



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: February 6, 2023

RE: LD 233 - An Act to Ensure Efficiency in Petitions Reviewed by the Secretary of State by
Clarifying Deadlines Related to Those Petitions

Good morning Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs.

My name is Will Hayward. I'm here today as the Advocacy Program Coordinator for the League of Women Voters of Maine. We are testifying Neither For Nor Against on LD 233.

We want to begin by recognizing that the Office of the Secretary of State has an exemplary record of carefully and thoroughly fulfilling its statutory and constitutional duties. This has been true under the stewardship of this Secretary of State and her predecessors going back a generation or more. Mainers should be very grateful for these public servants.

This bill addresses an issue relating to the administrative role of the Secretary of State in certifying citizen initiative petitions. When the Office of the Secretary of State receives a ballot question petition under current law, it must review thousands of signatures and determine within 30 days whether the petition will be certified. If that review period includes an election, this requirement imposes an unusual burden on the ability of the Office to perform all of its elections-related duties simultaneously with petition certification. The 30-day statutory deadline does not provide any flexibility. This has been a simmering problem for a long time, which, for whatever reason, seems to have become more acute in the last few election cycles.

While we strongly support ensuring that the Secretary of State has the resources and flexibility to carry out its mission, the League of Women Voters of Maine (LWVME) also supports protecting the right of Maine citizens to propose and veto legislation through a state-wide, citizen-initiated petition process. We support keeping that process accessible to ordinary citizens. We recognize that the constitution and state law establish a host of requirements to govern this process and ensure its accountability. In addressing this problem, we hope the Legislature will consider a full range of options that includes financial and technological solutions, as well as statutory ones, that will preserve citizens' access to their constitutional right to petition while also ensuring that administrators are well positioned to carry out their responsibilities.

As drafted, LD 233 may have an adverse impact on petitioners. As the League interprets this language, the change from "within 30 days from the **filing** of a written petition" to "within 30 business days from the **deadline for filing** a written petition" would materially change the point at which the Secretary of State's office would respond to a petition filing, especially if that petition were filed well before the deadline. It would not change the date upon which a measure would be presented to the Legislature or the date upon which a measure ultimately appears on the ballot. But it may have other consequences.

To illustrate this with an example: Imagine a ballot question petition with a January, 2025 deadline. If the ballot question group submits their signatures to the SOS on March 1, 2024, under current law they get an answer by April 1, 2024. Under the proposed bill, it appears they might not get an answer until the end of January the following year.

That has three potential effects. First, the ballot question campaign is in a state of uncertainty for that period. Second, the signature information on the petition may grow stale, which could hinder the ability of the Secretary of State to verify if, for example, residency of petition signers changes over the duration. Third, in case the petitioners come up short, they would lose the opportunity to gather more signatures and re-submit their petition during the same cycle.

The League hopes that, as the committee considers how to address the challenges of petition processing, it is careful not to weaken the rights of petitioners. We do not believe that was the intention of this legislation, however, and we would encourage the committee to work thoughtfully to reduce the burden on the Secretary of State's office while still upholding the rights of petitioners. We understand that later this session, a constitutional amendment may come before the committee addressing similar petition-related issues. We are eager to review that language as well, and suggest that the committee may wish to address these proposals in tandem.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.