

*Department of the Secretary of State*

**Office of the Secretary of State**

**Bureau of Corporations, Elections and Commissions**

**Maine State Archives**



**Program Evaluation Report**

**As Required by the Government Evaluation Act**

**November 1, 2019**

**Office of the Secretary of State  
Bureau of Corporations, Elections and Commissions  
Maine State Archives**

***Program Evaluation Report***

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## DEPARTMENT OVERVIEW AND OFFICE OF THE SECRETARY

### Department Overview:

The Department of the Secretary of State is established in the Maine State Constitution and therein required to attend the Governor, the Senate and the House of Representatives as they shall respectively require, to keep and preserve the records of all their official acts and proceedings, and to perform such other duties as required by law. The Secretary of State provides administrative and policy oversight for the Department of the Secretary of State.

As the repository for Maine's official state records, Department personnel focus on ways to enhance citizen access to government information and services. The Department of the Secretary of State was the first state agency to contract with the Information Resource of Maine (InforME) to provide online government services. Over the past decade, the Department has continued its work to substantially increase the use of technology in all areas.

As a result, the Department remains in the forefront of providing online government services to Maine's citizens and businesses. Through its regular increases in the range of online services, the Department continues its progress toward increasing customer satisfaction (through more convenient access to information and services); enhancing productivity (through removal of redundancy from employees' duties); and ensuring the public trust (through citizen oversight of activities in the public interest).

During the next biennium, it is anticipated that the Department of the Secretary of State will generate approximately \$23,169,162 in revenues to the General Fund and receive an allocation of \$13,000,468. Revenues will exceed expenditures by more than \$10 million.

### Department Mission Statement:

The Secretary of State is the Constitutional Officer responsible for keeping, preserving and providing access to official state records, promoting the safe use of Maine roadways, and safeguarding the electoral process; in order to enhance the integrity of State government, protect Maine citizens, and ensure a vital and healthy democracy.

## OFFICE OF THE SECRETARY OF STATE

The Office of the Secretary of State is responsible for the overall administration of the Department's bureaus and offices: the **Maine State Archives**; the **Bureau of Corporations, Elections and Commissions (CEC)**; the **Bureau of Motor Vehicles (BMV)**; the **Office of the Special Advocate**; the **Office of Information Services**; and the **Office of Investigations**.

Budget preparation, personnel management, program implementation and planning, constituent services and special projects and are carried out by the Office of the Secretary of State, which also directs policy oversight and technology initiatives.

## **A. Enabling Authority and Legislation**

Maine Constitution Article V, Part Second; Title 5, Sub-chapter 5 (General Provisions); Title 5 §90-B (Address Confidentiality Program); Title 5, Subchapter 2 (Special Advocate)

## **B. Overview and Description of Programs**

### **Office of the Special Advocate**

The Office of the Special Advocate, established in 2011 pursuant to Public Law Chapter 304, “*An Act To Ensure Regulatory Fairness and Reform*,” assists in resolving regulatory enforcement actions affecting small businesses that, if taken, are likely to result in significant economic hardship and to advocate for small business interests in other regulatory matters. Additionally, the law repealed the Regulatory Fairness Board within the State Planning Office and established the Regulatory Fairness Board within the Office of the Secretary of State.

The Regulatory Fairness Board, chaired by the Secretary of State and staffed by the Special Advocate, did not meet during 2018.

The Advocate’s role is to address specific state regulatory enforcement actions that would cause significant economic hardship for small businesses, with the goal of achieving equitable resolutions for them.

### **Address Confidentiality Program**

The Address Confidentiality Program established by statute in 2001 and implemented in 2003, protects victims of domestic violence, stalking or sexual assault by authorizing the use of designated addresses for such victims. The designated address has no relation to the participant’s actual address. It is used in place of the participant’s residential, school and work address for receipt of all first-class mail. State and local agencies must accept the ACP designated address as though it is the participant’s actual residential address.

Domestic Violence agencies throughout the state and Victim Witness Advocates working within our court system have advocates who are certified as ACP Application Assistants. These Application Assistants will recommend and enroll a person into the Address Confidentiality Program if they feel the program should be part of their safety plan.

Maine is one of 40 states that have an ACP or Safe-at-Home program while 3 states are attempting to pass legislation to develop a program.

Current enrollment in the ACP includes 115 primary adult participants and 103 mostly dependent secondary participants. There are 175 trained Application Assistants statewide.

## **Civic Awareness and Voter Participation**

A number of outreach programs aimed at enhancing civic awareness and increasing voter participation are coordinated by the Office of the Secretary of State. They include the *Maine Student Mock Election*, the *8<sup>th</sup> Grade Citizenship Award*, the *Maine Constitution Poster and Essay Contest*, and the *Native American History and Culture Essay Contest*.

Through the use of technology, all student programs are promoted through the Kids Page website. Schools are able to access information, download registration forms and report results online.

### **In 2018 there were 413,427 visits to the Maine Kids Page website**

- The most visits in a single day occurred on 5/1/2018 with 5,511 visits
- 17% of traffic originated from a mobile device or tablet
- The famous people page is the most visited site page with 48,726 visits in 2018
- Visits came from five continents including Africa, Asia, Europe, South America, North America and from 50 of the United States as well as an additional 94 regions including West Bengal, Victoria, Wales, Tel Aviv, and England

### **Student Mock Election (held every even year)**

- In 2016, for the Presidential Mock Election, 26,901 students from 125 Maine schools participated. Of those, 411 students participated in mock election night activities.
- In 2018, for the Statewide General Mock Election, 15,042 students participated from 62 Maine schools. Of those, 290 participated in mock election night activities.
- Administered in conjunction with the National Student Parent Mock Election
- Endorsed by the National Association of Secretaries of State.

### **8<sup>th</sup> Grade Citizenship Awards**

- 128 schools participated in 2019, with 140 students awarded
- Many schools request a legislator for presentation

### **Maine Constitution Poster & Essay Contest**

- 176 entries in 2019
- Open to all grades K-12

### **Native American History and Culture Essay Contest**

- 17 entries in 2018
- Showcases LD 291 Maine Native American Studies

Additionally, the Office of the Secretary of State:

- Conducts a **100 Year Corporation Recognition Program** which recognizes Maine businesses and non-profits that have achieved 100 years of continuous incorporation in the state.
- Continues to work to expand and enhance **online services and capabilities** throughout the department, managing the Maine's Kid's Page, which connects children with Maine history, facts and information
- Provides staffing support for the Permanent Commission on the Status of Women in Maine.

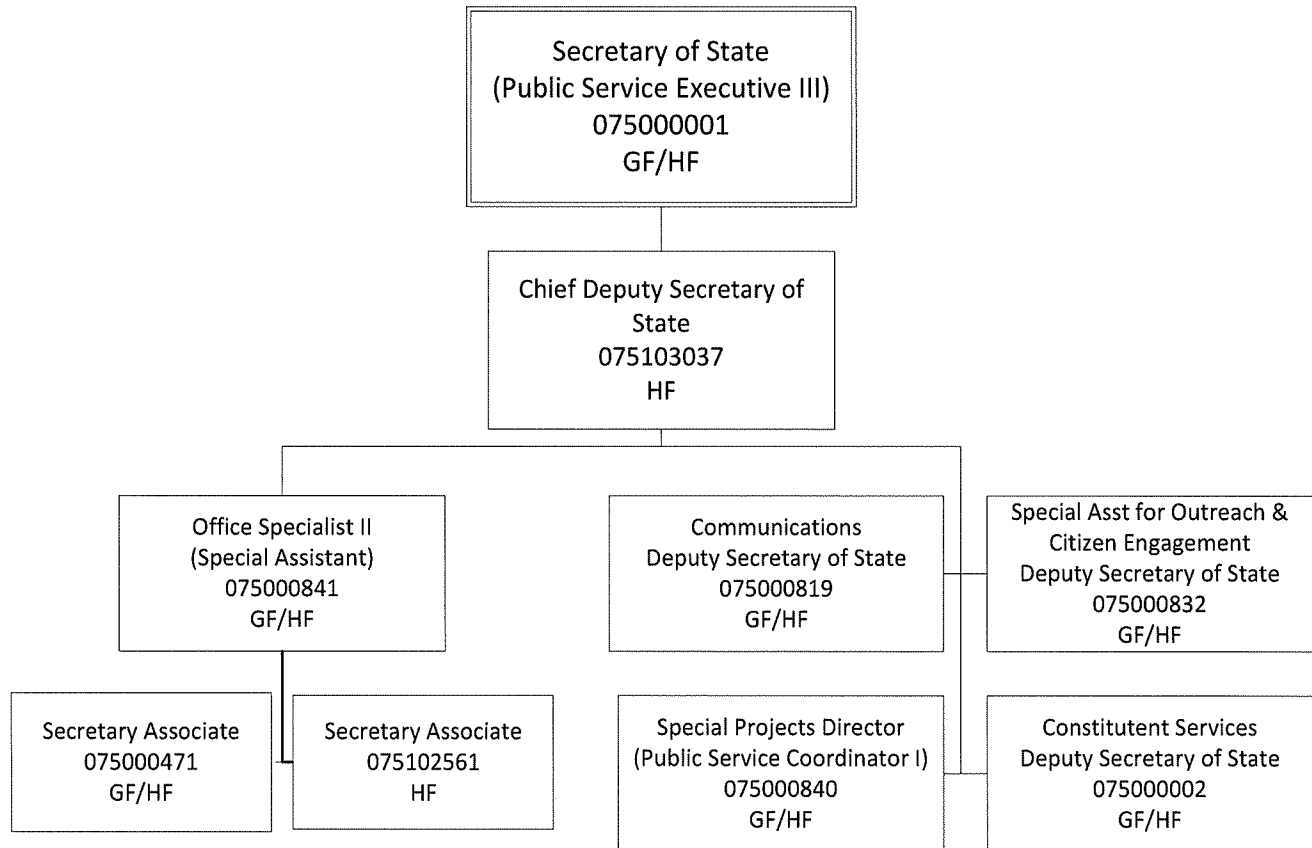
Recent initiatives include:

- **Sesquicentennial for Schools Program**; an ongoing commemoration of the 150th Anniversary of the beginning of America's Civil War designed to increase awareness of Maine's significant contribution to the war and highlight the primary resources and holdings of the Maine State Archives available to students, teachers, and researchers.

### C. Organizational Structure

The Secretary of State is elected biennially at the first session of the Legislature, by joint ballot of the Senators and Representatives in convention. The Secretary of State may appoint deputies, for whose conduct the secretary shall be accountable.

**Office of the Secretary of State  
May 2019  
Position Count: 9  
(2 HF, 7 GF)**



## **BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS**

### **A. Enabling Legislation**

Maine statute provides for the relevant duties of the Bureau as follows: Title 4 (Notaries); Title 5 (Notaries, boards and commissions, the Model Registered Agent Act, and the Administrative Procedure Act); Title 10 (service and trade marks); Title 11 (Uniform Commercial Code filings); Titles 13, 13-B and 13-C (nonprofit and business corporations); Title 21-A (elections and citizen initiated legislation); Title 30-A (election of county officers); and Title 31 (limited partnerships, limited liability partnerships and limited liability companies).

There are four federal laws governing voter registration and the conduct of federal elections: 42 USC 1973gg et seq., the National Voter Registration Act of 1993 (NVRA); 42 USC 15301 et seq., the Help America Vote Act of 2002 (HAVA); 42 USC 1973 ff et seq., the Uniformed Service and Overseas Citizens Absentee Voting Act (UOCAVA); and Pub. L. 111-84, 123 Stat. 2190 (2009), the Military and Overseas Voter Empowerment Act (MOVE).

