



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

Activities Overview of the Division of Elections, January 2021

Bureau of Corporations, Elections & Commissions:

The Bureau is responsible for corporations, elections, and a variety of central filing activities. The Bureau has significant contact with the public in many areas including state elections; corporate filings; Uniform Commercial Code (UCC) filings; oversight of the Administrative Procedure Act (state agency rule-making); recording of appointments to state offices, boards, and commissions; and commissioning of Notaries Public.

Activities Overview for the Division of Elections for the Previous Election Cycle (2019 - 2020):

The purpose of the Division of Elections is to supervise and administer all State Elections for federal, state and county offices and referenda, and in that capacity advise election officials from 500 municipalities, 500 candidates and the general public regarding election laws and procedures; conduct training sessions for municipal officials; prepare, proofread and distribute over 2,000 separate ballot types (in paper and audio/video formats) and other election materials; code and test memory media and distribute to municipalities; tabulate official election results; supervise recounts of contested races; oversee the application of the State's laws pertaining to candidate and citizen initiative petitions; and coordinate the statewide implementation of federal election laws, including the National Voter Registration Act (NVRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Help America Vote Act of 2002 (HAVA), and the Military and Overseas Voters Empowerment Act (MOVE). Our overall goals are facilitating the citizenry's constitutional right to vote and ensuring election integrity and security. Technology is increasingly important in the implementation of federal and state laws and ongoing efforts to increase accessibility and participation for voters. Cybersecurity is a top priority in a fast-changing threat environment. The Division of Elections recognizes the need to evaluate and update our technology to improve efficiency and accessibility while protecting the integrity and security of our elections.

Staffing Challenges:

- In the Elections Division, exclusive of the staff tasked with overseeing the Administrative Procedure Act (APA), there are 10 positions authorized, which includes 3 managers (Director of Elections and APA, Assistant Director of Elections and the CVR Manager) and 7 staff positions, 3 of which are vacant.
- Of the 3 vacancies, 2 were frozen as part of the Governor's curtailment order, and the 3rd is in the process of being filled.
- In 2020, about 20 Bureau staff and managers worked 2,933.15 hours of overtime (the equivalent of 73.3 weeks) on elections activities such as petition certification, ballot proofreading, equipment and election media creation and testing, processing UOCAVA applications and issuing ballots, etc.; overtime worked by the Deputy Secretary of State, the Director of Elections and APA and the Assistant Director of Elections comprised 1,164 of those hours - or an average of 388 hours or 9.7 weeks of overtime each.
- Two staff of the Corporations, UCC and Commissions Division were temporarily assigned to work exclusively on election activities for about 10 weeks before the November 2020 election.

Elections Conducted:

- 3/19 – 1 Special Legislative Election (House District 124): over 5,000 ballots printed
- 4/19 – 1 Special Legislative Election (House District 52): over 5,000 ballots printed
- 6/19 – 1 Special Legislative Election (House District 45): over 6,000 ballots printed
- 11/19 – Referendum Election: over 525,000 ballots printed
- 3/20 – Presidential Primary Election (2 parties), Special Referendum Election and 1 Special Legislative Election (House District 128) – over 385,000 candidate ballots and 625,000 referendum ballots printed
- 7/20 Primary Election (3 parties) and Special Referendum Election -- over 456,000 candidate ballots and 575,000 referendum ballots printed
- 11/20 General Election: over 1.1 million ballots printed

Ranked-choice Voting Elections/Central Counts Conducted:

- 7/20 Primary Election – conducted central ranked-choice count for 6 races (Republican CG2, Democratic State Senate District 11 and Democratic House Districts 41, 47, 49 and 90) completed in 4 business days using 8-10 staff for 8 hours/day
- 11/20 General Elections – created ballots and database for four federal offices (President, U.S. Senate and Representative to Congress District 1 and 2), but no central counts were required

Types of Voting Systems Used for the November 2020 Election:

- DS-200 (Digital Scan Tabulators (ES&S)) 309 municipalities
- Hand Counted Paper Ballots 177 municipalities

Additional Tabulators Deployed for November 2020 Election

- 210 additional DS200 tabulators deployed to handle high ballot volume
- 44 former hand count municipalities transitioned to tabulators
- Note: We contracted with ES&S for tabulators and camera-ready ballot layout software in 2012 and intend to go out for RFP in 2021. Having uniformity in tabulators across all participating municipalities provides significant benefits in efficiency and integrity. Our goal would be to do the RFP collaboratively with as many municipalities participating as possible.

