



MATTHEW DUNLAP  
SECRETARY OF STATE

STATE OF MAINE  
OFFICE  
OF THE  
SECRETARY OF STATE

April 9, 2018

Senator Garrett Mason  
Representative Louis Luchini  
Chairs, Joint Standing Committee on Veterans and Legal Affairs  
State House Station 100  
Augusta, ME 04333

RE: June 12, 2018 Primary Election and Special Referendum Election, and  
Implementation of Ranked-choice Voting

Dear Senator Mason and Representative Luchini:

On Thursday, March 29, 2018, Deputy Secretary of State Julie L. Flynn and I appeared before your committee to provide a briefing on the plans for implementation of ranked-choice voting for the June 12, 2018 Primary Election. I had expressed concern that day regarding an apparent conflict in the provisions of Title 21-A governing determination of the outcome of primary elections. This issue was subsequently raised in a pending lawsuit, and on April 5, 2018, the Superior Court issued a temporary restraining order, ruling that existing law requires ranked-choice voting (RCV) to be applied in this June 12, 2018 Primary Election, and directing me as Secretary of State to continue implementation of the system of ranked-choice voting for that election, in accordance with Title 21-A, Sections 1(27-C) and 723-A. *Committee for Ranked-choice Voting v. Dunlap*, Docket No. AUGSC-CV-18-24 (Me. Super. Ct., Ken. Ct., April 4, 2018) (Murphy, J.).

At the March 29<sup>th</sup> briefing, we provided you with an updated estimate of the expected costs to implement ranked-choice voting in the upcoming Primary Election. At that time, the expected costs included \$114,465 for the Department of Secretary of State and \$139,953 for the Department of Public Safety. We have since refined these numbers further. The cost of leasing the RCV Counting Utility software was unknown when we gave you the briefing on March 29, but we now know that it will cost \$15,500. In addition, although the Elections Division will prepare instructions for voters on ranked-choice voting as part of our regular election administration duties and will post educational materials on our web site, we no longer expect to be able to undertake additional voter outreach efforts before the June 12, 2018 primary and thus will not incur the \$50,000 in projected costs for those activities in the current fiscal year. This reduces our Department's direct costs associated with ranked-choice voting to \$79,965. This amount does not include the cost to design, print and distribute ballots for the Primary and Special Referendum Elections – costs that we would have to incur regardless of ranked-choice voting.

The Acting Colonel of the Maine State Police wrote to you on April 2, 2018, indicating that the State Police believe they are only authorized to collect ballots in the event of a recount, pursuant to Title 21-A, Section 737-A. On April 5, 2018, Senator Carpenter proposed a Joint Order that would have authorized your committee to report out a bill to fully fund primary and special elections in 2018 and to authorize the State Police to retrieve ballots as necessary in order to perform the RCV counting process. It was defeated in the Senate on a tie vote that same day.

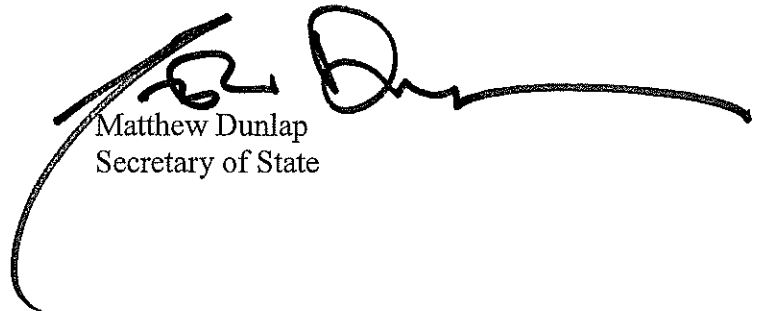
In light of these developments, I instructed my staff to determine precisely what available funds remain in "All Other" appropriations for the Bureau of Corporations, Elections and Commissions that could lawfully be used to conduct both the Primary and Special Referendum Elections on June 12, 2018. I also asked them to explore hiring a private courier service to perform the task we had originally proposed to have the State Police perform – retrieving ballots and memory devices from up to 500 voting jurisdictions and transporting them to the central facility in the event that no candidate in the Republican or Democratic primary contests receives more than 50% of the vote after the first-choice votes are tallied by the towns on election night.

The staff completed their financial analysis late on Friday afternoon, April 6, 2018. The analysis shows that our Department has sufficient funds from current All Other appropriations – including some carryover funds from past fiscal years designated for software upgrades, and subject to processing of a budget order to carry forward unspent funds from previous quarters of this fiscal year to the fourth quarter – to print and distribute candidate and referendum ballots, to lease the necessary software and hardware, and to secure a facility at a central location in Augusta to perform the RCV counting process, as described in 21-A M.R.S.A. § 723-A and in our proposed rules. After paying all of these expenses and continuing to operate the Bureau through the end of this fiscal year, we would have approximately \$31,907 remaining to pay for retrieval and transport of the ballots and memory devices. Based on the quotes received this morning, we have now determined that we can hire a private courier service to perform this retrieval and transport task for less than \$31,907. We intend to revise the proposed rules governing the administration of RCV to reflect this change in operating procedure.

Accordingly, I am pleased to report to you that, once the budget order is processed, we will have sufficient appropriated funds available to conduct both the Primary Election and the Special Referendum Election on June 12, 2018, in accordance with the law on ranked-choice voting.

If you have any questions, please let me know.

Sincerely,



Matthew Dunlap  
Secretary of State