



Department of the Secretary of State

Shenna Bellows
Secretary of State

JOINT STANDING COMMITTEE ON THE JUDICIARY

Testimony of Shenna Bellows, Secretary of State
Department of the Secretary of State

February 11, 2025

Testifying against

L.D. 152 “An Act to Amend the Freedom of Access Act to Require a Specific Time Frame for Agencies to Comply with Requests for Public Records”

Senator Carney, Representative Kuhn and Members of the Joint Standing Committee on the Judiciary, my name is Shenna Bellows, I live in Manchester, and I am the Secretary of State. I am submitting testimony against L.D. 152.

Transparency is an important part of good governance. That is why this Department works diligently to respond to Freedom of Access Act requests as quickly as possible. Many of those requests are a routine part of doing the work of governance and providing records supports a transparent government.

But sadly, in recent years we have seen transparency and public access laws weaponized by those who would bog down governance or who have fallen prey to conspiracy theories. For example, we have received pages on pages of requests clearly generated by out of state actors at the height of election season when my staff can least spare the time to respond. Or, for example, the requests for weeks on weeks of emails sent and received by me and my staff. For example, one recent request produced almost 5,000 responsive records.

These requests distract from the real work of both governance and transparency, and a full response within 30 days would not be possible. Instead, it would imperil the accurate, safe, and secure conduct of Maine’s elections if implemented. For example, requests do not come at a steady pace throughout the year, but we see a sudden influx of requests around specific events, like Election Day and when citizen initiative petitions are submitted. While there may be times of year that a 30-day response is feasible, at other times the number and volume of records requested would make that impossible.

Even with many good-faith requests, a 30-day deadline is a recipe for failure. This office takes seriously our duty to thoroughly review responsive records before sending them to a requestor to comply with Maine election law regarding who may access what data from the Central Voter

Registration System, the Driver Privacy Protection Act, laws regarding confidentiality of records held in the Maine State Archives, personnel data protection laws, and others. In order to comply with these important privacy laws, potentially responsive records are sometimes reviewed three times by various staff members. A hard and fast 30-day response rule puts at risk the security of all Mainers who have a driving history, who are registered to vote, who have medical or other sensitive records held in the Archives, or work for this Department. To me, that is an unacceptable tradeoff in the name of speed.

If this bill were to proceed, we would require several additional staff members to have any hope of complying with the law. Even then, the threat of weaponization of requests remains, and additional staff members may not be able to comply with a deluge of requests.

Thank you for the opportunity to provide this information, and I am happy to answer any questions you may have at the work session.