Ballot Layout, Coding and Testing for November 2020 Election

- Reviewed and assisted towns with coding request forms – 2 staff (130 hours)
- Utilizing ES&S software, created layout of paper and accessible voting ballots – 2 staff (125 hours); 4 separate databases required to create all combinations of possible ballot layouts due to Presidential RCV litigation and declared write-in filings -- both congressional district contests changed from plurality format to ranked-choice grid layout with addition of write-in candidates.
- Proofread paper ballot proofs – 7 staff (80 hours)
- Coded and created (“burned”) election media – 2 staff (185 hours)
- Completed acceptance testing of new units – 8 staff (120 hours)
- Tested and distributed election media – 10 staff (375 hours)
- Assisted municipal officials with testing and issue resolution – 2 staff (140 hours)
- 1155 total person hours expended to ensure accurate ballots and election media for secure count

Recounts:

- After the 2020 Primary Election, conducted 1 Republican Party recount (SS 8); recount was completed in half a day using 8 staff

- After the 2020 General Election, conducted 2 plurality recounts (House Districts 96 and 98); each House recount was completed in approximately ½ day using 8 staff

HAVA Implementation and Ongoing Support and Maintenance:

1. Central Voter Registration System (CVR)

- The CVR is a statewide software application and database (called *ElectioNet*) maintained by the Division of Elections, which contains the name and registration information of every registered voter. The CVR was implemented in 2007 and has been used by all municipalities since then.
- Technology modernization is a vital consideration when it comes to protecting the integrity and security of voter registration information. Almost fourteen years after the CVR's implementation, the Department recognizes the need to upgrade or modernize the system. We have a decision to make about whether to move forward with ongoing maintenance and upgrades of the existing CVR or invest in a new system.
- Each municipality accesses the CVR via the Internet to maintain its own data and conduct election functions such as tracking absentee ballots and voter participation and preparing and printing various reports.
- In 2021, the Division of Elections plans list maintenance activities, which are expected to include sending a notice pursuant to Section 8(d)(2) of the National Voter Registration Act (NVRA) to every voter whose CVR record shows no voter participation history since 11/1/16, as well as to every voter whose CVR record shows no voter participation history since CVR was implemented, and either canceling or making voters inactive, in accordance with the NVRA.

2. Accessible Voting Systems and Ballots

- Pursuant the federal HAVA act, the ExpressVote™ Universal Voting system was implemented in the spring of 2016 to replace the prior AVS system. The ExpressVote is a ballot-marking device that allows individuals with disabilities to vote with privacy and independence. Using this tabletop unit, voters can navigate through their ballot using a touchscreen, or a keypad and audio interface. The ExpressVote generates a printed ballot with the voter's choices. The ExpressVote unit is not connected to a network and does not track or store voter choices.
- In 2020, the Division developed accessible electronic absentee ballots, based on our UOCAVA system, that allows voters with print disabilities to request, vote and return an absentee ballot using screen reader technology and their own computer.
- For the November 2020 General Election, 33 voters returned ballots that were counted along with UOCAVA ballots.
- More information can be found on the Secretary of State's web site:
<https://www.maine.gov/sos/cec/elec/voter-info/accessiblevoting.html>

Military and Overseas Voter Empowerment (MOVE) Act Implementation:

- In order to facilitate voting by uniformed service voters and overseas voters (i.e. UOCAVA voters) in compliance with the MOVE Act, in 2010 the Legislature authorized the Secretary of State to centrally issue, receive and count absentee ballots for these voters. Rules were adopted to establish procedures for the central issuance and processing of absentee ballots, including processes for the examination, counting and storage of ballots in the same manner as ballots issued by municipal election officials. UOCAVA voters can request ballots using mail, fax, email and the online Absentee Ballot Request (ABR) service; and to return ballots via mail, fax, or as a scanned attachment to an email.

