



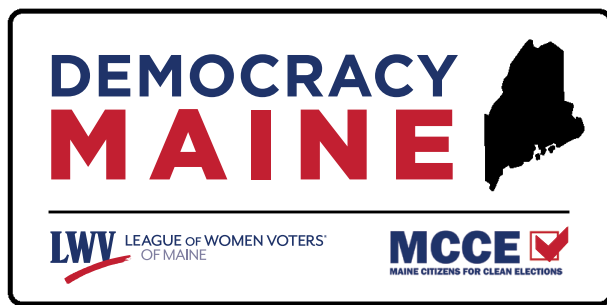
MAINE:

THE STATE OF OUR

DEMOCRACY

A study published by

DEMOCRACY
MAINE



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This study was conducted by Democracy Maine, a collaboration between the League of Women Voters of Maine and Maine Citizens for Clean Elections.

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INTRODUCTION

This report examines and assesses the state of democracy in Maine along several dimensions using indicators based on publicly-available data, published reports, and research conducted by the League of Women Voters (LWVME) and Maine Citizens for Clean Elections (MCCE).

WHO WE ARE

LWVME and MCCE are nonpartisan political organizations that encourage informed and active participation in government and seek to influence public policy through education and advocacy. We never support or oppose any political party or candidate. We joined forces in 2018 to strengthen our advocacy and education efforts. In collaboration as Democracy Maine, we work together and with other partners to make government more equitable, inclusive, and accessible by improving elections, protecting and engaging voters, and reducing the influence of private money in politics.

Voting is a fundamental citizen right that must be guaranteed, and we are dedicated to ensuring that all eligible voters have the opportunity to vote. We support measures that enhance the smooth conduct of elections and public confidence in election outcomes. And we work for election measures that increase political equity, voter participation, and representative outcomes. We are also deeply committed to reforming our nation's campaign finance system to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and allow maximum citizen participation in the political process. We have been actively engaged in areas such as ranked choice voting, early voting, election security and integrity, automatic voter registration, the national popular vote, primary elections, and redistricting in Maine. Our website offers an interactive scorecard map of Maine Senate and House districts that allows people to see how their representatives score on specific legislation (democracymaine.org/scorecard).



PURPOSE OF THIS REPORT

This report offers a broader perspective on the state of democracy in Maine in several selected areas: representative government, voter and civic participation, money in politics, voting rights and barriers to voting, election methods, conduct of elections, freedom of information, newspapers and media access, and the effect of poverty on voter turnout. In each of these areas, we selected indicators from published reports or easily accessible data to show how Maine ranks on these indicators and whether the trend is positive or negative. Where possible, we attempted to compare Maine with other states to provide a larger context for the finding. Each chapter provides a brief overview of why the subject matters to democracy, the key takeaways from our analysis, the selected indicators (along with graphs to illustrate the findings, where relevant), and a summary. The chapters also provide a brief discussion of the methodology and future research, along with resources and reference materials. A final chapter discusses overall conclusions.

The areas and indicators selected for the report were necessarily informed and guided by our mission and priorities, and, for this first edition, we limited ourselves to easily accessible data. We hope to publish this report biennially in odd-numbered years. We believe the report offers a timely, objective, and informative portrait of the state of democracy in Maine.

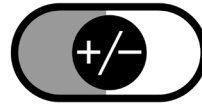
A note on indicators: Each indicator is assessed in terms of what the finding implies for the state of democracy in Maine, whether positive, negative, mixed, or difficult to judge.



The **-** indicates a negative finding or a negative trend.



The **+** Indicates a positive finding or a positive trend.



The **+/-** indicates a mixed “good news/bad news” trend.



The **?** indicates that it is hard to judge the impact of the finding.

CHAPTER ONE

REPRESENTATIVE GOVERNMENT



WHY IT MATTERS: The demographic composition of our legislature has something to say about whose voices are getting heard and who has access to power. How representative can the Legislature be if its composition does not reflect the entire constituency? How can we have the best Legislature possible if there are substantial barriers to service for a significant number of qualified people? We examine the age and gender make-up of the Legislature to see whether we are electing people that represent us all.

TAKEAWAYS: To put it bluntly, the Legislature is and has been dominated by older white males. Barriers to service are real for women and younger adults. Legislative service pays poorly; many younger people in their critical earning years cannot afford to serve without damaging their current or future financial security unless they have independent resources or a high-earning spouse. The wealth gap between men and women and the high cost of a political career make it harder for women to serve. It is much worse for women of color.

KEY METRICS:



Indicator #1 | Percentage Aged 55-74 in the Legislature and Population

The percentage of baby boomers in the Legislature is very high (59%) relative to the general population (36%).



Indicator #2 | Percentage of Women in the Legislature and General Population

Women make up 51% of the general population but only 38% of the Legislature.



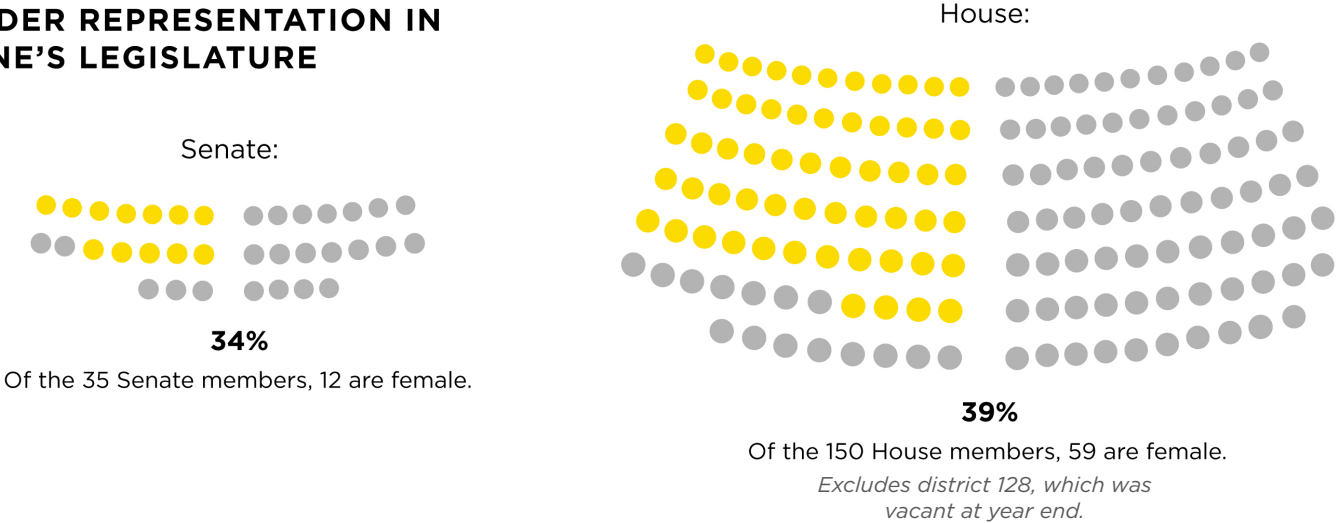
Indicator #3 | Percentage of Women in the Legislature in 2018 versus Earlier

The percentage of women in the 2018 Legislature is at an historic high but still way under 50%.

