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STATE OF MAINE

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SECRETARY OF STATE

CHARLES E. SUMMERS, JR.
SECRETARY OF STATE

January 13, 2012

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 (CVR)." The law permits that the report "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, the potential disenfranchisement of voters and to ensure voters are not discouraged from participating in the voting process." The following is the required 2011 report.

On January 18, 2011, I presented the 2010 CVR report to this committee. In that report, I told you that we have been able "to seamlessly implement a reliable system that facilitates the voter registration process and assures the accuracy and integrity of Maine's elections." Over the past 12 months, I have been able to more closely examine the information that is in the CVR, and cannot reiterate the same sentiment for the 2011 report.
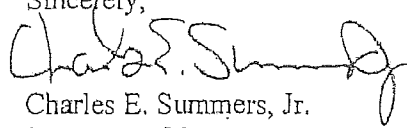
Many of the deficiencies of the current election system, which I have highlighted on previous occasions, are attributable to human clerical omissions and errors. The fact is that the valuable information contained within CVR is only as accurate and reliable as the human vetting and data entry process. As I stated on September 21, 2011, when investigating previous cases of potential voter fraud, there was an 84% clerical error rate. My office continues to identify clerical errors in CVR. The majority of these errors surround the process of voter registration – such as clerks accepting incomplete voter registration cards or accepting voter registration cards that clearly identify persons who are not eligible to vote. Once the card is accepted – even when it should not have been – by a clerk or registrar and entered into CVR, it becomes part of the data we rely on to run what we then assume to be a secure and efficient election.

On numerous occasions, including my remarks given on September 21, 2011, I have expressed my deep concerns regarding persons registering to vote and voting in Maine elections contrary to law. These past 12 months and the examination of various voter records has heightened these concerns. Although Maine's CVR does provide multiple benefits such allowing us to search for potential invalid registrations and dual voting, the current election system itself remains vulnerable. Based on the initial sampling of voters that I reported on last September, showing the presence of non-citizens on Maine's voter rolls, I felt it was necessary to expand our review of voter registration data. The data that we have gathered and reviewed over the past couple of months suggests that a substantial number of non-citizens (over 150) may have registered to vote, and approximately one third of that number may have actually voted in elections over the past few years. I have turned this information over to the Attorney General for further investigation and to pursue whatever action he deems appropriate.

The discovery that any person may have voted illegally raises grave concerns. Illegal voting strikes at the very foundation of our representative democracy and could effect the outcome of elections, which in a few instances in the recent past, have been decided by a handful of votes.

Attached as Appendix A, is information regarding the administration of CVR including its description, history, some of the benefits, statistics of activity and data maintenance, as well as upcoming enhancements and equipment requirements. I believe CVR has a great deal of potential in assisting in the maintenance of valuable information and the execution of an efficient registration and election process. However, based on the number of clerical errors that have been uncovered together with the incidents of persons registering to vote and voting in contravention of statute, I strongly suggest the committee charge the Secretary of State to undertake a thorough review of Maine's election system and report back to the 126th Legislature with a comprehensive election reform package. Maine is long overdue for a full review of our election system in order to identify statutory and regulatory changes that will ensure the accuracy and integrity of elections going forward and protect our fundamental right of voting.

Sincerely,

Charles E. Summers, Jr.
Secretary of State

Appendix A

Description of the Central Voter Registration (CVR) System

The CVR is a statewide system for maintaining voter registration and election information by State and local election officials, which was implemented in compliance with the Help America Vote Act of 2002 and state law. The CVR consists of a highly-modified, commercial off-the-shelf software application (called *ElectioNet*), developed and supported by a vendor, PCC Technology Group, LLC; and an Oracle database that is maintained by the Department of the Secretary of State in the secure data center. The application is accessed by municipal clerks and registrars, as well as State elections staff, over the Internet. Updates and changes are made in real time and are immediately visible to authorized staff, as well as available for reports pursuant to the law. However, CVR is not available to municipal election officials on Election Day except for inquiries, updating absentee information, and printing reports. New voter records or changes to existing voter records must not be done on Election Day. They must be done after the election within 5 business days. This decision was made to ensure that a data entry error would not incorrectly remove a voter's record from the town of registration on Election Day.

Clerks and registrars in over 500 municipalities are primarily responsible for individual voter record maintenance, including: adding new voter records, updating records with address changes, party changes, or other changes; and entering election participation history. The CVR is the computer system that enables these municipal clerks and registrars 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 for Election Day.

State election officials conduct system-wide data maintenance efforts and batch updates as allowed by law. Consequently, 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.

History of CVR Implementation

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 was loaded into the statewide database; and election officials from all municipalities received initial training on how to use the new system.

Benefits of the CVR

The Department and municipal election officials are able to realize the benefits of an integrated software application and database for maintaining voter registration data. Municipal election officials have a functional 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, so that when a voter registers in a new municipality, the voter's old record may be updated by the election

Ongoing Obligations, Improvements and Enhancements

Help Desk

In addition to its election-specific CVR activity, the Department has ongoing responsibilities to maintain the system and provide support to its municipal partners. 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 2011, there were 2,270 calls handled by the CVR Help Desk (426 fewer than 2010).

Almost 60% of the calls relate to entering voter registration records, tracking absentee ballots, or generating various reports or responding to data requests. These calls last on average between 1 and 5 minutes. The remainder of the calls covered passwords, scanning of voter cards, hardware, maintaining municipal data such as street libraries, and a variety of other topics.

Enhancements

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. The Department has worked with the vendor to develop, and is currently testing, a robust petition module which will streamline the certification of statewide citizen initiative and candidate petitions.

Replacement of Site Computing Equipment

Prior to implementation of the CVR, the Department conducted an extensive review/needs assessment of local computing equipment and capabilities, and found that nearly half of the jurisdictions had either no equipment or equipment with insufficient memory or processing speed to use the CVR application. Additionally, in order to ensure that all municipalities had the same equipment, and to facilitate the State's support of local CVR users, the State used HAVA grant monies to purchase a desktop computer, printer and peripherals to allow every municipality to perform CVR functions in a consistent manner. This equipment is now over 5 years old and the State will need to determine a plan either to refresh the equipment or require each municipality to maintain sufficient equipment in order to continue to use CVR for all required voter registration activities.