### **B. Bureau Overview, Description of Programs and Assessment of Efforts to Meet Goals and Objectives**

The Bureau of Corporations, Elections and Commissions (CEC) is charged with ensuring that Maine's state and federal elections are conducted according to the applicable laws and rules and with ensuring the accuracy and accessibility of corporate filings and other documents. The Bureau's personnel seek to provide efficient, reliable services to Maine citizens and pursue innovative ways to achieve this goal.

CEC is the repository for all records relating to over 108,000 business entities and nonprofit corporations operating in the State and over 204,000 liens filed on personal property under the Uniform Commercial Code. The Bureau also conducts all State elections, records commissions and other official State acts, and maintains a record of all State agency rules filed under the Administrative Procedure Act. It collects revenues of more than \$26,000,000 biennially.

The Bureau files all originating documents, amendments and cancellations relating to corporations, limited partnerships, limited liability companies and limited liability partnerships, and reviews proposed entity names against those on file for availability prior to filing; files annual reports disclosing officer information for all business entities and nonprofit corporations; assesses penalties for late reports; and suspends or revokes entities which fail to file.

CEC maintains over 11,000 active and inactive service and trade marks on file and reviews the design and text of proposed marks against those on file for availability prior to filing. The Bureau also annually files over 51,000 original records and renewals of security interests in personal property under the Uniform Commercial Code and the Food Security Act.

The Bureau annually files over 97,000 annual reports on business entities, issues over 3,800 certificates of good standing on corporate entities to lending institutions and other interested parties and conducts over 19,000 debtor searches on lien filings.

State elections for federal, state and county offices and statewide referenda are supervised and administered by CEC. In that capacity, Bureau staff advises election officials from about 500 municipalities, as well as more than 600 candidates and the general public about election laws and procedures.

In fulfilling these responsibilities, CEC conducts mandatory training sessions for municipal election officials; prepares, proofreads and distributes thousands of separate ballot types and other election materials; tabulates official election results; supervises recounts of contested races; oversees the application of the State's laws pertaining to candidate and citizen initiative petitions; and coordinates the statewide implementation of four federally mandated programs related to voter registration and the conduct of federal elections. In 2018, CEC implemented Ranked-choice Voting (RCV) and centrally conducted the RCV counting rounds after the June and November 2018 elections.

The Bureau also administers the appointment, renewal and continuing education of over 23,000 notaries public; administers the application process of Dedimus Justice candidates for the Governor's Office; records appointments to nearly 250 boards and commissions and publishes vacancy listings; maintains records of and provides electronic access to about 2,100 rules filed under the Administrative Procedure Act for all State agencies and arranges for publication of rulemaking notices; and processes authentications, apostilles and incumbencies certifying the acts of public officials.

## **Assessment of Efforts to Meet Goals and Objectives:**

The Bureau of Corporations, Elections and Commissions has developed internal indicators and tracking procedures to assess the effectiveness of programs and services in achieving the following three overarching goals:

1. Fostering public trust;
2. Advancing customer satisfaction; and
3. Enhancing productivity.

The following pages summarize the agency's assessment of performance in its major program areas of the Bureau as well as in meeting its goals to foster public trust, advance customer satisfaction and enhance productivity.

### **Division of Corporations, UCC and Commissions**

#### **Corporations and UCC Sections**

All of the services of the Corporations and UCC Sections further the functions of aiding commerce and protecting the public through disclosure of information on business and nonprofit entities that operate in Maine, as well as providing a system of notification for liens against certain personal



property. Improvements to both the filing program and the public's access to filing information have helped the Bureau meet its goals of fostering public trust in the filing program, advancing customer satisfaction (both of the filing customers and the public customers who rely on this information), and enhancing the productivity of the employees in these sections.

Maine statutes provide for the formation of certain legal entities for business and nonprofit purposes and require the filing of documents with the Secretary of State to attain the legal status and protections offered by the entity laws. Once formed, these legal entities must maintain current information to facilitate service of process on and contact with these entities. This is done through amendment filings as certain information or circumstances change for an individual entity, and through the annual reporting process, which requires all entities to annually update the information on file regarding the management of the entity.

The UCC lien filings provide notice to financial institutions and consumers when an individual or business has offered certain personal property as security for a loan.

The filing of business entity documents with the Bureau is beyond Bureau control, in that it is solely the choice of a business entity to start a business in Maine and to choose to organize as one of the formation types that require the entity to file with this office (i.e. corporation, limited partnership, limited liability company and limited liability partnership). Similarly, the filing of UCC lien notices by financial institutions is dependent on the personal and business decisions of individuals and entities to obtain financing that is secured by personal property. Moreover, these decisions are affected by the general economic climate. Therefore, although we do not consider the number of filings processed and maintained as a performance measure, we do consider it to be important for our office to track the number of filings and to maintain a filing program that aids in efficient filing and access to public information, so that the filing program helps rather than hinders commerce.

Since the last submission of this report in March of 2012, the number of active business and nonprofit entity files maintained has increased from 84,000 to over 108,000; an increase of almost 29%. One reason for the increase in the number of business entity filings is the Division's support and advocacy for the adoption of new entity formation laws that provide businesses with more favorable tax and liability protections. Having more favorable entity laws encourages businesses to form in Maine instead of other states. In 2011, the State adopted the Maine Limited Liability Company Act, which was based on the Model LLC Act and was supported by the Maine Bar Association. Although this was mentioned in the Department's 2012 GEA Report, the real effect of this law has been realized in the period since the last report. As anticipated, this law has resulted in an increase in the number of LLCs formed in Maine, from 31,083 in 2011 to 57,350 on file today, an 85% increase.

UCC filings increased at a more modest rate during the years since the last GEA report, from 195,000 to 202,300.

**The first performance measure for this section assesses the average number of days to process business entity and UCC filings and searches.** Our objective for processing UCC filings is the statutory mandate of two business days, while our objective for processing business and nonprofit entity filings is five business days.

The section has been able to maintain the statutory UCC processing times for filings and searches, largely due to the very high adoption (usage) rate of online services for the UCC, which were implemented in 2001. The adoption rate for online UCC searches has maintained at about 99% since the last GEA report while the adoption rate for online filings has increased from about 73% to 80%.

For business entity Annual Reports, the current rate of about 92% adoption of online filing allows us to remain current (i.e. 0 days backlogged) even during the busy times.

For original or amended filings of business and nonprofit entity documents, the average processing time is six business days. The six day processing time is due to several factors: online services have not yet been developed for these filings, the 30% increase (previously referenced) in the number of filings processed and maintained for these filings, and the decrease in personnel resources for the Bureau generally and these sections specifically.

The UCC database and filing application underwent a major upgrade which was completed during the Fall of 2013. InforME upgraded the web services at the same time. This upgrade made enhancements to the filing service to include the ability to upload a PDF document to a UCC filing; a free online unofficial debtor search to find debtor name variations of filings; and a new responsive design template that resizes the website to make it accessible on any device, including a mobile device. Additionally, the UCC filers who are subscribers of the online services now have a “save and exit” feature to allow them to complete and submit filings at a later time; the ability to submit multiple searches or filings in one payment transaction; and the ability to download previously submitted searches or filings for up to 60 days after the original transaction date.

We are currently designing a new corporate database and filing application to provide Division staff with an intuitive application that is easy to navigate and will minimize data entry errors; and to provide online customers with a user-friendly experience to obtain corporate filing data and information, as well as easy-to-locate corporate forms for new filings and amendments. The estimated completion date is during the Fall of 2020. This upgrade of the internal filing software is a pre-requisite for developing online filing for initial entity formation documents and amendments.

**The second performance measure deals with the number of transactions involving corporate or UCC records conducted via the Internet and the amount of filing information provided on the Internet.** The 99% adoption rate for searches of entity and UCC information has had a significant impact on fostering public trust and advancing customer satisfaction, through 24/7 self-service access to information and copies of filings and certificates of entity existence, while at the same time enhancing productivity by allocating personnel resources to other statutorily mandated filing program activities. The 92% online filing rate for entity Annual Reports and the 80% online filing rate for UCC documents likewise helps to foster public trust and advance customer satisfaction by allowing filers to submit filings with efficiency and accuracy at a time of their convenience, with the added benefit of enhancing productivity.

The Corporate and UCC sections use a weekly reporting format to track key indicators that provide management with the status of filings and search requests. These indicators include the number of filings and search requests processed; the number of days that filings are backlogged (i.e. processing or turnaround time); the number of documents rejected; the number of documents presented for

expedited or immediate filing (with additional fees paid); and for services that have online filing components, the number of filings and searches performed manually and online.

Employees of the Division are cross-trained in other filing functions, and work is assigned on a rotating schedule, so that all employees become proficient in all filing areas. Management closely monitors these key indicators, so that a consistent turnaround time is maintained throughout the Division, and resources can be shifted to the areas that have the longest backlogs.

In addition, many of the Corporate and UCC personnel have been cross-trained to assist the Elections Section with petition certification and proof-reading of ballots. This allows the Bureau to meet the cyclical demands of elections with the small elections staff and less reliance on outside (temporary) workers.

For more than a decade, the Bureau has made each of its entity filing forms available on the corporate webpage. By having the forms available in a fillable PDF format, customers can complete them online and print for signature and submission to our office. Resource pages have been added (e.g. Small Business Resources, Nonprofit Resources) to the website to facilitate the customer experience. Making these tools and resources available to new filers as they establish a business also has helped increase employee productivity as the number of calls requesting forms has been reduced significantly.

### **Commissions Section**

Prior to 2007, the Commissions program areas were combined with the Administrative Procedure Act (APA) program under the Division of Elections and Commissions. In 2007, following an internal review, the Bureau realigned these program areas so that the Commissions programs became part of the Division of Corporations, UCC and Commissions, while the Administrative Procedure Act program remained as part of the Division of Elections and APA.

All activities of the Commissions Section relate to the support of a number of statutorily required filing programs including: review and approval of new and renewal applications for Notaries Public; maintenance of the Governor's appointments of Dedimus Justices; creation and maintenance of the signature and oath records for Notaries Public, various State officials, and appointees to boards and commissions (both as an official record and for authentication of Maine public officials on documents submitted to foreign countries); and other miscellaneous records or filings as may be prescribed by law.

Over the past three years, the Division staff has been working with InforME to develop an upgrade to the Boards and Commissions software application and database to improve management of filings and data by Division staff and to provide enhanced access to the data by other state agencies and the general public. The new Boards and Commissions service went live in June of this year (2019). This new system enhanced the board clerk functionality with a new Clerk System Dashboard. This dashboard allows board clerks to manage all the boards and commissions they represent with one single user account (eliminating the previous requirement for the clerks to have separate usernames and passwords/pins for each board or commission). The dashboard provides a list of all the boards and commissions they represent and access to the management tools.

In addition to the board clerk role, board clerks can now assign external user(s) to a specific board or commission. The external user(s) will be able to review the board and commission information, make updates to member information and run reports. The board clerk can grant additional permission to a clerk alternate to assist in the absence of the clerk.

The Boards and Commissions Online Search and Reports were upgraded as well, to include a new interface that consists of two free public services. The first free service is an electronic search of all active boards and commissions and the other allows the public to generate various reports for active boards and commissions. Prior to the new system, the public would need to contact this office for information for Boards & Commissions.

The section annually processes approximately 3,500 new and renewing Notary Public applications; files approximately 250 annual reports of activity of boards and commissions; as well as filing a varying number of oaths for appointed public officials.