SUMMARY FOR 2020: One of the often-cited reasons why women are less likely to run for public office is that the burden of political fundraising falls harder on them. Maine has public funding, which is a benefit. The Maine Clean Election Act eliminates one barrier to running, and indeed, in the years immediately following passage of the Act, more women did run for office and win. But academic studies and conversations with current and former legislators suggest that legislative service does not pay enough that people can do it if they need to earn a living or support a family. It is almost impossible to hold a full-time job and perform legislative service at the same time. The result is that people defer public service until their financial circumstances are more secure, well into their 50s and 60s. Many young men simply cannot afford to serve; these barriers are even greater for women. Median wealth for single women ages 18 to 64 was only 49% of the median wealth of their single male counterparts. Women succeed in leadership once elected — indicating that they are perfectly able to do the job.

The current gubernatorial administration is the first in Maine’s history headed by a woman, and it is the first to appoint an equal number of women to high executive branch positions.

GENDER REPRESENTATION IN MAINE’S LEGISLATURE



AGE	MAINE POPULATION	SENATE	HOUSE	ALL LEGISLATORS
20-39	29.69%	5	18	12.43%
40-54	24.01%	6	38	23.78%
55-74	35.70%	23	86	58.92%
75+	10.60%	1	8	4.86%

TABLE 1

Breakdown of age of the 129th Maine Legislature, House and Senate

METHODOLOGY: We looked at the age and sex distribution of 185 members of the 129th Maine Legislature (House and Senate), as of December 31, 2019. (Note that this excluded Arthur Verow who sadly died earlier in December, 2019.) We have some historical data going back to the year 2000. Although gender has fluctuated slightly over that period, average age has proven remarkably stable.

FURTHER RESEARCH: It would be useful to compare Maine with other states such as Nevada, which currently has a 50% female Legislature, and to understand the reasons for the differences in gender representation. Not enough data are available on race, ethnicity, gender/sexuality, economic origin. Although requested, no data was provided by the Judicial Branch. An important topic for the future is the racial composition of our people and our legislature. Maine is one of the whitest states in the country, but hard data are not available on the racial composition of the Maine legislature, and even the numbers of non-whites in the population are too small for making statistical inferences.

REFERENCES & RESOURCES:

1. Molly Bangs, *Women's Underrepresentation in Politics: No, It's Not Just an Ambition Gap*, 2017.
tcf.org/content/commentary/womens-underrepresentation-politics-no-not-just-ambition-gap/?agreed=1
2. Shauna Shames, *Out of the Running: Why Millennials Reject Political Careers and Why It Matters*, 2017.
books.google.com/books?hl=en&lr=&id=DAXvCwAAQBAJ&oi=fnd&pg=PR10&q=shauna+shames&ots=n-73aC6EQj&sig=f84OQwuGUnmnVJ4GSpZy6T3i-E#v=onepage&q=shauna%20shames&f=false
3. Infographic: Does Congress Look Like America?
yesmagazine.org/education/2016/09/15/infographic-does-congress-look-like-america
4. Maine Population 2020
worldpopulationreview.com/states/maine-population
5. Current Population Demographics and Statistics for Maine by Age, Gender and Race
suburbanstats.org/population/how-many-people-live-in-maine



CHAPTER TWO

VOTER AND CIVIC PARTICIPATION

WHY IT MATTERS: Voter participation is the centerpiece of a democratic society. Tracking it over time allows us to see how and why it fluctuates, both based on the perceived salience of elections and as the structures surrounding voting change. Structural changes that remove barriers to voting tend to increase turnout over time. Analyzing which groups of people are more or less likely to vote can help us better understand the barriers to participation that people face and address such barriers.

TAKEAWAYS: Maine has a comparatively high voter registration rate and turnout rate, but a significant percentage of registered voters still do not participate in each election. On average, over the past 20 years of federal elections, 60.0% of Maine's registered voters participated in midterms, and 70.4% in presidential elections. Year-to-year trends tend to mirror national trends unless Maine has a high-interest state election, as well.

KEY METRICS:



Indicator #1 | Maine's Voter Turnout, 2016 and 2018

Maine's turnout in 2016 was 71.3%, in line with average turnout in Maine for prior Presidential elections. 2018 saw a sharp uptick from the expected 60%, with 65.6% of registered voters participating. This increase mirrored trends across the country.



Indicator #2 | States with the Highest Voter Turnout

Maine has consistently been in the top 10% of states in terms of voter turnout over the last 20 years. In 2016, Maine's turnout was 2.5% higher than the next highest state; in 2018, Maine again led the nation, this time by 1%.



