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**JOINT STANDING COMMITTEE ON
VETERANS AND LEGAL AFFAIRS**

Testimony In Support

L.D. 1821 “An Act To Make Interfering with an Election Official a Class C Crime”

January 12, 2022

Senator Luchini, Representative Caiazzo and Members of the Joint Standing Committee on Veterans and Legal Affairs, I am Shenna Bellows, Maine Secretary of State and I’m here to offer testimony in support of L.D. 1821, “An Act To Make Interfering with an Election Official a Class C Crime.”

We often discuss the right to vote and its fundamental role as a cornerstone of our democracy. What garners less attention is that it is the election workers – in Maine our municipal clerks – who make it possible for every Maine citizen to exercise their right to vote through the impartial administration of free and fair elections. Our right to vote is enabled by our municipal clerks. When our municipal clerks are threatened, especially in the course of performance of their official duties, our democracy itself is threatened.

There are a variety of felony crimes in Title 21-A Section 674, and appropriately so. Previous legislatures have recognized that attacks on our elections are attacks on democracy and demand serious consequences. Among the class C crimes listed in the statute are:

- Votes knowing that the person is not eligible to do so;
- Attempts to vote knowing that the person is not eligible to do so;
- Having once voted, whether within or outside this State, again votes at the same election;
- Votes by using the name of another; or
- Attempts to vote by using the name of another.

This bill adds a sixth class C crime to the section to make it a crime to:

- Intentionally interferes by force, violence or intimidation or by any physical act with any public official who is in fact performing or the person believes is performing an official function relating to a federal, state or municipal election.

In other words, if someone knowingly and with intent threatens an election official when they’re performing their official duties – at a polling place, perhaps running an election itself, that would be a crime. Imagine for a moment the consequences of that situation – a person threatening an election official while they’re performing their official duties with force or violence and what that could mean for every voter in that jurisdiction, not to mention the safety and wellbeing of the election official.

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Some might think such a threat unlikely. Perhaps a decade ago it would have been unthinkable. Unfortunately, in the last year we have seen a dramatic increase in documented threats against election officials all across the country. In July, the FBI announced a new law enforcement task force to deal with threats against election workers. In December, a national news organization, Reuters, conducted a nationwide investigation and identified 850 messages that met the level of threat that is a violation of federal law.¹ “You and your family will be killed slowly.” “Watch your back. I know where you sleep, I see you sleeping. Be afraid, Be very afraid.” Here in Maine, the Secretary’s office received documented reports of at least two threats of physical violence against municipal clerks. This is unacceptable.

The Election Assistance Commission highlights reasons that attacks on election officials are unique and “may put their safety at greater risk:” Quoting from the EAC at <https://www.eac.gov/election-officials/election-official-security>:

- **“Unlike private citizens, state and local election officials are public servants.** Many election officials are directly elected or are appointed by a public body. This means that personal information, including personal addresses and contact information, may be on official public records.
- **The public is less likely to trust the outcome of an election if their preferred candidate(s) loses.** Additionally, individual members of the public may blame the system for political losses or distrust. Unfortunately, what the public views as a faceless system is in fact run by real people.
- **According to the Pew Research Center, women are more likely to report facing extreme harassment or threats online:** This is especially concerning for election officials since, according to the Democracy Fund, women make up 80% of all local election officials.”

Currently, crimes under Title 21-A elections statute are rare. When they happen, the Office of the Attorney General takes prompt action to prosecute and hold the perpetrator accountable. We support this legislation because it takes a statewide approach to a growing national problem. An attack on our election workers when they are running an election is an attack on our democracy.

¹ <https://graphics.reuters.com/USA-ELECTION/THREATS/mopanwmlkva/>