Implementation of the online filing and search programs and improving the public's access to filing information have helped the Bureau meet its goals of fostering public trust in the programs, advancing customer satisfaction (both of the filing customers and the public customers who rely on this information), and enhancing the productivity of the employees in this section. The primary performance measures for this section are ensuring that the processing times for filings and the timeline for posting updated information relating to Notaries Public and Boards and Commissions to the Bureau's website does not exceed two business days, which the Section has consistently been able to accomplish.

## **Division of Elections and the Administrative Procedure Act (APA)**

### **Elections Section**

All of the activities of the Elections Section are in support of statutory obligations to oversee the conduct of voter registration and elections for Federal, State and County offices and statewide initiative and referenda issues. The Secretary of State has the authority to develop forms and procedures necessary to carry out requirements in State and Federal election laws.

The Elections Section works to meet the goals of fostering public trust and customer satisfaction in the electoral process in several ways: by providing enhanced access to the election process; providing information on the election process to voters; training of municipal election officials in the proper performance of their duties; timely preparation and distribution to 500 municipalities of uniform ballots, forms and instructions for conducting and documenting the election; providing security procedures for election materials (i.e. ensuring chain of custody); supervising the impartial recount process according to the laws and rules; and counting and reporting of election results and other election data.

The following are achievements that have helped to foster the public's trust in the elections process.

***Providing enhanced access to the electoral process:***

- Since 2010, in compliance with the MOVE Act, provide uniformed service and overseas voters (also called UOCAVA voters) with the ability to:
  - submit signed voter registration applications electronically (as a scanned attachment to an email);
  - request absentee ballots from the Elections Section electronically using the Absentee Ballot Request service (ABR);
  - receive absentee ballots either electronically or by mail at least 45 days prior to each election; and
  - return their voted ballots electronically (as a scanned attachment to an email) or by mail to the Elections Section for central processing and counting on Election Day;
- Since 2008, provide the online Absentee Ballot Request system (ABR) in which the voter enters the required absentee ballot information into an online form. The ABR service then securely transmits the request to the appropriate municipal election official, or to the Elections Section in the case of applications for uniformed service and overseas voters. Each municipality has access to a secure admin site, which allows the municipal official to print a paper copy of the application and then to trigger an automated email notification to the voter that either the request was accepted or, if the request was rejected, the reason for the rejection. The service is available 3 months before each election;
- Since 2007, in compliance with HAVA, maintain the Central Voter Registration system (CVR), which provides for uniformity of voter registration data and reports, as well as statewide access to the data by candidates, parties and campaigns; the Elections Section has continued to upgrade the application functionality to reflect changes in the election laws; we also have conducted statewide data-maintenance procedures and assisted local officials with resolving duplicate records, and follow federal laws to identify records of voters who have moved or died;
- Since 2006, in compliance with HAVA, maintain an Accessible Voting System (AVS) at each voting place, allowing voters with disabilities to vote with privacy and independence. The current system, called ExpressVote, provides the voter with a video presentation of the ballot and an audio interface with an alternate input keypad that helps voters with a variety of disabilities vote privately and independently;
- Since 2004, in compliance with HAVA, maintain the requirements for voter registration forms and procedures, including acceptable forms of proof of identity;
- Since 2000, offer “any-reason” absentee voting;
- Since 2000, continue to comply with the 1999 Higher Education Act Amendment by providing voter registration applications to Maine’s higher education institutions before each general election;
- Since 1995, continue to comply with the National Voter Registration Act (NVRA) by extending registration opportunities at Motor Vehicle Offices, state social service agencies, military recruitment centers, and public high schools; and
- Since 1995, provide voter registration applications and instructions to Maine high school students each fall.

***Providing election information to the public:***

Election information is provided to the public primarily in two ways: through maintenance of both general and election-specific information on the Bureau's website and through instructions, guides and other voter educational materials provided to each municipality for posting at each voting place or municipal office. The following are some examples of information available on the Bureau's website or provided to each municipality in printed format:

- Upcoming Elections webpage, which contains dates and descriptions of the elections for the current year, with links to the listing of candidate filings, as well as information on referenda (if applicable) such as the ballot questions and the *Maine Citizen's Guide to the Referendum Election*;
- Voter Information webpage, which includes a link to a look up site for the voter's elected officials, candidates, voting place, sample ballots and municipal clerk or registrar contact information; absentee voting and voter registration requirements; and information on voters' rights under Maine law. In addition to the textual information, two animated audio/video guides were created in 2016 to provide voters with another way to learn about registering to vote and casting a ballot;
- Expanded UOCAVA (uniformed service and overseas voter) webpage, which provides a one-stop resource for how these voters can register to vote, request an absentee ballot, receive the ballot, return the voted ballot, and track whether the ballot has been received and accepted by the Elections Section;
- Candidate information, including the Candidate's Guide to Ballot Access and Write-in Candidate forms and instructions;
- Citizen initiative and people's veto webpage, which contains the application and instructions for circulating a petition as well as information on currently circulating efforts and their proponents. Additionally, citizen's initiative and people's veto groups have been provided with detailed instructional documents for both their circulators and for the organization itself, regarding requirements of the Maine Constitution and laws for signature gathering;
- Posters for each municipality to post in the municipal office or each voting place as required by law, including the Voter Instruction Poster (since 2018, this includes separate instructions for marking a ranked-choice voting race and for marking a plurality race), Voter Rights Poster and Election Penalty posters;
- For each election, provide to each municipality the applicable sample ballots and, for referenda elections, a copy of the *Maine Citizen's Guide to the Referendum Election*; and
- Conduct projects designed to increase voter awareness and/or participation, which include:
  - Citizenship Day
  - Promote the Vote
  - Vote in Honor of a Veteran
  - Student/Parent Mock Election

### ***Training municipal election officials:***

- Since 2006, when the CVR implementation began, the Section has maintained and distributed to each municipality a printed *CVR User Guide*, which is augmented with instructional documents to reflect new processes;
- Since 2003, when the mandatory biennial training requirement for clerks and registrars took effect, the Section has maintained and distributed to each municipality a printed training guide -- *Voter Registration & Elections, The Guide for Maine Election Administrators* -- which is updated periodically to reflect changes in laws and procedures;
- Since 2003, the Elections Section has ensured that both the Elections Conference and the training sessions offered in conjunction with the Maine Town & City Clerks Association (MTCCA) provide a consistent training agenda with a focus on attaining uniformity in the understanding and application of the election laws, rules and procedures governing statewide elections;
- Since 1995, the Section has provided annual summaries and copies of the election-related laws enacted by the Legislature to each municipal clerk and registrar of voters;
- Since 1995, the Section has developed written training materials for distribution to each municipality before each election and has partnered annually with the MTCCA to offer several two-day training sessions to clerks and registrars with similar content to the Elections Conference; and
- Since 1994, the Secretary of State has conducted an annual Elections Conference, which is a two-day event offering training on voter registration and election duties for clerks and registrars; in the past several years, over 250 officials have attended each day of the conference.

### ***Timely preparation of uniform election materials:***

- Since 2012, have centrally procured and provided to municipalities with over 1,000 voters, a uniform system of ballot scanning and tabulation that is federally certified and results in ballot layout and counting procedures that are consistent across the state. The Elections Section staff has used the tabulating system's ballot design and layout software to produce uniform ballot layouts for all 500 municipalities (both tabulated and hand-counted ballots), which has enabled us to provide absentee ballots to all municipalities at least 30 days prior to each election and to provide election day ballots at least two weeks prior to election day;
- Since 2010, when the Elections Section assumed central authority for issuance of UOCAVA ballots, the Section has met the federal and state deadline to issue the ballots at least 45 days prior to each election; and
- Despite the small staff in the Elections Section, ballots, forms and instructional materials are prepared according to a pre-set election calendar, and distributed according to the statutory and practical deadlines for efficient election management;

***Providing security procedures for election materials (i.e. chain of custody):***

- In 2019, proposed an amendment to the election laws, which was adopted by the 129<sup>th</sup> Legislature, to describe ballot boxes and post-election security containers in a more generic way in preparation for procuring a new system of ballot boxes and storage containers to be implemented within the next two years;
- In 2018, the Department secured over \$3.1 million in federal HAVA Security Grant funds, to be used over five years to improve the administration of elections, especially election security. The State is using these funds to upgrade the security of the CVR, voting equipment and ballot storage security among other things;
- For all federal/state elections since 2012, the Elections Section staff has coded and tested every USB memory device that is provided to each tabulator municipality to tabulate the ballots. For the November 2018 general election, for example, the Elections Section staff spent a total of 1,113 total person-hours completing this work. This internal testing ensures that each tabulator has the correct coding to read and tabulate the ballots for each municipality, thus providing security and accuracy of election results;
- Since 1995, the Section has maintained receipting procedures for documenting the chain of custody of both absentee ballots and official ballots (used on Election Day) - from the State to the municipal clerk and from the clerk to the warden on Election Day, and from the clerk to the State in the event of a recount; and
- Since 1994, the Section has ensured the usage of tamper-proof ballot storage containers, locks and seals to secure ballots and election materials on election night, and through any recount or appeal period.

***Supervising the recount process:***

- In 2018, the Elections Section adopted a major revision to Chapter 502, *Rules Governing the Conduct and Procedures for Election Recounts* to streamline and modernize the recount procedures.
- In 2018, the Elections Section also adopted a new rule, Chapter 536, *Rules Establishing Procedures for Requesting and Conducting Recounts of Elections Determined by Ranked-choice Voting*, to address the process for requesting and conducting recounts of elections determined by ranked-choice voting.

***Counting and reporting of election results:***

- In 2018, the Elections Section adopted a new rule, Chapter 535, *Rules Governing the Administration of Elections Determined by Ranked-choice Voting*, to fully describe the process for carrying out the central counting process for ranked-choice voting contests;
- Since 2010, the Elections Section has maintained a module for the CVR to facilitate the municipalities' submission of unofficial election results to the State electronically, with the ability for the clerk to print and certify the official results from the same system;
- In 2010, the Elections Section adopted Chapter 550, *Rules for Determining Voter Intent*, based on the previously issued guidelines; the rules were used for the first time in conducting the recounts following the November 2010 General Election;



- Since 2003, the Section has provided to each municipality instructional labels that assist election officials in the proper segregation and designation of spoiled, void and defective ballots; and
- Since 1985, the Elections Section has designed uniform instructions and tabulation materials for municipalities to use in counting ballots.

The Elections Section has continued many initiatives aimed at increasing the productivity and effectiveness of the election staff. The Section consists of a small staff of nine full time persons. In order to meet the statutory deadlines and peak demands of the election cycle, the elections staff relies on the assistance of cross-trained employees from other parts of the Bureau. In addition, the Division is constantly reviewing laws and procedures to find administrative efficiencies.

Many of the actions completed to foster public trust in the election process have the added benefit of increasing staff productivity. For example, the creation and distribution of a permanent training guide for election officials has decreased the need to reproduce the various memos and instructions previously sent to clerks and registrars prior to every election. The training guide is a useful reference tool for election staff as they respond to the questions posed by municipal election officials and members of the public. Likewise, the Section has provided instructional posters to municipalities, which can be used for several years, eliminating the need to reproduce and distribute the posters for each election.

Previous ballot production consisted of providing the printer with information, for potentially 2,500 ballot styles per election, which had to be typeset in the prescribed ballot format. Since 1996, the Section has used a software program that produces camera-ready ballots. This process has enabled the elections staff to prepare and proofread all ballot styles prior to submission to the ballot printer, thereby eliminating several steps of proofreading.

The implementation of the CVR module for electronic submission of election results by the municipalities has had a significant effect on the efficiency of the Elections Section. Previously, the municipalities submitted only a paper Return of Votes Cast to the Elections Section, requiring the staff to data-enter all the results from 500 municipalities into a database and send printed verification documents to each municipality to confirm the accuracy of the data entry. Under the current system, the entry is done at the municipal level, with the signed verification printed from the data entry system by the municipal clerk, who then certifies and submits this as the official Return of Votes Cast for the election.