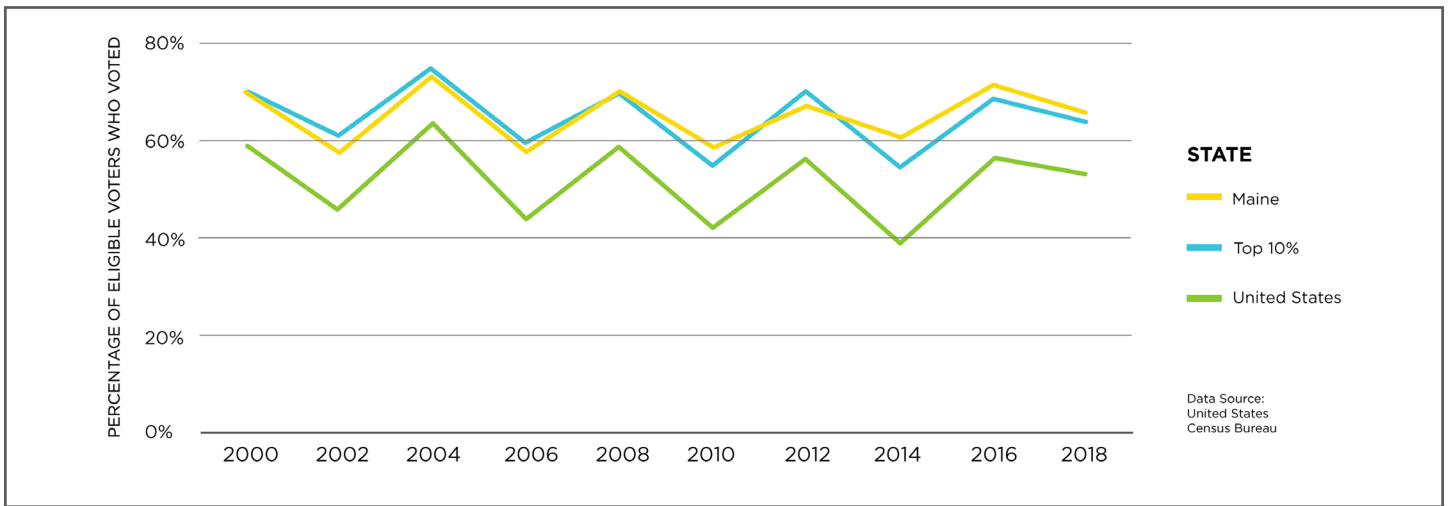
Indicator #3 | Voter Turnout in Maine by Gender

Given that women are more likely to participate in civic life, women are also slightly more likely to vote than men. This is more noticeable in high-salience elections, meaning that women's voting behavior varies more overall.



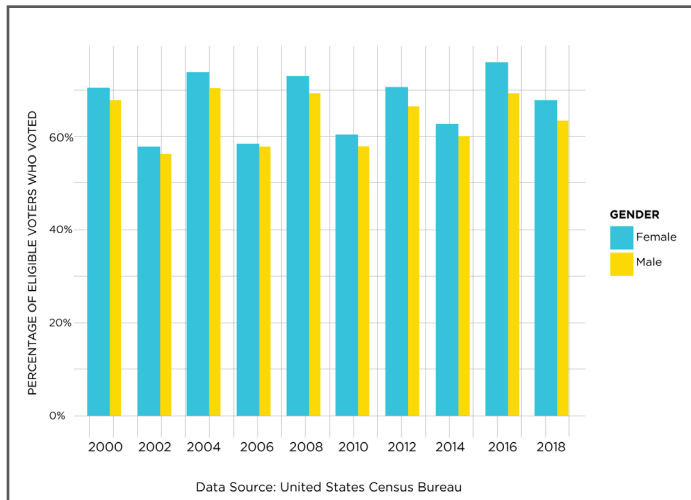
Indicator #4 | Voter Turnout in Maine by Age

Regardless of election type, either presidential or congressional elections, age is a strong indicator of civic engagement. People are more likely to vote as they grow older. Historically, this has been a consistent effect over an individual's lifetime.



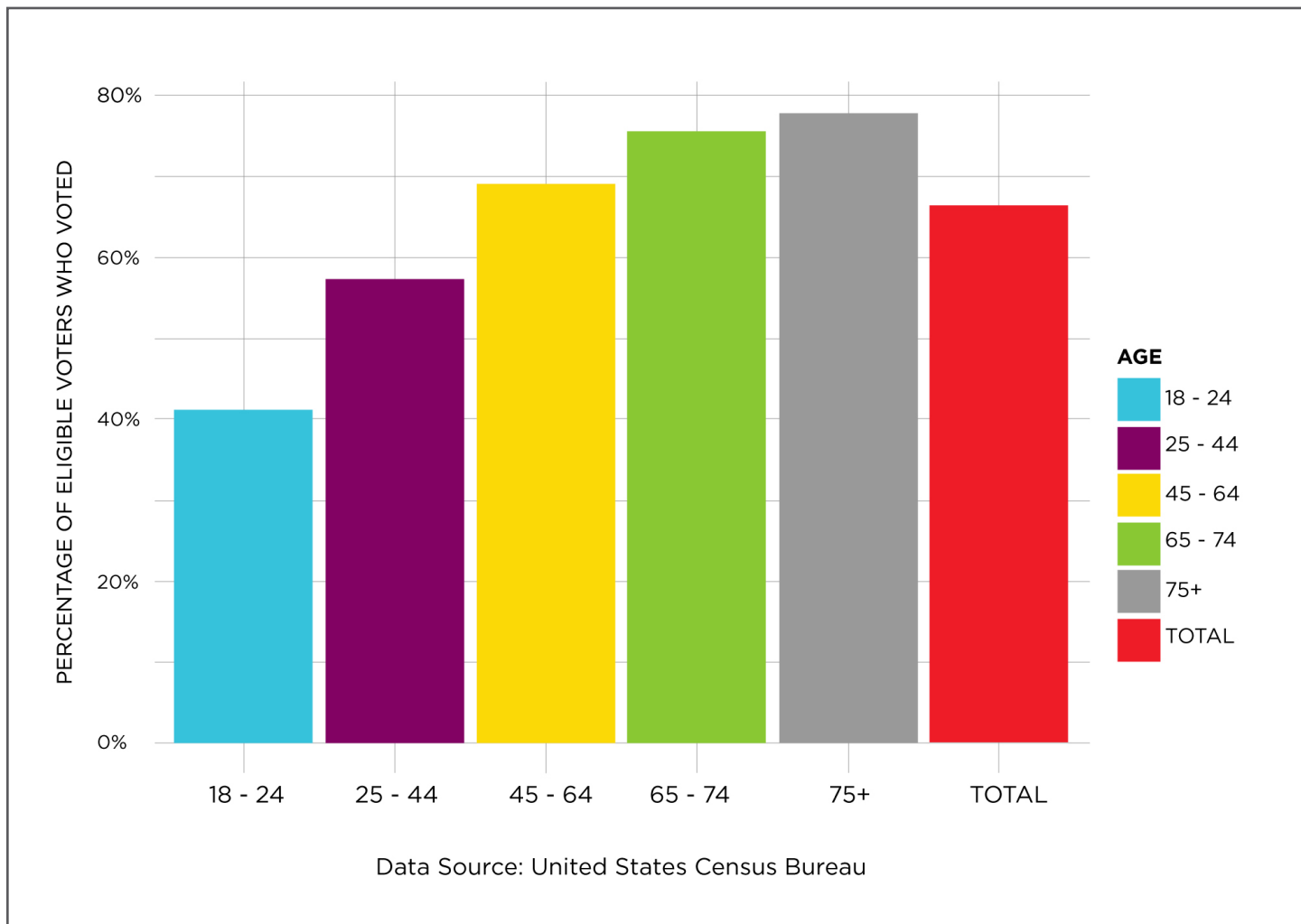
GRAPH 1 | Top 10% Voter Turnout by State

