

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1284

S.P. 436

In Senate, April 4, 2017

An Act To Require Election Transparency and Audits

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative HICKMAN of Winthrop and
Senators: CARPENTER of Aroostook, MASON of Androscoggin, SAVIELLO of Franklin,
VOLK of Cumberland, Representatives: CASÁS of Rockport, FARRIN of Norridgewock,
GOLDEN of Lewiston, LUCHINI of Ellsworth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 21-A MRSA §610** is enacted to read:

3 **§610. Election transparency**

4 **1. Transparency of election procedures.** The Secretary of State shall publish a
5 guide to election procedures for public distribution and revise the guide annually to
6 reflect current law, rules and procedures regarding elections. The guide must describe:

7 A. Rules regarding polling places and the conduct of elections;

8 B. Devices and software used to capture, interpret or tally votes and the capabilities
9 and deployment of the devices and software;

10 C. Duties of election officials on, before and after election day;

11 D. Opportunities for citizens to monitor election procedures; and

12 E. Other election laws, rules or procedures that the Secretary of State determines
13 appropriate for the public interest.

14 **2. Duties of election officials.** For each election, an election official shall complete
15 and return to the Secretary of State:

16 A. A completed checklist of election procedures for the election official's voting
17 place; and

18 B. A ballot reconciliation form that accounts for ballots delivered, ballots voted,
19 absentee ballots mailed and returned, spoiled ballots, unused ballots, challenged
20 ballots and ballots unaccounted for.

21 Each completed form required under this subsection must be signed by the municipal
22 clerk and one other election official. The Secretary of State shall provide the forms
23 required under this subsection and direct the manner in which the forms must be
24 completed and returned to the Secretary of State.

25 **3. Election complaints.** The Secretary of State shall develop an election complaint
26 process that an election official and the public can use to report excessive wait times,
27 noncompliance with election procedures or other concerns about the election process.
28 Instructions for filing a complaint under this subsection must be included in the guide to
29 election procedures under subsection 1 and posted at all polling places. The Secretary of
30 State shall keep a record of and make public each complaint received under this
31 subsection and any action taken in response to that complaint.

32 **4. Maintenance of central voter registration system.** The Secretary of State shall
33 routinely monitor the central voter registration system and, at least once every 2 years,
34 use the best means available to identify and resolve instances of a person registered in the
35 system who is:

36 A. Registered in more than one municipality in the State;

37 B. Registered or has voted in another state;

1 C. Not a citizen of the United States; or

2 D. Deceased.

3 **5. Election report.** Within 12 months after a general election, the Secretary of State
4 shall submit a report to the Legislature that includes for all elections since the prior
5 general election:

6 A. A summary of all forms submitted under subsection 2;

7 B. A summary of all election complaints under subsection 3;

8 C. A summary of voters removed from the central voter registration system under
9 subsection 4;

10 D. A summary of any recounts conducted, including a description of any
11 discrepancies in vote totals and explanations for discrepancies when available; and

12 E. Recommendations for the remedy of any problems identified in the election
13 process at the state or local level.

14 **6. Rules.** The Secretary of State may adopt routine technical rules as defined in Title
15 5, chapter 375, subchapter 2-A to carry out the purposes of this section.

16 **Sec. 2. Deadline for publishing guide to election procedures.** The Secretary
17 of State shall publish a guide to election procedures pursuant to the Maine Revised
18 Statutes, Title 21-A, section 610, subsection 1 no later than December 2, 2018.

19 **Sec. 3. Secretary of State to develop pilot program for risk-limiting post-**
20 **election audits.** The Secretary of State shall conduct a study and develop a pilot
21 program for conducting a post-election audit based on statistical principles designed to
22 limit the risk that election returns may produce an incorrect outcome and by December 2,
23 2021 submit a report based upon the study with any recommended legislation to the joint
24 standing committee of the Legislature having jurisdiction over veterans and legal affairs.
25 The joint standing committee may report out a bill based upon the report to the Second
26 Regular Session of the 130th Legislature.

27 **SUMMARY**

28 This bill requires the Secretary of State to:

29 1. Publish a guide to election procedures for public distribution and revise the guide
30 annually to reflect current law, rules and procedures regarding elections;

31 2. Provide local election procedure and ballot reconciliation forms for local election
32 officials to complete;

33 3. Develop an election complaint process;

34 4. Routinely monitor the central voter registration system;

- 1 5. Report to the Legislature on certain election issues within 12 months of a general
- 2 election; and
- 3 6. Develop a pilot program for conducting a post-election audit.