#### **Administrative Procedure Act (APA or State Rulemaking) Section**

All of the activities of the APA Section are in support of our statutory obligations to serve as the repository of the records of state agency rulemaking. In this capacity, the Section receives, reviews and files the statutorily required forms for rule proposals and adoptions. The rulemaking activity is generally completed by one full-time employee of the APA section, with clerical assistance provided by employees of the Elections Section as needed.

To foster public trust in the rulemaking process, and to provide more public access to agency rules, the Section maintains an online file, on the Bureau's website, with the most current version of each agency's rules. Adopted rules are generally posted within 5 business days of adoption. The posted rule includes a filing history with the dates and filing numbers for each rule. The APA Section also is responsible for producing and distributing the weekly notices of rulemaking proposals and adoptions.

The notices of rule proposals for all new or amended rules, including the date and time for public hearings, are posted on the Bureau's web site as well as published in daily Maine newspapers. Information regarding adopted rules is posted on the Bureau's website once a week.

Since 1998, the APA Section has posted the annual regulatory agendas for each agency, allowing the public to have advance notice of rules that may be adopted or amended in the coming year.

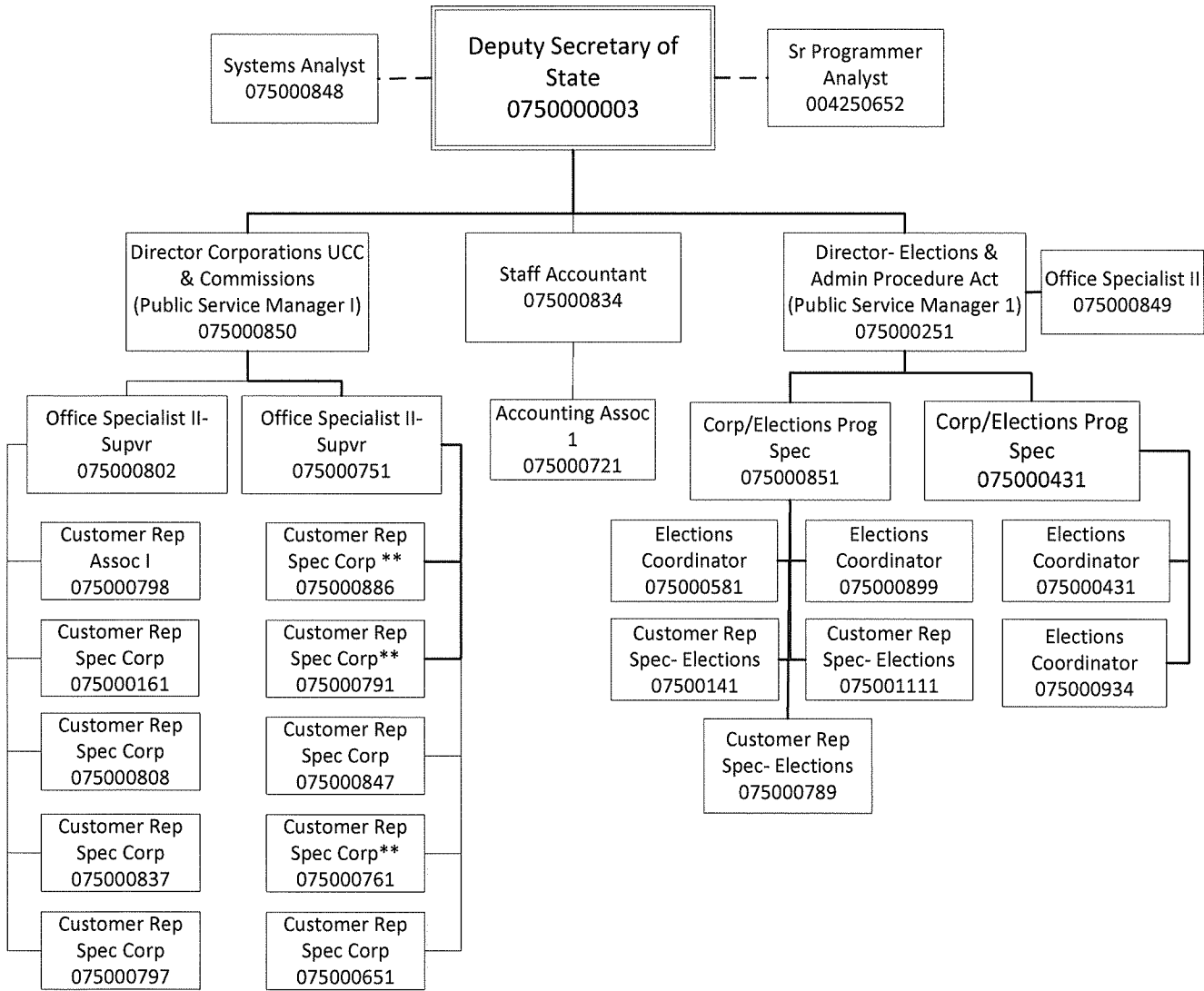
The Section also makes available an Agency Rulemaking Guide, on the Bureau's website, to assist state agencies in proper filing of new and amended rules. In addition, all forms necessary to file rule proposals and adoptions are available on the website. The Section also has worked with the Governor's Office to make information regarding Executive Orders affecting the APA available to state agencies.

These activities aid in fostering the public trust by providing the public with access to regulations which may affect them. The primary performance measure for this section is to ensure that rule proposals received by the weekly submission deadline are prepared and published in the next week's publication (unless a later date has been requested by the agency), and that adopted rule chapters are posted within a business week of the adoption filing date.

**C. Organizational Structure**

The Deputy Secretary of State for CEC serves as administrative head of the Bureau and reports to the Secretary of State. The Deputy has overall operational responsibility for the Bureau. CEC is organized into two Divisions – the Division of Corporations, Uniform Commercial Code and Commissions and the Division of Elections and Rulemaking.

**Department of the Secretary of State  
Bureau of Corporations, Elections & Commissions  
May 2019  
Position Count: 29  
(26 GF; 3 DF\*\*)**



## **D. Compliance**

The following is an overview of the Department's compliance with state and federal health and safety laws, as well as affirmative action and workers compensation requirements.

**Affirmative Action** -- The Office of the Secretary of State has in place the prescribed Affirmative Action Plan, as part of its Administrative Policy Series, designed to ensure non-discrimination in all employment actions, practices, procedures and conditions of employment; and has a designated Equal Employment Opportunity Officer responsible for monitoring the program. Additionally, the Department works closely with the State Bureau of Human Resources to consider candidates from the ASPIRE and other Special Appointment programs as part of its efforts to ensure that issues of equality in its labor force are addressed.

**Americans with Disabilities Act (ADA)** -- The Bureau of Corporations Elections and Commissions (CEC) is located on the fourth floor of the Burton M. Cross State Office Building and is in compliance with the ADA for both customers and employees. Regarding online services, Department personnel maintain a website that is compliant with ADA requirements. CEC is committed to regular and thorough examinations of its facilities and services to ensure ADA compliance for the benefit of customers and employees alike.

**Occupational Safety and Health Administration (OSHA)** -- The Department has, over the long term, focused considerable attention on health and safety concerns, particularly as they pertain to issues of ergonomics. Work stations and areas are designed with strong consideration for staff comfort and safety as well as work place functionality and a program is in place to ensure that employees receive a work station evaluation at both the time of hire and whenever health related issues arise.

**Worker's Compensation** -- Generally, the number of workers compensation claims related to workplace ergonomic issues has dropped considerably as the Bureau has focused resources on preventative efforts.

As part of its proactive approach, the Bureau continues its monthly participation in a longstanding Secretary of State initiative to utilize a Labor-Management Committee to review injury reports, identify best practices, and continually update and apply industry protocols for evaluating employee workstations and environments.

## **E. Financial Summary**

*(See Financial Summary on next two pages.)*

**DEPARTMENT OF SECRETARY OF STATE  
BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS**

General Fund - Administrative Services and Corporations

**Allocations**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
PERSONAL SERVICES	1,727,900	1,719,936	1,801,534	1,753,463	1,889,145	2,019,918	2,285,116	2,289,520	2,375,818	2,490,007
ALL OTHER	901,952	727,036	795,519	698,163	699,085	690,640	1,009,348	1,967,582	2,230,601	2,220,233
CAPITAL	0	0	0	0	0	9,640	0	0	0	0
<b>Totals</b>	<b>2,629,852</b>	<b>2,446,972</b>	<b>2,597,053</b>	<b>2,451,626</b>	<b>2,588,230</b>	<b>2,720,198</b>	<b>3,294,464</b>	<b>4,257,102</b>	<b>4,606,418</b>	<b>4,710,242</b>

**Expenditures**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>2,610,708</b>	<b>2,407,109</b>	<b>2,413,455</b>	<b>2,418,705</b>	<b>2,502,268</b>	<b>2,430,622</b>	<b>2,958,950</b>	<b>3,994,335</b>	<b>4,452,978</b>	<b>4,637,600</b>

**Revenue**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>10,026,068</b>	<b>10,312,966</b>	<b>10,041,798</b>	<b>10,575,546</b>	<b>10,932,100</b>	<b>11,391,526</b>	<b>11,683,214</b>	<b>12,203,378</b>	<b>12,840,592</b>	<b>12,579,505</b>

**DEPARTMENT OF SECRETARY OF STATE  
BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS**

Dedicated Revenue Account

**Allocations**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
PERSONAL SERVICES	208,425	219,385	199,948	208,344	217,781	231,990	187,011	189,340	187,501	195,830
ALL OTHER	13,885	88,885	164,336	145,176	186,385	188,609	164,756	118,324	186,376	185,199
CAPITAL	0	0	0	0	0	0	0	0	0	19,000
<b>Totals</b>	<b>222,310</b>	<b>308,270</b>	<b>364,284</b>	<b>353,520</b>	<b>404,166</b>	<b>420,599</b>	<b>351,767</b>	<b>307,664</b>	<b>373,877</b>	<b>400,029</b>

**Expenditures**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>158,026</b>	<b>232,981</b>	<b>277,235</b>	<b>257,780</b>	<b>321,015</b>	<b>208,388</b>	<b>187,487</b>	<b>173,888</b>	<b>346,867</b>	<b>378,091</b>

**Revenue**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>205,230</b>	<b>205,952</b>	<b>232,791</b>	<b>256,521</b>	<b>318,561</b>	<b>305,582</b>	<b>338,147</b>	<b>377,998</b>	<b>381,374</b>	<b>399,180</b>

## **F. Regulatory Agenda and Summary of Rules Adopted**

The Regulatory Agenda for 2019-2020 is attached in the appendix of this report.

### **The Bureau adopted the following new rules during the last regulatory year:**

**Chapter 502, Rules Governing the Conduct and Procedures for Election Recounts, in Contests Determined by Plurality.** (Amendment) This rule sets forth the procedures for the conduct of recounts of state elections by the Secretary of State, including the collection, security and handling of ballots, scheduling the recounts, personnel, instructions, supervision, disputed ballots and final sign-off at the conclusion of the recount, in an election contest determined by plurality.

**Chapter 535, Rules Governing the Administration of Elections Determined by Ranked-choice Voting.** (New) This rule sets forth the procedures for the administration of elections determined by ranked-choice voting, including collection, security and handling of ballots and memory devices between the municipal offices and the central counting facility; aggregating and counting the cast vote records; administering the rounds of ranked-choice counting until only two candidates remain, and the candidate with the most votes in the final round is the winner; and reporting the results.