SUMMARY FOR 2020: Maine’s voter participation rate has held steady over time for the last 20 years, in both presidential and midterm elections. However, despite Maine being near or at the top of the nation in terms of voter turnout (an average 70% in presidential elections, 60% in federal midterms, and lower rates for state and local elections), a significant portion of the electorate is still not participating. Racial and economic disparities also play a role in lower turnout. While Maine does not have data with which to address racial disparities in voting, we address the issue of economic disparities in voting in Chapter 9 of this report.



GRAPH 2 | Voting Trends by Gender

METHODOLOGY: We analyzed data from the Census Current Population Survey (P20 Tables on Voting and Registration) using statistical analysis software. We chose to establish 20-year trends to develop a baseline for future analysis and to allow us to put each additional year’s numbers in context.



GRAPH 3 | Average Voter Participation Rate by Age (2000-2018)

FURTHER RESEARCH: Data on racial disparities in voting in Maine are largely missing because low raw numbers make estimates difficult. We plan to look for other ways to analyze how racial and ethnic identity affect voting propensity in Maine.

REFERENCES & RESOURCES:

1. Census: Voting and Registration
[census.gov/topics/public-sector/voting.html](https://www.census.gov/topics/public-sector/voting.html)
2. CAWP: Center for American Women and Politics
cawp.rutgers.edu
3. CIRCLE: Center for Information & Research on Civic Learning and Engagement
circle.tufts.edu
4. The 100 Million Project at the Knight Foundation
knightfoundation.org/reports/the-100-million-project



CHAPTER THREE

MONEY IN POLITICS

WHY IT MATTERS: Maine has made great progress combating the corrosive effect of money in politics. Since the inception of public funding in 2000 under the aegis of the Maine Clean Election Act (MCEA), 2,598 candidates have qualified and used public funding and run for state office using the Clean Elections option — without raising large contributions from wealthy special interests. But unfinished business remains. Unaccountable and undemocratic funding continues to play an outsized role in determining our policies and those who run our government. Of increasing importance: lack of access to political money reinforces existing power dynamics across race, income, and other demographic factors.

TAKEAWAYS: The good news this year is that candidate participation in the Clean Election public funding option remains relatively high, though still short of its peak in 2008. The bad news is that more money is circumventing the regular channels and flowing through dark-money channels, leading to a lack of transparency and accountability. Also, more legislators are using “Leadership PACs” to raise money from special interests including lobbyists with vested interests in state policies. “Caucus PACs” continue to attract lobbyist largesse, while also serving as a major source of funding for the parties focused on key targeted races in the biennial battle for legislative control.

SUMMARY FOR 2020: The continued pervasive effect of money in Maine politics is a sign of the unfinished work in campaign finance policy. Policymakers must continue to be as aggressive and creative as those who want to bend state policy to their special interests. Although federal constitutional precedents limit the options, there has long been strong public support in Maine for addressing this issue with every available tool.

KEY METRICS:



Indicator #1 | Percentage of Eligible Candidates who use Clean Elections

From the 2016 to 2018 election cycles, MCEA participation among all candidates declined from 64% to 55%. But the percentage of current Legislators who were elected using Clean Elections remained steady at 63% as compared to 64% in the previous Legislature.



Indicator #2 | Health of the Clean Elections Fund

The Clean Election Fund is expected to have sufficient resources for 2020. But the Fund would be healthier if not for actions of previous Legislatures, which removed funds that should have been allowed to accumulate. A total of \$6,631,156 (plus interest) should be repaid.



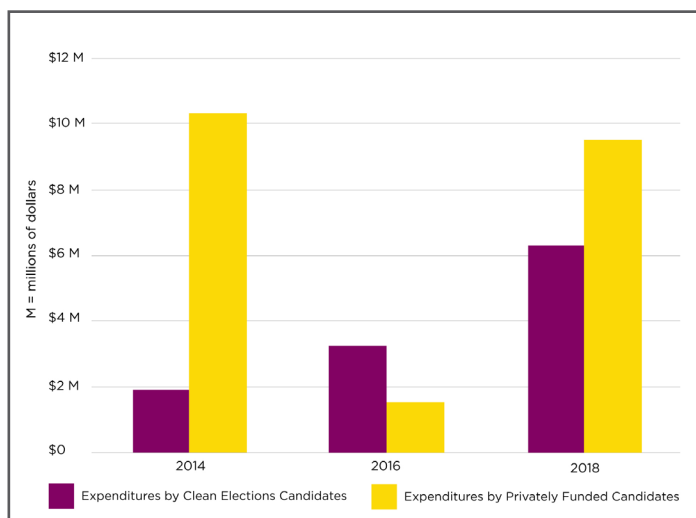
Indicator #3 | Campaign Finance Transparency

Maine's new gubernatorial transition funding disclosure requirement plugs a hole in the previous disclosure structure. And the "top three" donor real-time disclosure law is one of the first in the nation. Together, these and other measures send a signal that policymakers are attempting to do something about dark or unaccountable money. But their tools are limited.

