

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 1026

---

H.P. 756

House of Representatives, February 28, 2019

### An Act To Require Election Transparency

---

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HUBBELL of Bar Harbor.  
Cosponsored by Senator BELLOWS of Kennebec and  
Representative: HICKMAN of Winthrop, Senator: SANBORN, L. of Cumberland.

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. Data sharing.** The Secretary of State shall maintain automatic voter registration  
33 information. The Secretary of State shall contract with a nonprofit corporation of  
34 member states to comply with this subsection.

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

- 1 A. A summary of all forms submitted under subsection 2;
- 2 B. A summary of all election complaints under subsection 3;
- 3 C. A summary of voters removed from the central voter registration system since the
- 4 prior general election;
- 5 D. A summary of any recounts conducted, including a description of any
- 6 discrepancies in vote totals and explanations for discrepancies when available; and
- 7 E. Recommendations for the remedy of any problems identified in the election
- 8 process at the state or local level.

9 **6. Rules.** The Secretary of State may adopt routine technical rules as defined in Title  
10 5, chapter 375, subchapter 2-A to carry out the purposes of this section.

11 **Sec. 2. Deadline for publishing guide to election procedures.** The Secretary  
12 of State shall publish a guide to election procedures pursuant to the Maine Revised  
13 Statutes, Title 21-A, section 610, subsection 1 no later than December 2, 2019.

14 **Sec. 3. Study of post-election ballot audits and recounts.** The Secretary of  
15 State shall establish an ad hoc committee, composed of state and municipal election  
16 officials, election security advocates and registered voters, to conduct a study of best  
17 practices in post-election ballot audits, recounts and the intersection of audits with  
18 recounts. The study must include nonbinding, postcertification pilot audits of both  
19 plurality and ranked-choice elections. The Secretary of State shall by December 6, 2023  
20 submit a report based upon the study with any recommended legislation to the joint  
21 standing committee of the Legislature having jurisdiction over election matters. The joint  
22 standing committee may report out a bill based upon the report to the Second Regular  
23 Session of the 131st Legislature.

24 **Sec. 4. Membership agreement with Electronic Registration Information**  
25 **Center, Inc.** Pursuant to the Maine Revised Statutes, Title 21-A, section 610,  
26 subsection 4, the Secretary of State shall enter into a membership agreement with  
27 Electronic Registration Information Center, Inc. on behalf of the State. The agreement  
28 must include terms providing for the periodic sharing of data, including, but not limited  
29 to, voter names and addresses, among the Electronic Registration Information Center,  
30 Inc., the central voter registration system of the Department of the Secretary of State,  
31 Bureau of Motor Vehicles and any other automatic voter registration agency designated  
32 by the Secretary of State.

## 33 **SUMMARY**

34 This bill requires the Secretary of State to:

- 35 1. Publish a guide to election procedures for public distribution and revise the guide
- 36 annually to reflect current law, rules and procedures regarding elections;
- 37 2. Provide local election procedure and ballot reconciliation forms for local election
- 38 officials to complete;

- 1           3. Develop an election complaint process;
- 2           4. Maintain automatic voter registration information and contract with a nonprofit
- 3           corporation of member states to maintain the information;
- 4           5. Report to the Legislature on certain election issues within 12 months after a
- 5           general election; and
- 6           6. Conduct a study of post-election audits and recounts.