**Chapter 536, Rules Establishing Procedures for Requesting and Conducting Recounts of Elections Determined by Ranked-choice Voting.** This rule sets forth the procedures for requesting and conducting recounts of elections that are determined by the process of ranked-choice voting, including the collection, security and handling of ballots, scheduling and staging the recounts, personnel, instructions, supervision, sorting and counting of first-choice votes and subsequent rankings, handling of disputed and challenged ballots, and final sign-off at the conclusion of the recount. To the extent applicable, this rule incorporates provisions of Chapter 502 governing recounts in elections determined by plurality.

## **G. Interagency Cooperation**

CEC works cooperatively with a number of state and federal agencies on a variety of matters dealing with corporations, UCC filings and elections. Specifically, CEC cooperates with the following agencies to carry out its responsibilities:

### Internal Revenue Service (IRS):

- to file paper Federal Tax liens; and
- develop informational materials for business entities and nonprofit corporations.

### Governor's Office

- to produce and process the qualification paperwork for appointments to state boards and commissions, Dedimus Justice appointments, and to provide information on the status of vacancies;

- provide proclamations of election results for Governor’s signature; and
- process and maintain proclamations generally.

Office of the Revisor of Statutes:

- to process citizen initiative legislation and respond to proponents with suggestions to bring the legislation into conformance with the Maine Revised Statutes Annotated.

Department of Administration and Financial Services:

- to provide a list of boards and commissions that are delinquent in filing annual reports, so the Commissioner can suspend reimbursements until the reports are filed.

Maine Revenue Service (MRS):

- to file electronic State tax liens.

Department of Attorney General (AG):

- to address issues related to mutual or public benefit nonprofit corporations;
- obtain legal advice pertaining to filing assistance for corporations and UCC activities;
- obtain legal advice on interpreting state and federal election laws and procedures;
- produce the Citizen’s Guide to the Referendum Election (the AG provides a description of the Intent and Content of each ballot question, and an explanation of what a “Yes” and “No” vote means); and
- to prepare for and conduct statewide recounts.

Department of Human Services (DHS):

- to file child support related liens; and
- to assist them with providing voter registration opportunities for the agency’s clients.

Department of Economic and Community Development (DECD):

- to file business grants-related liens and information for doing business in Maine.

Department of Labor (DOL):

- to file unemployment compensation related liens.

Department of Professional and Financial Regulation (DPFR):

- to review filings relating to financial institutions and insurance companies, and obtain approval on names of these entities before filing.

Department of Transportation:

- to respond to inquiries and provide information on the laws regarding placement of political signs in the state’s rights-of-way.

State Treasurer’s Office:

- to obtain the “Treasurer’s Statement” summary for printing in the Citizen’s Guide to the Referendum Election and for informational postings for each voting place; and
- to annually certify documents for the State’s Bond Counsel to facilitate issuance of bonds.



Workers' Compensation Board:

- to suspend or administratively dissolve business entities that do not comply with workers' compensation laws.

Law enforcement agencies:

- to provide copies of corporate and UCC documents.

All State Agencies

- to assist in proposing or amending rules and filing their annual regulatory agendas.

## **H. Constituencies**

CEC serves a broad array of constituencies. With regard to Corporations and UCC matters, primary constituencies include the financial, legal and business communities, as well as state and federal agencies and the general public.

Regarding commissions, constituencies include other state agencies, persons appointed to state boards and commissions and persons commissioned as notaries public, as well as the general public.

In the area of elections, constituencies include municipal clerks, registrars of voters and municipal officers, candidates for public office, issue advocacy organizations, and the voting public.

Regarding state rulemaking, constituencies include other state agencies, the legal and business communities, as well as the general public.

## **I. Alternative Delivery Systems**

As previously noted, Department personnel focus on the efficient delivery of services to the public. As part of that effort, substantial strides have been made to enhance citizen access to government information and services through the Internet.

Examples of online information and services through CEC are noted below:

**Election Information and Tabulations** -- Election information is always available to the public through the Department's website ([www.maine.gov/sos](http://www.maine.gov/sos)). Vote tabulations from the statewide elections since 2008 can be obtained, along with details about any upcoming elections. During the candidate petition filing period, a list of candidates who have filed petitions to qualify for the ballot is updated and posted daily. The Department's Upcoming Election Page registered more than 127,530 visits in 2018.

**Maine Citizen's Guide to the Referendum** -- The web version of the Maine Citizen's Guide to the Referendum Election reaches more individuals than the printed version. CEC prints and distributes approximately 1,500 paper copies of the Citizen's Guide each election. The Citizen's Guide for the November 2018 General and Referendum Election was downloaded 8,944 times.

**Online Citizen Initiative and People's Veto Packets** --Information pertaining to the citizen initiative process is readily available online, including the application and filing requirements. There also is a list of currently circulating citizen initiatives and people's veto petitions, which includes proponent information. This service has reduced the number and duration of calls received in the Division of Elections and APA and has been useful in answering questions from the public and media. The Citizen Initiative and People's Veto page was visited over 11,000 times in 2018.

**Online Absentee Ballot Request Service (ABR)** -- Starting 3 months before each election, voters may request an absentee ballot through this online service. The service provides automated email notifications to the voter confirming the application was received, whether the application was accepted or rejected and informing the voter when the ballots will be available. A fillable PDF version of the absentee ballot application also is available for use by people who are not yet registered to vote, as their requests must have a signature and cannot be completed online. 42,928 people used the absentee ballot request service in 2018.

**Maine Voter Guide and A Guide to Absentee Voting in Maine** -- Posting this information on the web has allowed CEC to discontinue the printed versions. The Voter Information page on which the textual and audio/video guides are posted received 28,178 visits in 2018.

**Voter Registration and Other Election Data** -- The Department maintains a webpage that includes a variety of election-related data in order to more efficiently provide this data to interested persons. Data available on this page is presented in its raw format, and includes reports of statewide registered and enrolled voters, which is the record how many people are registered to vote as of a certain date, and is detailed to the county, municipality, voting districts and party level. Additionally, statewide absentee voter lists from recent elections are available as well as an updated list of voting places for each municipality. This page includes information and request forms for obtaining voter registration data from the Central Voter Registration system, facilitating the application process for persons eligible to request and receive this data. Finally, the site includes the Department's voter registration application distribution policy and the template for the Maine Voter Registration Application for persons interested in conducting voter registration drives in Maine. This page received almost 37,000 visits in 2018.

**Contact Information for Municipal Clerks and Registrars** -- Posting this information on the web has eliminated a need to produce mailing labels from CEC's database for citizen initiative groups, advocacy groups and candidates wishing to contact each municipality. This information is updated periodically as municipal officials revise their contact data in the Central Voter Registration system. This page received over 18,000 visits in 2018.

**Notary Application and Guidebook** -- Online access to notary information and applications has eliminated the need to mail paper copies to the public. Also, having the notary database searchable on the web has eliminated the need to print lists of notaries or search in-house for notaries in response to

public inquiries. The adoption of the online Notary Public Renewal Service, which requires Notaries Public to complete a renewal application and take a practice examination online, has eliminated requests for the renewal application to be mailed to applicants. Likewise, having the online Renewal Profile Update Services has dramatically reduced the number of telephone inquiries and responses to providing paper forms. In 2018, the notary webpage was visited almost 34,000 times.

**Online Business Applications and Services** -- With the assistance of InforME, the Bureau offers many innovative applications that enable Maine citizens and businesses to access services 24 hours a day, 7 days a week over the Internet at [www.sosonline.gov](http://www.sosonline.gov) or [www.maine.gov/sos](http://www.maine.gov/sos). Online CEC services have been recognized and honored.

Examples of Corporations and UCC services offered online are noted below:

- All forms that may be filed with the Division are available on the website in a fillable PDF format that can be completed online, printed and mailed to the Division;
- Bulk data and image downloads are available to constituencies served by the Division;
- Under the umbrella of “Interactive Corporation Services” and “The Total UCC Solution”, the constituencies served by the Division have access to information in the Division’s database or can file electronically:

<u>Corporate Name Search and Related Services</u>	(Free/Fee)
Search by name or charter number	(Free)
View information summary for an entity	(Free)
View list of filings	(Free)
Download Certificates or copies of filings	(Statutory Fee)

<u>Document Copy Retrieval Service:</u>	(Free)
Retrieve a copy of a document previously downloaded within the last 15 days	

<u>Annual Report Filing</u>	
File a single Annual Report	(Statutory Fee)
Manage and File Multiple Annual Reports	(Subscriber Service Only)

<u>Preprinted Annual Report</u>	(Free)
Create a preprinted Annual Report for an entity to file on paper with the office	

<u>UCC Search or UCC Filing</u>	(Statutory Fee)
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<u>Authentication Service</u>	(Free)
Verify the authenticity of a certified document retrieved from UCC Search.	

In 2018, the corporate information and online filing services web pages received over 3,440,000 visits.

## **J. Emerging Issues**

**Study and Update the Laws on Notarial Acts.** The 129<sup>th</sup> Legislature enacted Chapter 11 of the Resolves of 2019, directing the Secretary of State to review the Revised Uniform Law on Notary Acts (RULONA) and to submit a report including any recommendations regarding adoption of the uniform law to the Committee on Judiciary by January 15, 2021. Division staff initially is conducting an internal review of the laws and procedures and plans to work with a group of outside notary experts and interested parties to complete the review and help formulate recommendations for the report. Some of the items this office deems important to consider are the length of the notary public commission; forms of acceptable identification; and record keeping. Additionally, there is significant interest from outside parties on the remote electronic notarization provisions of the uniform law.

**Implement Automatic Voter Registration at the Bureau of Motor Vehicles.** The 129<sup>th</sup> Legislature enacted Chapter 409 of the Public Laws of 2019 to direct the Secretary of State to implement an Automatic Voter Registration program at the Bureau of Motor Vehicles by January 1, 2022. Under this new law, any person who is applying for or renewing a driver's license or state identification card will automatically be registered to vote at the address provided to the BMV as long as the applicant provides proof of eligibility and does not opt out. Division staff will work with staff from the Bureau of Motor Vehicles to facilitate electronic transmittal of records between the motor vehicle database and the State's CVR database. The two bureaus will also work jointly to develop internal procedures and policies.

**Study of Post-election Ballot Audits and Recounts.** The 129<sup>th</sup> Legislature enacted Chapter 48 of the Resolves of 2019 to direct the Secretary of State to conduct a study of best practices in post-election ballot audits and recounts, and to submit a report of the findings to the Legislature by December 6, 2023. Division staff initially will consult with other states who have developed post-election audit processes, as well as other subject-matter experts and other interested parties, to determine procedures that will be effective in Maine.

**Ongoing Funding for Election Infrastructure.** As a result of the enactment of HAVA, the State was required to implement and maintain several new election initiatives including the Central Voter Registration System and the Accessible Voting System. We also used federal funds to initially lease vote tabulating equipment. Since the depletion of the initial federal funds, the Legislature has provided State General Fund appropriations to continue funding these important election infrastructure initiatives. We believe that ongoing funding for these programs is essential to the health of Maine's election program.

## **K. Other Information Specifically Requested by the Committee**

None requested.

## **L. Comparison of Related Federal Laws**

The Secretary of State has been designated in Title 21-A, Maine Law on Elections, as the coordinator of the state's responsibilities under the following federal laws:

**Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)** -- Provides federal definitions of uniformed service voters and overseas voters and encourages states to adopt consistent laws to facilitate voting by these persons. Maine has enacted several sections of Title 21-A to implement the requirements of UOCAVA, specifically in the area of absentee voting provisions.

