



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1155

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H.P. 833

House of Representatives, March 22, 2021

### An Act To Require Election Transparency and Audits

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Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GROHOSKI of Ellsworth.  
Cosponsored by Senator FARRIN of Somerset and  
Representatives: CAIAZZO of Scarborough, COREY of Windham, FECTEAU of Augusta,  
PEBWORTH of Blue Hill, WARREN of Scarborough, WILLIAMS of Bar Harbor, Senator:  
MAXMIN of Lincoln.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 21-A MRSA §610** is enacted to read:

3 **§610. Election transparency**

4 **1. Transparency of election procedures.** The Secretary of State shall produce and  
5 publicly disseminate a guide to election procedures and revise the guide annually to reflect  
6 current law, rules and procedures regarding elections. The guide must describe:

7 A. Rules regarding polling places and the conduct of elections;

8 B. Devices and software used to capture, interpret or tally votes and the capabilities  
9 and deployment of the devices and software;

10 C. Duties of election officials on, before and after election day;

11 D. Opportunities for citizens to monitor election procedures; and

12 E. Other election laws, rules or procedures that the Secretary of State determines  
13 appropriate for the public interest.

14 **2. Election complaints.** The Secretary of State shall develop an election complaint  
15 process that any election official or member of the public can use to report excessive wait  
16 times, noncompliance with election procedures, obstacles or interference with voting or  
17 other concerns about the election process. Instructions for filing a complaint under this  
18 subsection must be included in the guide to election procedures under subsection 1 and  
19 posted at all polling places. The Secretary of State shall keep a record of the complaints  
20 received under this subsection and any actions taken in response to the complaints.

21 **3. Election report.** By December 15th in a year following a general election year, the  
22 Secretary of State shall submit a report to the Legislature that includes for all elections  
23 since the prior general election:

24 A. A summary of the election complaints received under subsection 2;

25 B. The number of voters removed from the central voter registration system since the  
26 previous report and the reason for their removal;

27 C. A summary of any recounts conducted, including a description of any discrepancies  
28 in vote totals and explanations for discrepancies when available; and

29 D. Recommendations for the remedy of any problems identified in the election process  
30 at the state or local level.

31 **4. Rules.** The Secretary of State may adopt routine technical rules as defined in Title  
32 5, chapter 375, subchapter 2-A to carry out the purposes of this section.

33 **Sec. 2. Resolve 2019, c. 48** is repealed.

34 **Sec. 3. Deadline for producing and disseminating guide to election**  
35 **procedures.** The Secretary of State shall produce and disseminate a guide to election  
36 procedures pursuant to the Maine Revised Statutes, Title 21-A, section 610, subsection 1  
37 no later than December 1, 2021.

38 **Sec. 4. Secretary of State to conduct pilot post-election audit.** The Secretary  
39 of State shall design and conduct a pilot post-election audit based on statistical principles  
40 designed to limit the risk that certified election returns may produce an incorrect outcome.

1 The pilot audit must be conducted following the general election scheduled for November  
2 2022. The planning process for the pilot audit must include a study of best practices in  
3 post-election ballot audits, recounts and the intersection of audits with recounts and must  
4 include a review of security protocols related to hardware, software and paper ballots. In  
5 conducting the pilot audit, the Secretary of State may consult with state and municipal  
6 election officials, election security advocates and other experts in the field of election audits  
7 and recounts. By February 1, 2023, the Secretary of State shall submit a report on the pilot  
8 audit with any recommended legislation to the joint standing committee of the Legislature  
9 having jurisdiction over veterans and legal affairs. The joint standing committee may  
10 report out a bill based upon the report to the First Regular Session of the 131st Legislature.

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### **SUMMARY**

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This bill requires the Secretary of State to:

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1. Produce and publicly disseminate a guide to election procedures;

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2. Develop an election complaint process;

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3. Report to the Legislature on certain election issues after a general election; and

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4. Conduct a pilot post-election audit.