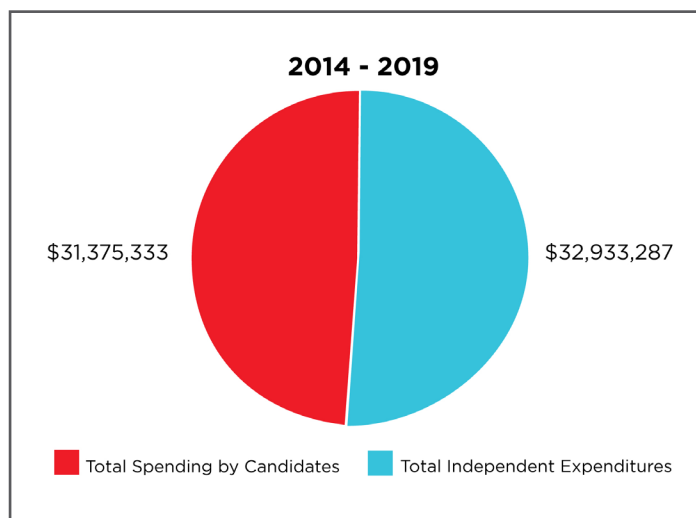


Indicator #4 | Leadership and Caucus PAC Fundraising

Leadership PACs and Caucus PACs received a total of \$1,090,453 from commercial sources in 2018 - up from \$909,934 in 2016. Total spending by these PACs in 2018 was \$3.87 million - down from \$4.56 million in 2016. These PACs are partially fueled by corporate contributions.