**National Voter Registration Act of 1993 (NVRA)** -- Requires voter registration to be offered at motor vehicle offices and certain social service agencies as designated by each state. Also requires each state to ensure that there is a systematic, nondiscriminatory method of voter list maintenance that removes the names of voters who have died or moved to another jurisdiction. Requires a biennial report of the Secretary of State on the number of new registrations and changes of registration (name or address) received via each registration source. Maine enacted enabling state laws in Title 21-A to assist in the implementation of the requirements of the federal law.

**1999 Amendments to the Higher Education Act of 1965** -- Requires each state to provide voter registration applications before each general election to all higher education institutions that participate in federal student aid programs.

**Help America Vote Act of 2002 (HAVA)** -- Requires each state to maintain a statewide central voter registration system (i.e. the CVR, in Maine) and to provide voting equipment in each voting place that allows persons with disabilities to vote with privacy and independence. Maine enacted enabling state laws in Title 21-A to assist in the implementation and maintenance of the requirements of HAVA.

**Military and Overseas Voter Empowerment Act (MOVE)** -- Requires each state to provide uniformed service and overseas voters (i.e. UOCAVA voters) with the option to receive voting information and applications electronically, including voter registration applications, absentee ballot applications and blank absentee ballots. Absentee ballots that have been requested more than 45 days before an election must be provided to the UOCAVA voters, either by mail or electronically as designated by the voter, at least 45 days prior to the election. Maine enacted enabling state laws in Title 21-A, as well as rules, to assist in the implementation and maintenance of the requirements of MOVE; and centralized the responsibility for issuance, receipt, processing and counting of UOCAVA ballots with the Secretary of State.

## **M. Use of Information Technology and Personal Information**

As noted previously, CEC works in conjunction with InforME to offer extensive online services. These services have been carefully developed in accordance with both State and InforME policies and guidelines, and with full attention paid to fair information practice principles. The Bureau does not collect personal data through this process although information may be provided on corporate and UCC filings.

## **N. List of Reports**

A list of reports, applications and other paperwork required to be filed with the Bureau by the public is included in the appendix. Primarily, the list contains forms required or permitted to be filed with the Division of Corporations, UCC and Commissions when an entity either wishes to be recognized as a legal entity or needs to change information required to be filed by law.

For all entities, the Division has created, amended or eliminated forms as the laws changed over the years. The Division makes all forms available on its website in a fillable PDF format that can be completed on screen, printed, signed, and submitted to the Division.

The statutory authority of the Division is ministerial. The forms have been designed, with input from the Maine Bar Association, to allow the clerical-level staff to conduct a ministerial review of the filings (rather than a legal review that is outside the scope of the Division's responsibility). Therefore, for each filing requirement, a unique form has been specifically designed to capture required information. To the extent possible, forms have been combined to reduce duplication. The use of simplified forms reduces the rejection rate of documents, and makes it easier for customers to file without legal assistance.

## MAINE STATE ARCHIVES

### **A. Enabling Legislation**

Enabling legislation pertaining to the Maine State Archives is found in Title 5, Chapter 6.

### **B. Bureau Overview and Description of Programs**

The Maine State Archives serves State and local governments by providing a professional archival program to preserve over 100 million pages of Maine's permanently valuable government records for use by government officials and the public, and by providing records management services for the efficient administration of government records including microfilming and photographic services for preserving/copying two million pages of selected material per year.

The Archives establishes standards and procedures governing the creation, use, maintenance, retention, preservation and disposal of State records. Assistance is provided to the Executive, Legislative and Judicial branches of State government, as well as county and municipal governments, in making their operations more efficient and economical. This is accomplished with modern records management techniques: establishing disposition schedules under which agencies may systematically destroy records having no permanent value to the State; providing technical assistance in a variety of specialized fields such as files, forms, general records management procedures, and office equipment management; by providing centralized storage facilities for over 140 million pages of records that must be retained temporarily, but which need not be maintained in higher-cost office space; and by providing or overseeing retrieval services of those records.

The Maine State Archives acts as a laboratory to ensure that filming and imaging of State records meets established quality standards.

Services provided by the Archives include selecting and preserving records of permanent value to the State, and applying techniques designed to make these records readily accessible for use by the public and by government officials. The techniques include identifying and arranging records; developing inventories, guides, and database indexes to records; directly assisting in-person reference requests and telephone, mail and e-mail requests; providing on-line access to index databases and selected records; maintaining security to protect records from theft or damage; and publishing or reproducing selected records having public demand.

To improve public understanding of the value of historical records, both governmental and private, the Archives supports initiatives such as attracting federal funds for the preservation of historical records; hosting agency tours for students, conducting on location presentations and educational functions using primary source document as a base; and belonging to the Council of State Archivists, who promote the appreciation of historical records and advocate for federal support of state archives needs.

## **Archives Goal:**

Preserve and protect the official records of Maine's state and local governments through efficient records retention processes, and ensure the integrity and accessibility of these public records to Maine citizens.

## **Archives Objective:**

Increase the efficiency of the Archives to preserve, protect, and provide access to the public records in its custody, and achieve customer satisfaction with the services of the Archives.

## **Archives Strategy:**

Oversee and manage the collection, storage and disposition of public records and provide convenient public access to these records.

### **Proper Storage of Permanently Valuable (Archival) Records**

- Maintain temperature at 70°F and relative humidity at 50%, with fluctuations of less than 5° and 5% to inhibit mold growth and mildew.
- Protect archival records from insects and other pests which can cause damage to, and information loss from, archival records.
- Ensure against unauthorized entry to areas where archival material is maintained to prevent theft and unauthorized access to confidential records.
- Provide adequate space for records storage/growth for the next 50 years.

### **Storage of Official Records for Administrative Efficiency**

- Maintain an environment suitable for long-term (5-80 years) storage of paper records (minimizing or eliminating sudden, drastic changes in temperature; maintaining relative humidity between 45% - 55%).
- Maintain proper physical security for the records.
- Destroy at the appropriate and agreed-upon times those records with no permanent value.
- Provide low-cost storage for low-reference records. Digitize or microfilm State records that need to be reduced in bulk for long-term storage; that must be duplicated for security/vital records purposes; or that are to be referenced through a computer-assisted retrieval system.

### **Administrative Support to Operating Divisions**

- Ensure that the Archives efficiently and effectively meets its mandates: identifying, receiving, accessioning, maintaining, and providing access to the permanently valuable official records of the State; and administering a program for the economical and efficient management of State records.



- Develop and coordinate the financial, physical, mechanical, and human resources necessary to accomplish these objectives and special projects.

#### **Provide Access To Archival Records**

- Attract and retain qualified staff with knowledge of archival principles and of the holdings of the Maine State Archives.
- Maintain a Research Room as the physical facility in which original records may be used, under supervised conditions, according to regulations providing for the security and protection of materials. Provide readers, printers, and digital conversion for records on microfilm.
- Post indexes to, and selected copies of, archival records on the Internet.

#### **Provide Access to Records Stored for Administrative Efficiency**

- Attract/Retain qualified staff with knowledge of records management principles and of the holdings in the Records Center.
- Retrieve stored records for the creating agencies, or assist these agencies in performing their own retrievals, providing routine reference service within 24 hours of receiving a request; emergency reference service on an as-soon-as-possible basis; and escort clients who elect to visit the Records Center in person.
- Re-file records that have been retrieved, used and returned to the Records Center for further storage.

#### **Acquisition of Archival and Records Center Material**

- Bring permanently valuable records into appropriate storage.
- Transfer from higher-cost office space to lower-cost Records Center storage seldom-referenced records awaiting destruction.

#### **Active Preservation Of Long-Term and Permanently Valuable Records**

- Repair/Rehabilitate deteriorating records, and maintain records in conditions that will ensure their survival.
- Electronically digitize or microfilm heavily used records to restrict handling of originals.

#### **Identification and Intellectual Control of Official Records**

- Identify permanent records to be properly cared for while active and be transferred to the Maine State Archives when no longer of use to their generating agencies.
- Preserve records that have been born digital (electronic).
- Protect public access rights and reduce unnecessary records storage costs by establishing appropriate retention periods for non-permanent records.

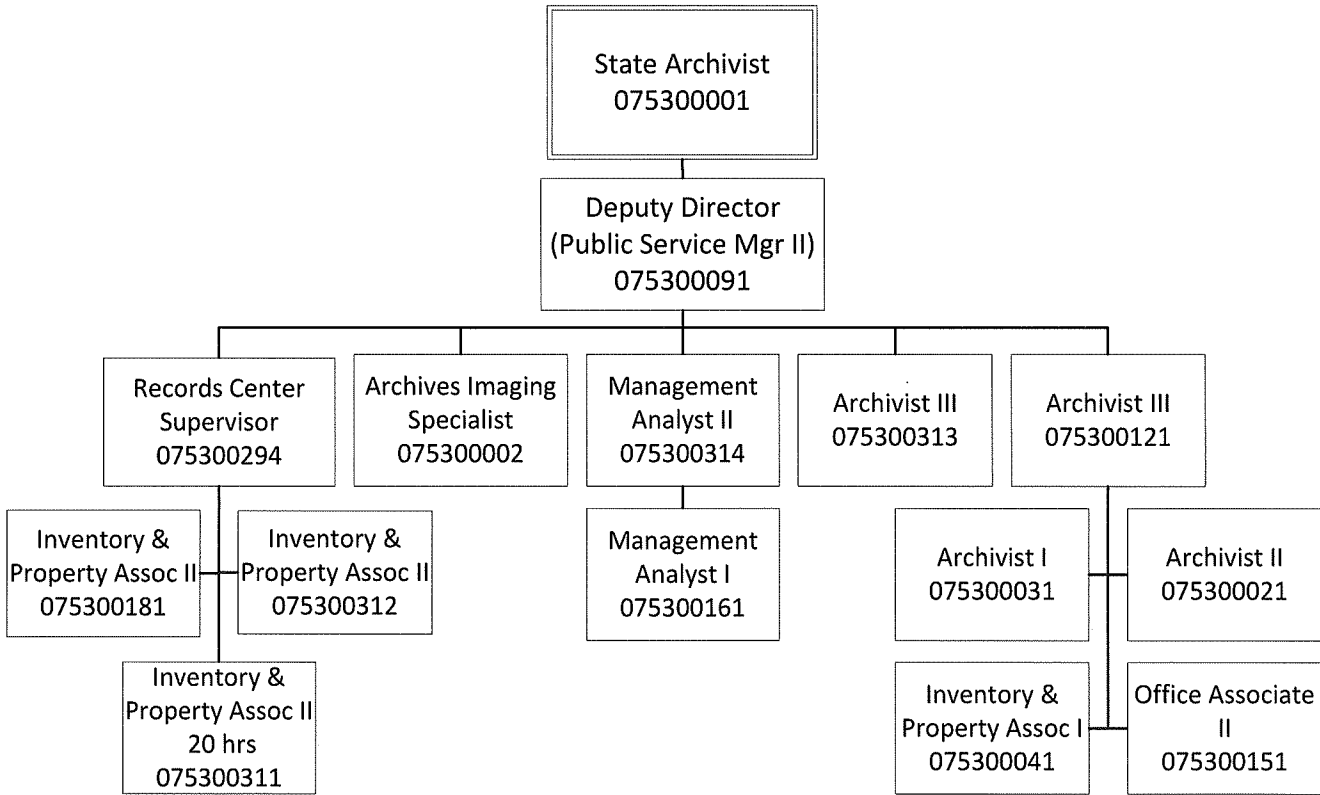
### **Support for Historical Records Needs Throughout Maine**

- Establish priorities and recommendations for the coordinated effective preservation of important historical manuscripts, maps, photographs, correspondence, and other important records reflecting the State's cultural heritage, including official government records held in approved alternate repositories.
- Obtain funding from State, federal and private sources to preserve, and provide access to these records. Review preservation and access proposals based on these priorities. Make funding recommendations to the National Historical Publications and Records Commission (NHPRC) for large and small-scale projects.
- Make funding decisions for proposed smaller projects supported by State or federal resources.