- 11/19 Referendum Election, the Division issued 2,863 ballots to UOCAVA voters, while 414 absentee ballots were received, processed and counted centrally by UOCAVA election clerks.
- 3/20 Presidential Primary/Special Referendum Election, the Division issued 3,334 absentee ballots to UOCAVA voters, while 1,333 ballots were received, processed and counted centrally.
- 7/20 Primary/Special Referendum Election, the Division issued 2,114 absentee ballots to UOCAVA voters, while 868 ballots were received, processed and counted centrally.
- 11/20 General Election, the Division issued 6,632 ballots to UOCAVA voters, while 5,771 ballots were received, processed and counted.

Intent and Content – Citizen’s Guide to the Referendum Election:

- Prepared by the Office of the Secretary of the State with input from the offices of the Attorney General, State Treasurer and Fiscal and Program Review for each Referendum Election.
- Three Citizen’s Guides were produced during the last election cycle (11/19, 3/20 and 7/20).
- Produced in booklet format and posted on the Secretary of State’s web site.
- Provided copies to each municipality, public libraries and, upon request, to others.
- The Citizen’s Guide also includes an estimate of the fiscal impact for each ballot question as well as public comments in support of or in opposition to a ballot measure.
- A person filing a public comment for inclusion in the citizen’s guide must pay a \$500 fee which is deposited in a fund to be used to defray the cost of publishing the Citizen’s Guide; three (3) public comments were filed during this reporting period.

Citizen Initiative and People’s Veto:

- Processed 24 citizen initiative and people’s veto applications (19 were issued).
- One people’s veto petition was filed for certification in September 2019 and appeared on the March 2020 Special Referendum Election ballot.
- One initiative -- “Resolve, To Reject the New England Clean Energy Connect Transmission Project” was submitted to the Secretary of State for certification in 2020; after being certified by the SOS, the decision was challenged to Superior Court; after remand and further challenges in court, the initiative did not appear on the ballot.
- One people’s veto petition was filed for certification in June 2020; the SOS determined that the effort has failed to submit a sufficient number of valid signatures.
- The deadline to file for the November 2, 2021 ballot is January 21, 2021 at 5:00 p.m.; 63,067 signatures are required (10% of the total votes cast for Governor in November 2018).

2019-2020 Training:

- Conducted 2-day Elections Conference in 2019 and 4 days of training with the Maine Town and City Clerks’ Association (MTCCA).
- In 2020, conducted 3 two-hour sessions via Zoom, which were taped and made available to election elections officials by the MTCCA.

Voter Registration Duties:

- NVR (Motor Voter) – received voter registration applications and change of address cards from the Bureau of Motor Vehicles, public high schools and public assistance agencies, which were sorted and mailed to municipalities.
- In 2019, prepared a biennial report to the U.S. Elections Assistance Commission (EAC) called the Election Administration and Voting Survey (EAVS), which includes over 400 pieces of data for each municipality; In 2021, the same report must be filed by February 1.
- Each year prepared and provided voter registration cards and informational materials to all public high schools; provided over 25,000 registration application to high schools annually.

- Prior to the November 2020 General Election, provided Maine's higher education institutions with over 20,000 voter registration applications and instructions (pursuant to federal law).
- Work continues with the Bureau of Motor Vehicles to implement a system for automatic voter registration at BMV branch offices as required by the Legislature.

Other Election Duties:

- Updated and published Candidate's Guide. Updated, printed and distributed candidate petitions and consent forms for all candidates seeking federal, state and county offices.
- Determined the number of ballots required for each municipality by ward and precinct; determine the specifications for printing of ballots, and work with the printer to coordinate printing and distribution of ballots.
- Prepared and provided all forms, such as tally sheets, return of votes cast, etc., which the municipalities needed to conduct and report on election results and activities.
- Processed over 500 different candidate petitions and maintained the list of current candidates through the 2020 primary and general elections.
- Tabulated election results and prepared official tabulation reports and proclamations for the Governor's signature after each election.
- Prepared certificates of election and oath forms for elected candidates (250 in November 2020).
- Prepared proclamations and accompanying paperwork on candidate withdrawals after the Primary (30 withdrawals in 2020).
- Maintained web site with information on various election processes and past elections results.