prepared by the Department of the Secretary of State
Secretary of State Matthew Dunlap*

I. Introduction

The 122nd Legislature enacted Chapter 575 of the Public Laws of 2005 entitled “An Act to Implement the Recommendations of the Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access”. Sections 9 and 11 of the public law require the Secretary of State to report to the Joint Standing Committee on Legal and Veterans Affairs on information provided to voters regarding statewide referendum questions on the ballot and to work collaboratively with the Commission on Governmental Ethics and Election Practices on providing information about direct initiatives.

II. Background

During the first session of the 122nd Legislature, the Joint Standing Committee on Legal and Veterans Affairs considered several bills regarding voting procedure, the citizen initiative process and minor party ballot access, and enacted Chapter 127 of the Resolves of 2005, which created The Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access (hereafter “the Commission”). The Commission met in 2005 to study these matters, and presented its report to the Legal and Veterans Affairs Committee (hereafter “the Committee”) during the Second Session of the 122nd Legislature. The report contained a significant amount of information on the citizen initiative process both in Maine and other states, including a reference to a report published by the National Conference of State Legislators in July 2002, *Initiative and Referendum in the 21st Century – The Final Report and Recommendations of the I&R Task Force*. As a result of the Commissions’ report, and further discussion by the Committee, the Legislature enacted Chapter 575.

The 122nd Legislature enacted two additional laws that enhanced the information provided to voters regarding statewide ballot questions. LD 870, “An Act to Increase Access to Information Regarding Referendum Questions”, which was enacted as Public Law 2005, chapter 316, requires a fiscal note showing the impact to the general fund of a ballot question. The law requires that this fiscal note be included as part of the intent and content statement published by the Secretary of State in all of the statewide newspapers prior to the election. This law also allows statements for and against the ballot measure to be included in the Citizens Guide to the Referendum Election, both in printed form and on the Department’s website, for a fee of \$500. Our office adopted major substantive rules to implement this law (Chapter 520, “Rules Regarding Publication of Public Comments on Statewide Referenda”), and is in the process of producing the State’s first citizens’ guide including such public comments.

Another bill was LD 929, “An Act to Create Freedom of Citizen Information Regarding Ballot Questions”, which was enacted as Public Law 2005, chapter 356. This law makes changes to the petition that is circulated in order to place an initiative on the ballot. Chapter 356 requires a statement to be printed at the top of each petition form, informing each signer that they must be given the opportunity to read the summary and stating the cost of placing a citizen initiative on the ballot. A summary of the proposed law must be printed below that statement. Our office has fully implemented this law, by including the required statements and summary on every petition form that has been issued for circulation since the law’s enactment.

III. Analysis of PL 2005, Chapter 575, Sections 9 and 11

PL 2005, Chapter 575, Section 9. Secretary of State to report on information provided to voters regarding statewide referendum questions on ballot. By September 1, 2006, the Secretary of State using existing budgeted resources shall issue a report to the Joint Standing Committee on Legal and Veterans Affairs that examines voter awareness in other states that mail voter information pamphlets on statewide referendum questions directly to voters. The report must include suggestions for improving the way information is provided to voters regarding statewide referendum questions in this State.

Given existing budgeted resources, our office was able to contact twenty-three states having statewide initiative or referendum ballot issues. We administered a telephone survey to determine whether these states publish a voter guide and distribute that guide by mail to voters or voter households, and whether the State Elections entity or any other entity has conducted a study of the impact on voter awareness of mailing voter information pamphlets on statewide referendum questions directly to voters.

Although most of the states contacted do publish some type of voter information, either in a comprehensive guide or booklet format or in an abbreviated legal notice in the newspaper, and several of the states mail the voter pamphlets to all voters or voter households, none of the states has conducted any study of voter awareness in their state. To our knowledge, no one has conducted a rigorous, controlled study of voter awareness in any state, based on distribution of voter information of this type. Such a study would need to include a statistically significant random sampling of the voter population in those states. Several of the states expressed their belief that voter awareness is improved by their production of a voter guide, while others stated that they produce the guide because it is required by their constitution or laws, and hadn't given any thought to the impact on voter awareness. (See Appendix A for a summary of our survey information.)

With regard to suggestions for improving the way information is provided to voters in Maine, we respectfully suggest that the Legislature wait until the impact of the new laws (Public Law 2005, chapters 316 and 356) is known (after the November 7, 2006, General Election) before proposing any further changes to the way information is provided to voters.

PL 2005, Chapter 575, Section 11. Secretary of State and Commission on Governmental Ethics and Election Practices to work collaboratively on providing information about direct initiatives. By September 1, 2006, the Secretary of State and the Commission on Governmental Ethics and Election Practices shall jointly develop a plan to provide information on their respective public accessible websites directing the public to information currently published and available about direct initiative petitions and campaign finance reports filed relative to those direct initiative petitions and submit that plan to the Joint Standing Committee on Legal and Veterans Affairs.

As included in the report by the Commission on Governmental Ethics and Election Practices, pursuant to PL 2005, Chapter 575, the Secretary of State intends to establish a link on its website (under the Citizen Initiatives/People's Veto menu and the accompanying web page that lists the citizen initiatives and people's veto petitions that are currently circulating), which will direct the public to the Ethics Commissions' website for information about campaign finance reports relating to the current initiatives. The Ethics Commission has already established a link directing the public to the ballot initiative section of the Secretary of State's website.

Appendix A
Table indicating voter guide production
Prepared by the Office of the Secretary of State

State	Required to produce guide?	How distributed	Study on effect on voter awareness
Alaska	Yes	Mailed to registered voters; posted on web site	No
Arizona	Yes	Mailed to registered voters; contracted through U.S. Postal Service	No
California	Yes	Mailed to all households with at least 1 active registered voter	No
Colorado	Yes	Mailed to all households with at least 1 active registered voter	No
Florida	Yes	Mailed to county election offices – available at polling places; posted on web site	No
Idaho	Yes	Mailed to all households with at least 1 active registered voter; posted on web site	No
Illinois	No		
Massachusetts	Yes	Mailed to all residents; posted on web site	No
Michigan	No	Information is posted on web site	
Mississippi	No	Published in newspaper only	
Missouri	No	Posted on web site	
Montana	Yes	Mailed to all households with at least 1 active registered voter; posted on web site	No

Appendix A
Table indicating voter guide production
Prepared by the Office of the Secretary of State

State	Required to produce guide?	How distributed	Study on effect on voter awareness
Nebraska	No	Published in all newspapers	No
Nevada	Yes	Posted on web site; hard copy available by request	No
North Dakota	No	Measures analysis posted on web and in county offices only	
Ohio	Yes	Provided to each voting place; printed three times in newspapers; posted on web site; available in libraries and town offices	No
Oklahoma	No		
Oregon	Yes	Mailed to all households with at least 1 active registered voter; posted on web site; available at county election offices and post offices	No
Utah	Yes	Sent to counties for distribution; available at libraries; posted on web site	No
Washington	Yes	Mailed to every household	No