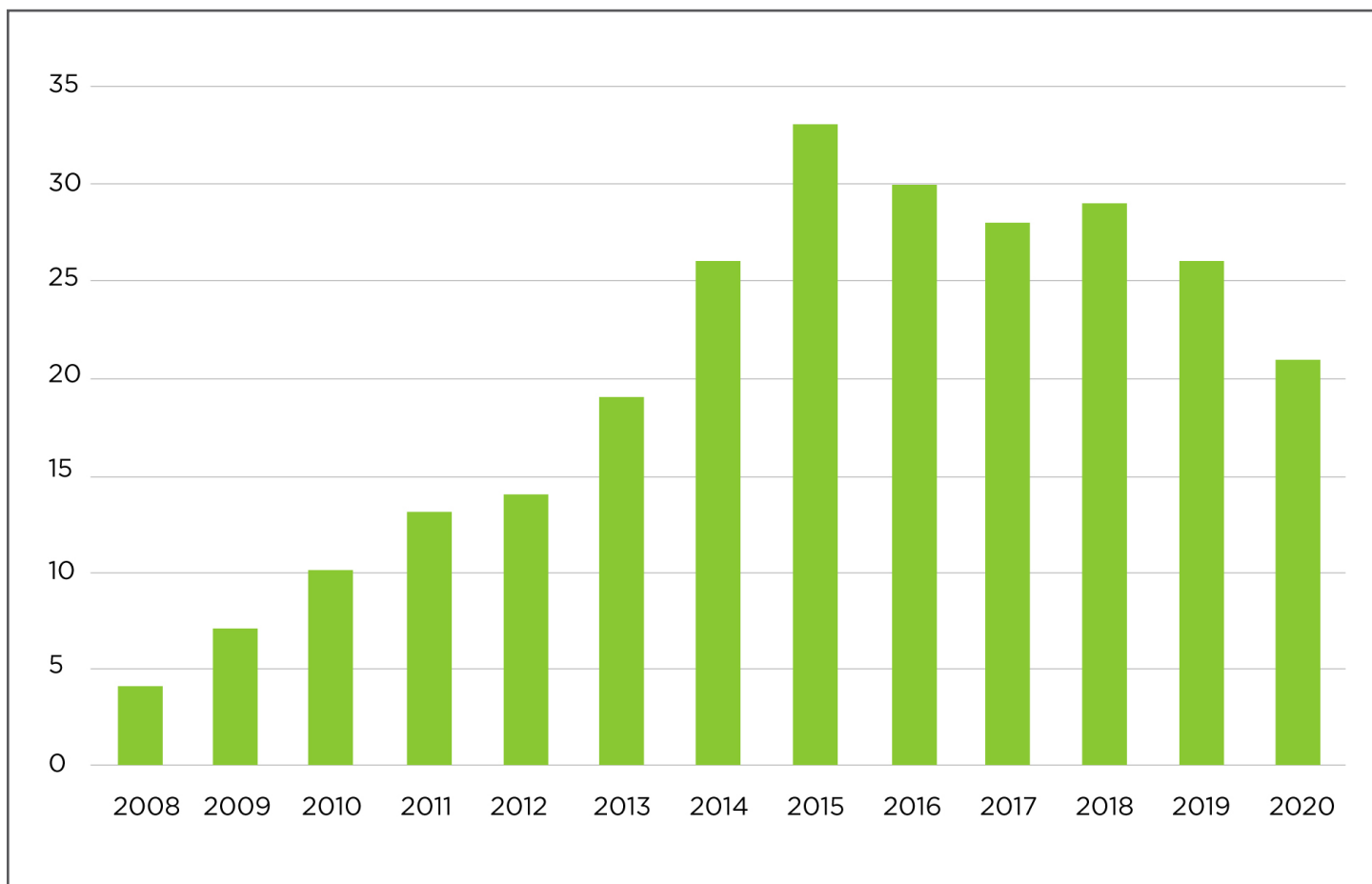


GRAPH 1 | Spending by Privately Funded and Clean Elections Candidates*



GRAPH 2 | Total Spending

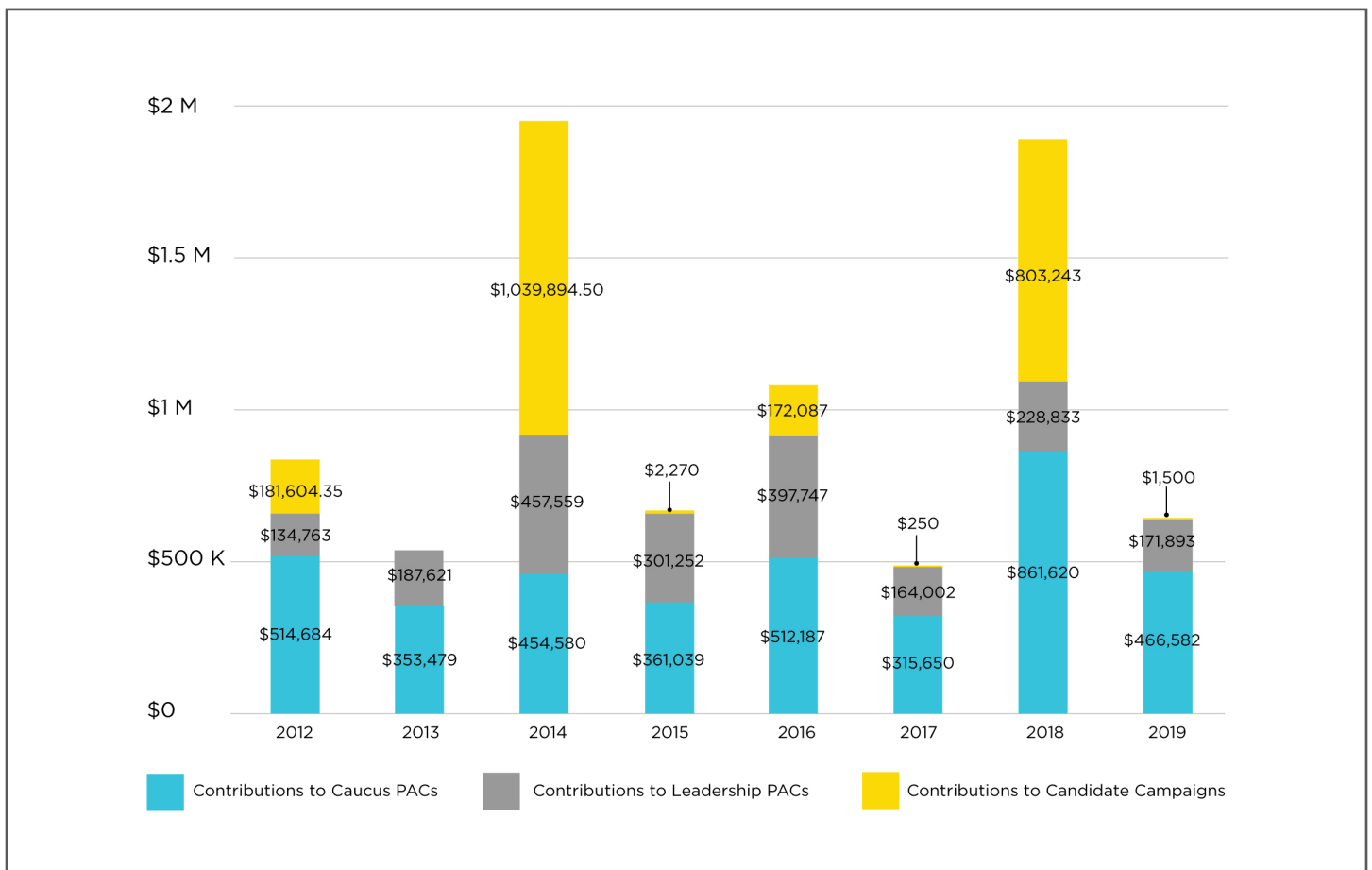
*Although many candidates continue to participate in the Clean Elections program, candidate spending in that program is strictly limited, whereas privately funded candidates can raise and spend unlimited amounts. Thus, the total spending by privately funded candidates for governor in 2014 and 2018 far exceeded the public funding amounts in those years.



GRAPH 3 | Number of Leadership PACs

METHODOLOGY: Our research looks at both quantitative and qualitative sources for assessing these indicators. The quantitative sources include campaign contribution and expenditure data maintained by the Commission on Governmental Ethics and Election Practices as reported by candidates, parties, PACs, lobbyists, and entities making independent expenditures. Our qualitative sources include reports from our volunteer and staff lobbying teams, our professional lobbyist, and conversations and/or interviews with policymakers and officials in Augusta.

FURTHER RESEARCH: The data available from the Ethics Commission are generally adequate and have greatly improved over the past decade. But the database could be further refined to better enable the public to access and utilize data in summary form. Also, standardization of the identities of contributors could be enhanced. A neglected area of analysis and policy development relates to the impact of current money in politics trends on frontline communities including new Mainers, low-income individuals and families, racial and demographic minorities, and those toward the bottom of other socio-economic metrics. Another area for further research would be to quantify two other factors in reduced MCEA participation: (1) hardening ideology among some GOP legislators; and (2) inability of leadership aspirants to use MCEA if they have a leadership PAC.



GRAPH 4 | Corporate/Commercial Source Contributions

REFERENCES & RESOURCES:

1. A 2019 Study Report of the Maine Clean Election Act Public Financing Program for Political Candidates for the 2012 - 2018 Elections
maine.gov/ethics/sites/maine.gov.ethics/files/inline-files/Final%202019%20MCEA%20Report_0.pdf
2. Maine Ethics Commission: Campaign Finance
mainecampaignfinance.com/#/index
3. 2016 Legislative Elections: An Analysis of Clean Election Participation and Outcomes
mainecleanelections.org/money-14
4. Money in Politics Series, completed by Maine Citizens for Clean Elections
mainecleanelections.org/mip



CHAPTER FOUR VOTING RIGHTS

WHY IT MATTERS: Voting is the most fundamental expression of citizenship in our democracy. The expansion of voting rights to include all Americans, regardless of race, ethnicity, or gender, and the breaking down of barriers to citizens' voter participation — from literacy tests to poll taxes — has been one of the great successes in the evolution of American democracy. However, since 2010, many states have implemented new voting restrictions. Maine, thankfully, is not among them. However, Maine's democratic project will be incomplete until every eligible citizen is registered to vote, informed about candidates and issues, and able to cast a ballot without barriers.

TAKEAWAYS: According to a 2018 report of the U.S. Civil Rights Commission, Maine "has some of the most inclusive and protective voting laws in the country, making it one of the most democratic states in the United States. Its residents may register to vote on Election Day, there is no photo identification requirement, and those convicted of crimes are not deprived of the franchise." Full implementation of automatic voter registration (AVR), due in 2022, will remove further barriers to voter registration and participation.

SUMMARY FOR 2020: Maine leads the nation in protecting voting rights. But voting rights have come under assault in 22 states since 2011. Photo I.D. requirements, closure of polling places, voter roll purges, and registration drive restrictions have put barriers in the way of millions of American voters. Here in Maine, repeated attempts to restrict voting rights and ballot access have been unsuccessful — so far. Bills calling for a photo I.D. requirement at the polls were defeated in 2011, 2015, 2017, and 2018. Voter I.D. requirements have been found to suppress turnout by 2-3% on average. Such requirements disproportionately impact the elderly, people with disabilities, communities of color, and low-income citizens. Same-day registration was repealed by a 2011 law and only reinstated after a people's veto referendum overturned it. Voter suppression tactics targeting college students are worth monitoring, particularly in college towns like Waterville and Lewiston.

