



MAINE STATE LEGISLATURE

AUGUSTA, MAINE 04333-0003

October 31, 2024

Senator Craig Hickman
Representative Jessica Fay
Government Oversight Committee
c/o Office of Program Evaluation and Government Accountability
82 State House Station
Augusta, ME 04333-0082

Dear Senator Hickman, Representative Fay, and members of the Government Oversight Committee,

We are requesting an investigation by the Office of Program Evaluation and Government Accountability (OPEGA) of voter registration and election data maintained by the Department of the Secretary of State's Bureau of Corporations, Elections and Commissions to determine if non-citizens are registered to vote in Maine.

The impetus for this request is the recent release to The Maine Wire of screenshots containing member information within the MaineCare Health PAS Online Portal. The members' information under the "Alien Status" tabs indicate they are either "Legal Alien" or "Other" rather than "US Citizen."

Subsequently, the members' names and addresses were cross-referenced with publicly available voter data and six of them were found to be registered voters. These six individuals were out of a group of 18 living in Portland, thereby indicating this could be a systemic problem.

A thorough OPEGA investigation will either debunk the allegations resulting from the recent whistleblower disclosure or, if verified, compel the Legislature to implement appropriate legislative action to ensure that only Maine citizens can vote. Either outcome of the investigation will be beneficial.

One disturbing aspect of the whistleblower's allegation is that one of the member records contains a note stating that the "client does not have capacity." In the context of medical terminology, the word "capacity" is defined as "the ability to use and understand information to make a decision, and communicate any decision made."

Maine law provides protections for our vulnerable citizens when it comes to making decisions at the ballot box. Those who lack "capacity" are unable to vote under Maine statute because it would be impossible for anybody to assist in "marking the ballot according to the voter's wishes." It is also unlikely that any non-citizen would knowingly endanger their Maine residency by committing the

crime of registering to vote illegally, which leads to questions as to who influenced or assisted with their voter registration.

Other avenues of investigation have been pursued with the Secretary of State, the Attorney General and the Chief Executive. Unfortunately, they have refused to investigate without the names of the MaineCare members in question. Disclosure of these names would allow the discovery of the source of the information through an analysis of who accessed these records in the portal.

It is very important for concerned citizens to feel confident that they can report criminal acts without being subject to prosecution. Furthermore, journalists cannot be compelled to disclose their sources under Maine statute. Therefore, the only alternative venue for this investigation is OPEGA, which has the authority and investigative tools to review confidential records and is not subject to the Maine Freedom of Access Act.

The Maine Legislature has an obligation to all Maine citizens to ensure that our electoral process is safe and secure. Voters in the upcoming election need to be confident that this matter will be investigated. Anyone who is considering voter fraud should also be aware that they will be caught and prosecuted if they do so. We look forward to further discussion of this request at the next meeting of the Government Oversight Committee.

Respectfully,



Lisa Keim
State Senator, District 19
Assistant Senate Republican Leader



Amy Arata
State Representative, District 104
Assistant House Republican Leader

Cc: Members, Government Oversight Committee