**C. Organizational Structure**

The State Archivist is appointed by the Secretary of State and subject to review by the Legislature’s Joint Standing Committee on State and Local Government with final confirmation by the Senate. The State Archivist holds office for a term of six years from the date of the appointment or until a successor has been appointed and qualified.

**Maine State Archives  
May 2019  
Position Count: 14.5 (GF)**



## **D. Compliance**

The Maine State Archives is accessible through automatic doors with no steps or internal barriers. It is in compliance with State and federal requirements. See section D from CEC portion of this report for additional information about the Department's compliance measures and efforts.

## **E. Financial Summary**

*(See Financial Summary on next two pages.)*

**DEPARTMENT OF SECRETARY OF STATE  
MAINE STATE ARCHIVES**

General Fund

**Allocations**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
PERSONAL SERVICES	743,354	683,379	667,820	663,516	761,612	781,308	831,926	845,235	1,040,491	1,087,129
ALL OTHER	74,311	73,680	73,273	73,265	721,225	822,724	274,598	385,250	775,514	636,304
CAPITAL	0	0	0	0	27,700	116,709	123,552	66,490	575,040	0
<b>Totals</b>	<b>817,665</b>	<b>757,059</b>	<b>741,093</b>	<b>736,781</b>	<b>1,510,537</b>	<b>1,720,741</b>	<b>1,230,076</b>	<b>1,296,975</b>	<b>2,391,045</b>	<b>1,723,433</b>

**Expenditures**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>808,761</b>	<b>750,956</b>	<b>707,130</b>	<b>723,377</b>	<b>765,109</b>	<b>1,342,287</b>	<b>1,125,941</b>	<b>1,272,980</b>	<b>1,810,404</b>	<b>1,650,303</b>

**Revenue**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>(86)</b>	<b>21</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>65</b>	<b>868</b>	<b>75</b>	<b>77</b>	<b>108</b>

**DEPARTMENT OF SECRETARY OF STATE  
MAINE STATE ARCHIVES  
Dedicated Revenue Account**

**Allocations**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
PERSONAL SERVICES	24,534	415	0	0	0	0	0	0	0	0
ALL OTHER	24,030	42,730	17,730	17,730	17,730	17,730	17,730	47,730	49,420	68,383
CAPITAL	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>48,564</b>	<b>43,145</b>	<b>17,730</b>	<b>17,730</b>	<b>17,730</b>	<b>17,730</b>	<b>17,730</b>	<b>47,730</b>	<b>49,420</b>	<b>68,383</b>

**Expenditures**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>1,762</b>	<b>29,218</b>	<b>2,727</b>	<b>3,830</b>	<b>1,757</b>	<b>8,798</b>	<b>10,225</b>	<b>14,091</b>	<b>40,178</b>	<b>64,769</b>

**Revenue**

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
<b>Totals</b>	<b>33,918</b>	<b>26,239</b>	<b>36,009</b>	<b>16,549</b>	<b>20,505</b>	<b>17,772</b>	<b>16,014</b>	<b>14,176</b>	<b>14,203</b>	<b>14,327</b>

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## F. Regulatory Agenda and Summary of Rules Adopted

### 2019-2020 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **29-255**

AGENCY NAME: **Secretary of State, Maine State Archives**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON** (as defined by 5 MRS §8051-A), including mailing address, phone, and email address: **Tammy Marks, 84 SHS, 230 State Street, Augusta, Maine 04333-0084, 287-5799**

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA** (either indicate “None”, or list all emergency rules): **None**

**EXPECTED 2019-2020 RULEMAKING ACTIVITY** (a list of all rules your agency expects to propose for the year beginning October, 2019). For each chapter, include the following information:

**CHAPTER 1:** State Agency Records Programs

**STATUTORY BASIS:** 5 MRSA §95

**PURPOSE:** This rule prescribes policies, standards, and procedures for the economical and efficient management of State records. The rule may be amended to comply with law and policy changes.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2019

**AFFECTED PARTIES:** Municipal, state and county officials

**CHAPTER 2:** State Records Center Facilities and Services

**STATUTORY BASIS:** 5 MRSA §95

**PURPOSE:** This rule prescribes policies, standards, and procedures to govern the custody, use and withdrawal of agency records transferred to State Records Center facilities. The rule may be amended to comply with law and policy changes.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2019

**AFFECTED PARTIES:** Municipal, state and county officials

**CHAPTER 3:** Imaging State Records

**STATUTORY BASIS:** 5 MRSA §95

**PURPOSE:** These rules provide (a) standards to be used by State agencies for imaging records; (b) criteria for using digital and microfilm copies; (c) standards for storing digital and microfilm copies of permanent records; and (d) information concerning digital and microfilm services available from the Maine State Archives. The rule may be amended to comply with law and policy changes.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2019

**AFFECTED PARTIES:** Municipal, state and county officials

**CHAPTER 4:** Rules for the Public Use of Materials and Facilities in the Maine State Archives

**STATUTORY BASIS:** 5 MRSA §95

**PURPOSE:** This rule includes the policies and procedures governing the public use of agency records, archives, and deposited records in the custody of the Maine State Archives. This rule

also prescribes policies and procedures governing the public use of certain facilities in the Maine State Archives. The rule may be amended to comply with law and policy changes.

**SCHEDULE FOR ADOPTION:** Prior to October 1, 2019

**AFFECTED PARTIES:** All customers of the Maine State Archives

## **G. Interagency Cooperation**

The Maine State Archives works with state and federal agencies on matters dealing with the preservation of historic, sensitive, and culturally significant public records. The State Archives cooperates with:

### Maine Cultural Affairs Council:

- (Maine State Library, Maine State Museum, Maine Arts Commission, Maine Historic Preservation Commission, Maine Historical Society, and Maine Humanities Council,) on the New Century Community Program of grants to community organizations.

### Maine State Library:

- Shares family research files and assorted collections of historic documents and maps.
- Provides imaging services per equipment sharing agreement.

### Maine State Museum:

- Provides photographic services and production of prints, negatives, and brochures.

### National Historical Publications and Records Commission:

- Secures funding to assist organizations to preserve and provide access to historical records. The relationship with NHPRC, an agency of the National Archives, is assisted by the Maine Historical Records Advisory Board. As a result of this relationship, the Archives and the Board have received over \$600,000 since 1991. In addition, the Archives and Board have assisted other Maine institutions (colleges, libraries, historical societies) in receiving an additional \$3,754,000 from federal agencies and foundations.

## **H. Constituencies**

### **Archives Services Program**

*Family history amateur researchers.* The greatest number of researchers at the Archives and using the Internet, e-mail, telephone and U.S. mail services are citizens seeking information about their ancestors and relatives. During the past decade, we have experienced a substantial shift to Internet use and a desire to access Archives databases.

*Professional genealogists.* These individuals are paid by others to conduct family history research. While a smaller number than the amateurs, each conducts more research and spends more time at the Archives. Most use computer programs to record their research and to create reports for their clients.



*Academic researchers.* Though unpredictable, academic researchers such as graduate students, historians, authors place substantial demands on staff time in locating, retrieving, and copying public records.

*State government staff.* Staff of the Legislature and the Attorney General's Office use archival records in researching legislative intent, finding early legislation, and retrieving court cases, and criminal case files.

*Local history researchers.* Representative of local historical societies, towns, or teachers will seek information about town history, veterans from their communities, maps, photographs, laws affecting the town.

### **Records Management Services Program**

*All State agencies.* Regardless of changes in media (paper, film, digital) or format (moving images, photographs, databases), all State records must be retained or destroyed according to legally binding rules established by statute, the State Archives, and the Archives Advisory Board. The Records Management staff assists agency staff in complying with these requirements. The Records Center maintains approximately 140 million low-use State records in off-site storage to relieve the pressure on higher-value office space. Records are retrieved for the agencies with the assistance of our staff.

*Local governments.* All local governments must retain or destroy their records as required by the *Rules for the Disposition of Local Government Records*. Our staff provides advice on records management options and on the application of the rules. Local officials offer proposals to adjust the rules for administrative convenience.

*Historical societies.* Local institutions, such as historical societies and libraries, may be approved as alternative repositories for local government records. Records Management staff reviews applications to insure environmental, security, and access provisions are adequate, and then makes a recommendation to the Archives Advisory Board.

### **Historical Records Program**

*Large historical records institutions.* Institutions such as colleges, libraries, large historical societies and museums seek federal funding for large-scale (\$50,000-\$450,000) historical records preservation and access projects. The Maine Historical Records Advisory Board provides advice about application procedures, areas of interest for funding, and critical reviews of draft proposals. The Board provides recommendations to the National Historical Publications and Records Commission.

*Medium to small institutions and local governments.* Through a series of federal grants, and occasional State funds, the Archives has provided advice, training, and small grants to these entities for the preservation of, and access to, their historical records.

### **Imaging Services**

Imaging Services at the Maine State Archives (MSA) was historically called the "Photolab". Before the adoption of digital imaging the MSA Photolab was engaged in the conversion of documents (this term will relate to all holdings & other state agency records) to microfilm (mainly silver based) and other film formats. Conversion was performed for two reasons: 1) Access (making documents searchable on roll film); and 2) Preservation (silver based microfilm is rated to have a 500 year life expectancy). This was accomplished with the use of three types of equipment, which were:

- **Large format (4"x5") & 35mm copy cameras** for items such as maps, photographs & oversized items.
- **Planetary microfilm cameras** for fragile documents, bound volumes & oversized agency plans
- **Rotary microfilm cameras** for modern paper, forms, cards & etc.

Today our state records holdings at the MSA consist of:

- Permanent/Archival materials
  - Bound volumes i.e. Court docket books & Land Office field notes
  - Rare & fragile textual correspondence and documents
  - Large/oversize items (mostly maps)
  - Photographs, photographic negatives & image based items (i.e. trademarks)
  - Modern typed or computer generated paper
- Non-permanent retention based materials (mostly modern textual based documents)

Imaging Services at MSA currently engages in digital only conversion. Primarily the holdings of the MSA have no archival back-up for its digital files (presently items held in a digital format are not considered archival). Presently Imaging Services is equipped with a flatbed scanner and a large format, camera based, scanning system. MSA has a 35mm digital camera but it is not used for copy/reproduction as it is not suitable for this type of work. Because of this set-up there is no longer the capability to image bound volumes, and workflow for many record series is woefully slow. Also, any imaging of archival/historical materials must be viewed through the lens of long term storage and the ability to reclaim any materials which might, over time, be lost.

Digital formats are wonderful for access; we can easily reformat, make copies and readily share them. Working at the highest levels of standards we can look at digital conversion as part of a preservation and disaster recovery plan. The ability to store an item, once it has been imaged, as an artifact to be rarely (if ever) accessed and to make a reproduction in the event of catastrophic loss is a great tool for caring for MSA's most valuable holdings. One thing that is missing where digital imaging is concerned, however, is the archival piece. Loss through migration, corruption and catastrophic events begs the question of alternative archival storage of these images which must be considered when adopting an overall strategy.

## **I. Alternative Delivery Systems**

**Internet** -- The Maine State Archives has millions of records or indexes of records on the Internet. This outlet allows researchers to determine whether the Archives holds the material they are seeking and to obtain certain summary information directly.