KEY METRICS:



Indicator #1 | Same-day Registration

Maine is one of 21 states that allow same-day voter registration (SDR), also known as Election Day registration. Any eligible voter may visit the polls on election day, register to vote with valid identification, and cast a standard (non-provisional) ballot then and there. Studies show that on average, SDR increases voter participation by 5%.



Indicator #2 | No Photo I.D. Requirement

Although voters must prove identity in order to register to vote, Maine is one of 16 states that does not require a picture I.D. or proof of citizenship to vote at the polls on Election Day.



Indicator #4 | Automatic Voter Registration (AVR)

In 2019, Maine joined 17 other states that have enacted AVR laws, under which citizens are automatically registered to vote when they interact with their motor vehicle registry or other state agencies.



Indicator #3 | No Felony Disenfranchisement

Maine is one of two states (the other is Vermont) that does not deny voting rights to those convicted of crimes. Felony disenfranchisement laws, which became common during the Jim Crow era, affect African-Americans at a rate four times that of other Americans.

METHODOLOGY: Our four qualitative indicators of pro-voter laws were selected after reviewing “Voting Rights in Maine,” a 2018 report for the U.S. Commission on Civil Rights, and “The State of Voting 2018” by Wendy Weiser and Max Friedman of the Brennan Center for Justice. We scored every U.S. state on these indicators, and found that only Maine and Vermont scored 100%.

FURTHER RESEARCH: While Maine voters enjoy protective laws, it is harder to assess other barriers to voting. We will investigate how access to the ballot can be improved through voter education and engagement, outreach to marginalized voters, accommodation of those speaking languages other than English, and accommodation for those with disabilities.

REFERENCES & RESOURCES:

1. U.S. Commission on Civil Rights: Voting Rights in Maine
usccr.gov/pubs/2018/06-29-ME-Voting-Rights.pdf
2. NCSL: Same Day Voter Registration
ncsl.org/research/elections-and-campaigns/same-day-registration.aspx
3. US Government Accountability Office: Issues Related to State Voter Identification Laws
gao.gov/assets/670/665966.pdf
4. Brennan Center for Justice: New Voting Restrictions in America
brennancenter.org/sites/default/files/2019-11/New%20Voting%20Restrictions.pdf
5. Brennan Center for Justice: The State of Voting 2018
brennancenter.org/sites/default/files/2019-08/Report_State_of_Voting_2018.pdf



CHAPTER FIVE ELECTION METHODS

WHY IT MATTERS: Election methods can help ensure that elections have broad public participation and that election outcomes represent, to the extent possible, the collective view of the broadest coalition of voters. Election methods, including plurality winners and extreme partisan gerrymandering, that are designed to thwart majority rule can have disastrous consequences for representative government.

TAKEAWAYS: Maine leads the nation in the use of ranked choice voting (RCV) for state and federal elections. In 2020, Maine joined a growing supermajority of states in abandoning the presidential caucuses in favor of presidential primaries. While Maine does not have independent, nonpartisan redistricting commissions, we do have a bipartisan commission that protects against the worst abuses of extreme partisan gerrymandering. But there are still opportunities to do better by extending RCV and by embracing the National Popular Vote (NPV) Compact and semi-open primaries because these methods help elect individuals with the broadest possible support.

SUMMARY FOR 2020: Maine is a leader in the use of RCV, but an amendment to the Maine State Constitution will be required to extend the use of RCV to the election of the governor and state legislators. The Legislature has considered constitutional amendments but to date has not sent one out to the voters. Legislation establishing a presidential primary passed, but bills in support of the NPV and semi-open primaries did not pass. Presidential primaries are preferable to caucuses, as the use of nominating caucuses restricts participation to individuals who are able to attend a lengthy session on one specific day.

KEY METRICS:



Indicator #1 | Ranked Choice Voting (RCV)

Maine uses RCV in elections for the U.S. Senate, U.S. House of Representatives and all primaries. We do not use RCV to elect the Governor and state legislators.



Indicator #2 | National Popular Vote (NPV) Compact

NPV would ensure that the elected President is the candidate who receives the most popular votes nationwide. As of yet, Maine has not elected to participate in the Compact.



Indicator #3 | Semi-open Primaries

Participation in party primaries is limited to enrolled party members. Opening primary elections to unenrolled (independent) voters would encourage broader participation in candidate selection.



Indicator #4 | Presidential Primaries

Caucuses restrict participation in the presidential nominating process. Legislation passed in 2019 re-established presidential primaries in Maine.



Indicator #5 | Redistricting

Maine does not have a nonpartisan redistricting commission, but we do have a 15-member bipartisan commission appointed in redistricting years. New maps must be approved by a supermajority of the Legislature and are ratified by the Maine State Supreme Court if the Legislature cannot agree.

METHODOLOGY: For this section, we are drawing on decades of work, studies, and evidence-based testimony by the League of Women Voters and allied organizations about best practices for elections that ensure broadly representative outcomes.

REFERENCES & RESOURCES:

1. LWVME: Primary Elections Study
lwvme.org/primary_study.html
2. LWVME: Instant Runoff Voting
lwvme.org/IRV.html
3. LWVME: Testimony on Priority Issues
lwvme.org/about_action.html



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CHAPTER SIX

CONDUCT OF ELECTIONS

WHY IT MATTERS: Well-run elections allow voters to efficiently access and complete their ballots, confident that their ballots will be counted. Confidence in election outcomes requires confidence that all ballots have been counted and that they have been counted correctly. Confidence in the conduct of elections promotes voter participation. Policies that undermine that confidence foster cynicism and voter apathy. Elections should be secure, accurate, recountable, accessible, and transparent.

TAKEAWAYS: Maine is fortunate to enjoy well-run elections overall, having experienced few serious election issues in the last twenty years. Efforts to modernize and standardize elections in Maine may be hampered by our large number (over 500) of election jurisdictions, with local election officials not reporting through a chain of command to the chief election official in Maine, the Secretary of State. But that local control also means that a failure in any single jurisdiction is unlikely to have a catastrophic impact. Still, there are some ways that Maine could improve.

KEY METRICS:



Indicator #1 | Use of Paper Ballots

Maine has always used paper ballots, which are the standard for security and accuracy.



