



Shenna Bellows
Secretary of State

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Julie L. Flynn
Deputy Secretary of State

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

**LD 638 “An Act To Ensure the Timely and Transparent Delivery of Unofficial Election Results
in Maine”**

March 19, 2021

Senator Luchini, Representative Caiazzo and Members of the Joint Standing Committee on Veterans and Legal Affairs, I am Emily Cook, Special Assistant to the Secretary of State and I’m here to offer testimony neither for nor against LD 638 on behalf of Secretary of State Shenna Bellows.

We’d like to start by thanking Representative Tuell for introducing this legislation because we share his overall goal of ensuring that Mainers have a trusted, timely source of information for election results. We agree that it is perhaps unwise that we’ve come to rely on non-governmental entities for the first knowledge of election night results. What if the model for election night reporting changes from a press view? That is a potential void we would be interested in filling – but only if we can do it with the highest quality and accuracy.

One concern we have with the current text of the bill is the idea of the Secretary of State’s office posting “unofficial” results. As the Secretary of State’s office is currently known to be where you look for detailed, correct, information, we raise this philosophical question: Should we be posting unofficial results, or only official ones? One area where this raises serious concerns would be in the event of a recount. An instance where a candidate *seemed* to be leading in the unofficial tally, but then was not when the official count was announced gives us great pause.

More concretely, we would need to have the resources and changes in statute necessary to fulfil this idea correctly. We anticipate a few components to this:

- **Staffing:** Compiling, checking, and uploading results on Election night takes a great deal of person-power. We would easily need a dozen temporary staffers on Election night to handle this work in addition to an explicit allocation of overtime to permanent elections staff.
- **Technology:** We’d need to design a new website to display the data as it comes in so that it is an easily readable form for the public. Currently, official results are uploaded all at once as an Excel file – not a format that would work for this purpose, especially given the breadth of types of races we’d be tasked with publicizing.

- Public Education: We would need additional resources to conduct the public awareness campaign about this new resource, as well as the funding necessary for the staffing and technology needs.
- Municipal Support: We would need to provide support to the municipalities to execute this new function. The BMV, for example, has a municipal services unit. We are mindful that this is a requirement on the municipalities who would be tasked with reporting results to the Secretary of State on election night. Processes and procedures would need to be created to execute that securely and accurately, and the language of the bill would need to be amended to ensure clarity about municipal clerk's obligation
- Time: An undertaking this large could not happen overnight. We would want to consult with other states to see how they handle similar data reporting tasks, and under what timeframes. Then we would want to be sure to have enough time to implement this idea correctly – to obtain the technology necessary to stand up the new website, train the temporary staff, work with the municipal clerks to ensure the results would be relayed to us timely and accurately, and conduct the public education campaign so people know about and use this new resource.

In addition to the clerks' current duties, clerks would need to be directed under the law to contact the Secretary of State's office on election night with initial tallies, and processes and procedures would need to be created to do that.

Again, we appreciate that the sponsor brought this idea forward and we look forward to the conversations that will follow today's hearing.

Thank you for the opportunity to speak with you today, and I am happy to answer any questions.