



129th MAINE LEGISLATURE

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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.

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:

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

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

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

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

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

SUMMARY

This bill requires the Secretary of State to:

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