



Department of the Secretary of State

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Secretary of State

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

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

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Testifying Neither For Nor Against

L.D. 2092, "An Act to Update Certain Terms and References Regarding Information Technology and Cybersecurity"

Senator Baldacci, Representative Salisbury and Members of the Joint Standing Committee on Judiciary, my name is Shenna Bellows and I am the Secretary of State. I am speaking today neither for nor against L.D. 2092.

Due to the separate constitutional authority for our work, the Department of the Secretary of State has our own IT department called Information Services, which is currently led by Chief Information Officer Doug Perry. This separation from MaineIT allows the Department to fulfil our responsibilities to keep elections, motor vehicle data, and archival records safe and secure. This separation is particularly important in the realms of elections and motor vehicle data. The Department of Secretary of State procures its own technology utilizing vendors with highly specific experience to those fields, which are highly regulated. Technology in elections for example must comply with the Help America Vote Act, the Uniformed and Overseas Citizens Voting Act (UOCAVA), NIST standards approved by the EAC and more. Similarly, we collaborate with all of the states through the American Association of Motor Vehicle Administrators (AAMVA) on technology that adheres to federal laws, like the federal Driver Privacy Protection Act, and facilitates secure data exchange. For these reasons, we strongly urge that the independence of the Secretary of State in determining appropriate elections and motor vehicles technology be maintained.

This is particularly important in an era where election technology and driver license data are the subject of significant disputes with the Trump Administration and was important when former Secretary of State Matt Dunlap found himself in conflict with former Governor Paul LePage about the election results in Congressional District 2. The Secretary of State under the Maine Constitution is accountable to the Legislature, not the Governor. It is important that this legislation contain exceptions to maintain the Secretary's independence from the Chief Executive.

We want to emphasize that we have a strong and collaborative relationship with MaineIT. We rely on MaineIT for the network. We include them in a variety of ways in our decision making, including in the area of technology procurement. We have been particularly grateful for their work in performing accessibility testing and penetration testing for our future central voter registration system. We think voluntary collaboration between our department and their office is working and seek to continue that.

In some ways, the proposed legislation would benefit the Department as the State. For example, in Sections 1-4, the State CIO having additional latitude for procuring IT products and services could mean the Department would benefit from gaining the same economies of scale when purchasing common services and solutions.

Other provisions, however, could limit the authority of the Department and negatively impact our ability to manage our own IT infrastructure and services.

The definition of the State CIO as the person responsible for IT enterprise services in Section 6 emphasizes that position's role for policy making, planning and providing services of enterprise-level services.

Section 10 revises the State CIO role to emphasize providing leadership and vision for safeguarding information and services affecting the enterprise and critical infrastructure. This could impact the Department's ability to control decision-making about the critical infrastructure we are responsible for.

Section 16 adds information security and cybersecurity services to the list of services provided by OIT to agencies. This could impact our ability and flexibility to provide our own information security and cybersecurity services. This would likely have budget impacts, affect our ability to manage our own IT resources, and could have mission impacts.

Section 17 broadly defines OIT responsibility to provide IT enterprise services to state government. While the term "enterprise" could limit the scope of OIT's responsibility, what is considered "enterprise" service has been growing, which could present challenges like those referenced regarding the prior three sections.

We would welcome the opportunity to work with the Department of Administrative and Financial Services in order to ensure appropriate carve-outs for the role of the Department of the Secretary of State regarding these sections.

Finally, several provisions would have no impact on the Department, and we take no opinion on those.

Thank you for the opportunity to provide this testimony and I would be happy to answer any questions that the committee may have.