## **J. Emerging Issues**

### **New Archives and Records Center**

The Department of Secretary of State and the State Archives are constitutionally mandated to care for the State's permanent records. That care involves protecting and preserving the archival material, but also entails providing access to that material.

The existing State Archives has the capacity for approximately 60,000 storage spaces. As of January, 2012, 57,390 of those spaces hold Maine archival documents. Since 2000, the annual demand for spaces exceeds 2,500. The Archives has a backlog of archival documents equal to 15,000 spaces waiting to be accessioned, an amount equal to 25 percent of the existing holdings.

Responding to the demand for additional space requires time, even as the demand for that space continues. Before adequate space could be developed for the permanent records of the State of Maine, the amount of archival material not under the care of the Archives will exceed 30 percent.

The archival material being generated in Maine's three branches of government will either remain in the possession of the generating entities, removed for storage in some private or public repository, or will be subject to disposition or destruction.

Maine is desperate for new archival quality space to meet the agency's responsibilities. The Bureau of General Services conducted statewide searches for State-controlled or owned buildings that could provide relief or replacement space for the Archives and reported to the Legislature that no such space exists.

The pressure for space is not limited to the Archives. The Records Center is similarly stressed, even though the spatial demands for holdings there can fluctuate because of disposition schedules.

To meet the existing and anticipated demand for secure and environmentally safe space for the next 50 years, the State needs to locate or construct suitable space with a capacity of 150,000 to 200,000 square feet.

Over the past year, small traces of asbestos were found in the Cultural Building and as a result, cleaning and remediation efforts by a professional abatement contractor have been completed. Additional testing and monitoring of the building will take place at least monthly.

#### **Preservation of archival State records in digital format –**

The Maine State Archives has a constitutional mandate to preserve and provide public access to the State's temporary and permanent records in paper and electronic formats. Millions of records are in paper form and the need for physical space is urgent. A substantial number of paper documents are currently stored in boxes, which consumes a significant amount of shelf space that is in very short supply. Converting these paper documents to electronic formats would provide much needed shelf space. Currently many digital records are potentially lost due to format obsolescence, lack of commitment to maintain them, and lack of staff to implement and oversee a comprehensive responsible records management program.

#### **Increase remote, digital access to copies of archival records –**

The demand for this service is growing constantly; the cost of trying to meet the demand high. The Archives is transferring (archival) microfilm images to non-archival digital images to improve access. Issues of image format standards, and indexing (standards and data input) remain impediments. The Archives is working with Maine's major institutions on an Encoded Archival Description project that will lead to a one-stop portal for access across the archival holdings in Maine. The project will help the public and researchers locate and identify specific holdings,

## **K. Other Information Specifically Requested by the Committee**

None requested.

## **L. Comparison of Related Federal Laws**

Federal laws and regulations pertaining to ADA, fair employment, nondiscrimination, drug-free workplace, etc. directly affect the administration of the State Archives. Information about compliance with many of these federal regulations is found in sections D of this report.

Additionally, the Archives and the Maine Historical Records Advisory Board apply for and receive grants from the National Historical Publications and Records Commission. Grants received must follow the terms of the grants and the rules of the Commission. Two federal rules govern grants received by the Archives:

### [36 CFR Part 1206](#) - National Historical Publications and Records Commission - General Information

This rule governs the following: purposes and eligibility requirements; establishment of a state Historical Records Advisory Board; grant application criteria; and grant administration.

### [36 CFR Part 1207](#) - Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments

This rule details various administrative requirements, including application forms, state planning for historical records, period of funds availability, matching funds, changes in grant projects, reporting, and grant records retention.

Many State statutes establish legal requirements for State or local governments to retain records for a specific period or permanently. Other statutes govern records retention and access more generally. The latter include the following:

#### 1 MRSA, Chapter 13, Subchapter 1 Freedom of Access

Maine's "right-to-know" law governs public access to records retained by State and local government. The State Archives, supplementing any applicable statute, regulates the period for which these records must be retained and accessible.

#### 1 MRSA, Chapter 13, Subchapter 2 Destruction or Misuse of Records

Essentially this provision makes it a Class D crime to remove, deface, alter, or fail to return a record to the State office responsible for that record.

#### 16 MRSA, Chapter 3, Records and Other Documents

This chapter governs the admissibility of records in court procedures. Regardless of the Archives' retention requirements, records that are the subject of court procedures may not be destroyed. The Archives instructs State agency Records Officer and local governments about this requirement.

Section 456-A Admissibility of Electronic Records, was amended in 1997 at the request of the State Archives to insure the proper retention of these records. Essentially it requires such records to be accurate representation of the original, be well documented, and be readable for the duration of its required retention period. It also allows the State Archives, in paragraph D., to specify additional requirements:

D. Nothing in this subsection precludes any state agency from specifying additional requirements for the retention of records, either written or electronic, that are subject to the jurisdiction of that agency.

A similar provision exists in 10 MRSA, Chapter 1051, Uniform Electronic Transaction Act.

## **M. Use of Information Technology and Personal Information**

**General**-- The State Archives does not collect Social Security or health information in any form.

**Internet** -- The State Archives currently stores a majority of their holdings in Digital Maine, which offers cloud storage and is housed by the Maine State Library. This platform currently allows the State Archives to put their holdings online for the public's view.

**Internal electronic** -- Requests received via mail and e-mail are managed on an internal database. Name, address, telephone number and e-mail information is captured to track the State Archives' response to requests, to assess our performance in responding to requests, and to facilitate recurring requests from the same individual. Personal information for researchers who have not made a request in three years is deleted from the database.

**Non-electronic** -- To ensure the security of its documents, the State Archives requires researchers to register before using its records. A photo ID is required, usually a driver's license. The individuals are then issued a research card. The person's name and card number are entered on a database for ease of responding to future requests. New cards are issued beginning each January. The information collected is retained for two years and then destroyed.

## **N. List of Reports**

Although members of the public are not required to file reports or other documentation with the Maine State Archives, governmental agencies and other entities are required to do so, as outlined in statute and noted previously in this report.

**29A**  
**SECRETARY OF STATE**  
Annual Regulatory Agenda  
October 2019 through September 2020

AGENCY UMBRELLA-UNIT NUMBER: **29-250**

AGENCY NAME: Department of Secretary of State, **Bureau of Corporations, Elections and Commissions**

**CONTACT PERSON:** Julie L. Flynn, Deputy Secretary of State, 101 State House Station, Augusta, Maine 04333-0101. Telephone: (207) 624-7736. Email: [Julie.Flynn@Maine.gov](mailto:Julie.Flynn@Maine.gov) .

**EXPECTED 2019-2020 RULEMAKING ACTIVITY:**

**CHAPTER 200:** Rules for the Use of Expedited Service in Corporations  
STATUTORY AUTHORITY: 10 MRSA §1527-B; 13-B MRSA §1402-A; 13-C MRSA §124; 31 MRSA §1457; 31 MRSA §1669; and 31 MRSA §813  
PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 201:** Rules for the Sale of Publications in Corporations  
STATUTORY AUTHORITY: 10 MRSA §1527-D; 13 MRSA §905; 13-B MRSA §1405; 13-C MRSA §143; 31 MRSA §1459; 31 MRSA §1671; and 31 MRSA §815  
PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 240:** Rules for Limited Liability Partnerships under Title 31, Ch. 15  
STATUTORY AUTHORITY: 31 MRSA §812  
PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for Limited Liability Partnerships.

**CHAPTER 250:** Rules for Business Corporations under Title 13-C

STATUTORY AUTHORITY: 13-C MRSA §141

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for business corporations.

**CHAPTER 260:** Rules for Nonprofit Corporations under Title 13-B

STATUTORY AUTHORITY: 13-B MRSA §1302-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for nonprofit corporations under Title 13-B.

**CHAPTER 270:** Rules for Limited Partnerships under Title 31, Ch. 19

STATUTORY AUTHORITY: 31 MRSA §1456

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited partnerships.

**CHAPTER 280:** Rules for Marks Registered under Title 10, Ch. 301-A

STATUTORY AUTHORITY: 10 MRSA §1527-A, sub-§1

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for a mark in the State of Maine.

**CHAPTER 290:** Rules for Limited Liability Companies under Title 31, Ch. 13

STATUTORY AUTHORITY: 31 MRSA §1668

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited liability companies.

**CHAPTER 401:** Administrative Rules for Uniform Commercial Code Title 11, Article 9-A

STATUTORY AUTHORITY: 11 MRSA §9-1526

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any interested person wishing to file UCC liens or requesting information on filed UCC liens.

**CHAPTER 502:** Rules Governing the Conduct and Procedures for Election  
Recounts

STATUTORY AUTHORITY: 21-A MRSA §737-A, sub-§12

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Candidates for offices in which a recount has been requested.

**CHAPTER 505:** Voter List Maintenance Procedures under Title 21-A

STATUTORY AUTHORITY: 21-A MRSA §161, sub-§2-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: All municipalities in the State of Maine as well as newly registered voters and registered voters who wish their names to be removed from their respective voter registration lists.

**CHAPTER 510:** Administrative Complaint Procedure for Title III of the *Help America Vote Act of 2002* (HAVA)

STATUTORY AUTHORITY: 21-A MRSA §222

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any person who believes that a violation of Title III of the *Help America Vote Act of 2002* (HAVA) has occurred, is occurring or is about to occur in a federal election.

**CHAPTER 520:** Rules Regarding Publication of Public Comments on Statewide  
Referenda

STATUTORY AUTHORITY: 1 MRSA §354

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any person or group who wishes to submit a public comment for or against a statewide referenda question for publication in the Citizen's Guide to the Referendum Election.

**CHAPTER 525:** Rules for Administering the Central Issuance and Processing of  
UOCAVA Absentee Ballots

STATUTORY AUTHORITY: 21-A MRSA §783

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.



AFFECTED PARTIES: Uniformed Service and Overseas voters (“UOCAVA” voters) who cast a ballot for a federal or state election.

**CHAPTER 535:** Rules Governing the Administration of Elections Determined by Ranked-choice Voting

STATUTORY AUTHORITY: 21-A MRSA §723-A, sub-§5-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Candidates seeking an office that is determined by Ranked-choice voting, municipal election officials and Maine voters.

**CHAPTER 536:** Rules Establishing Procedures for Requesting and Conducting Recounts of Elections Determined by Ranked-choice Voting

STATUTORY AUTHORITY: 21-A MRSA §723-A, sub-§5-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2019.

AFFECTED PARTIES: Candidates seeking a recount for an office that is determined by Ranked-choice voting.

**CHAPTER 550:** Rules for Determining Voter Intent

STATUTORY AUTHORITY: 21-A MRSA §696, sub-§6

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Municipal election officials who count ballots for statewide elections.

**CHAPTER 700:** Rules Governing Eligibility and Procedures for Appointment and Renewal of Commissions of Notaries Public

STATUTORY AUTHORITY: 5 MRSA §82, sub-§6

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Any person applying for a notary public commission or renewing a commission.

**CHAPTER 800:** Procedures for the Electronic Filing of Rules

STATUTORY AUTHORITY: 5 MRSA §8056, sub-§8

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: All rulemaking agencies.

**CHAPTER 900:** Administration of Address Confidentiality Program

STATUTORY AUTHORITY: 5 MRSA §90-B, sub-§8.

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: Victims of domestic abuse, sexual assault or stalking who wish to limit access to their addresses.

**CHAPTER 950:** Rules for Digital Signatures

STATUTORY AUTHORITY: 10 MRSA §9503

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2020.

AFFECTED PARTIES: State agency customers desiring to file electronic transactions which require a digital signature.