Indicator #2 | Training for Local Election Officials

Local election officials are required to participate in training, but participation records are not available. Anecdotal evidence suggests that the level of professionalism is uneven.



Indicator #3 | Security of Ballots

Protocols are in place to ensure that ballots are secured before, during, and after the election.



Indicator #4 | Public Monitoring of Elections

While most critical activities can be monitored by public observers, it is not always easy to learn when and where these activities occur.



Indicator #5 | Recount Protocols

Recount protocols are strong, but we have no provision for post-election audits, which is a serious issue. Hand-marked paper ballots are necessary, but not sufficient, to ensure secure elections.

SUMMARY FOR 2020: Maine continues to use paper ballots in all elections. Ballots are stored, and when necessary, transported in lock boxes with numbered seals. The public is permitted to monitor critical ballot processing activities, though information about when and where these activities occur should be distributed more broadly. Numerous recounts indicate that the ballot processing systems currently in use accurately recorded votes, but a post-election ballot audit should be developed to ensure that systemic tabulation errors are detected and that any erroneous outcomes corrected.

METHODOLOGY: For this section, we drew on decades of work, studies, and evidence-based testimony by the League of Women Voters and allied organizations about best practices for elections that bring broadly representative outcomes.

FURTHER RESEARCH: Complaints about long lines or other election day problems are not logged, so the magnitude of any such problems is unknown. For the future, we would like to examine data on rejected absentee ballots and how many of those people affected managed to eventually vote.

REFERENCES & RESOURCES:

1. CalTech/MIT Voting Technology Project
vote.caltech.edu/media
2. Election Security at the U.S. Election Assistance Commission
eac.gov/election-officials/election-security

INFO

CHAPTER SEVEN

FREEDOM OF INFORMATION

WHY IT MATTERS: Our democracy functions best when people have good information about how their government is performing. When elected officials and public administrators know that they operate under assumptions of transparency, there is less incentive or opportunity for negligence or malfeasance. Equally important, when the public exercises its democratic voice through elections and other means, that voice can be fully informed by reliable information about how well our government is meeting our needs and expectations. Finally, a vibrant and robust media — both traditional press and all the forms of new media — can only function as a watchdog when the operations of government are open and available for all to see.

TAKEAWAYS: Maine has good laws and regulations for freedom of information access. However, conversations with Freedom of Access Act (FOAA) experts suggest that state employees do not always prioritize these requests, either due to a lack of resources or a weak commitment to the policy of open access. There is some anecdotal evidence of delays and insufficient disclosure as a result, despite the relatively good written policies. New areas of concern include the judiciary's electronic records database system. Stakeholders will be monitoring that system to ensure that, in addition to meeting the needs of attorneys, it will also provide the media and the public with access to vital court public records.

SUMMARY FOR 2020: Maine has a strong tradition of supporting freedom of access, yet the availability of information to the public depends heavily on the cooperation of and the resources budgeted by the government employees charged with this responsibility. The state budget process would benefit from translating budget documents and proceedings in real time so that the public can closely follow key funding decisions.

KEY METRICS:



Indicator #1 | Total Number of Reported FOAA Requests

Fourteen state agencies reported receiving a total of 1,506 requests. These are logged and reported to the FOAA Ombudsman, who is within the Office of the Maine Attorney General. This is a 21.6% increase over the 1,238 FOAA requests the previous year.



Indicator #2 | Percentage of Requests Answered within Five Days

About 44% (657) were responded to within five days or less. This does not necessarily mean that the information was provided — only that the agency provided some response. The previous year, 29% of requests were answered within five days (363 out of 1,238).



Indicator #3 | Number of Complaints Received by Ombudsman

The Ombudsman received 57 complaints and 386 communications classified as “inquiries.” Across the state government, 57 complaints in one year is not an excessively large number, but we have not reviewed the nature of each of those complaints. These numbers are nearly the same as the previous year (58 complaints and 385 communications.)



Indicator #4 | Transparency of State Budgetary Process

Formal budgetary documents and proceedings are available to the public. Unfortunately, many are complex and difficult to access and understand. Key decisions are arrived at “off mic” or in off-the-record meetings, and the final vote often involves significant policy decisions which have not been fully debated in public. The 2017 budget ended in turmoil, and a staffer’s late night error could not be resolved without legal proceedings the following year. Better transparency and observation of the regular order would have helped.

METHODOLOGY: Our data came from conversations with journalists and members of the Maine Freedom of Information Coalition, and a review of statistics and reports filed by the FOAA Ombudsman.

FURTHER RESEARCH: It would be useful to review records of the complaints received by the FOAA Ombudsman to identify patterns or significant lapses in state or local agency responses.

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CHAPTER EIGHT

NEWSPAPERS AND MEDIA ACCESS

WHY IT MATTERS: Thomas Jefferson wrote in 1786, “Our liberty depends on the freedom of the press, and that cannot be limited without being lost.” This remains equally true today. Past research has shown that strong local newspapers increase voter participation, hold governments accountable, and encourage split-ticket voting. However, since 2004, the United States has lost one in five newspapers, including more than 60 dailies and 1,700 weeklies. Over half of the 3,143 U.S. counties are labeled as news deserts (counties with 0-1 newspapers). Coupled with increased concentration in ownership of both print and broadcast outlets, this has led to fears about undue influence and openly partisan agendas.

TAKEAWAYS: The last 15 years have seen a marked decline in the number of local newspapers and newspaper readership in Maine. This has inevitably diminished coverage of local news and made it difficult to support in-depth, watchdog journalism. While Maine has thus far avoided the take-over of newspapers and broadcast media by outside investment groups that is occurring in many other states, these national trends bear watching.

KEY METRICS:



Indicator #1 | Decline in Number of Newspapers

About one in five newspapers closed over the last 15 years in Maine, and this rate of decline was higher than that in Vermont or West Virginia, two other largely rural states.



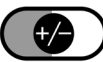
Indicator #2 | Decline in Newspaper Circulation

Newspaper circulation declined by almost 40%, comparable to the decline in the other two states.



Indicator #3 | Decline in Number of Independent Local Bylines

Local bylines (written and filed by Maine-based reporters) declined by over 50% over the last 20 years — from 134 to 64. Independent local bylines (those not shared across several newspapers) fell by two-thirds — from 122 to 42.



Indicator #4 | Concentration of Ownership of Print and Broadcast Media

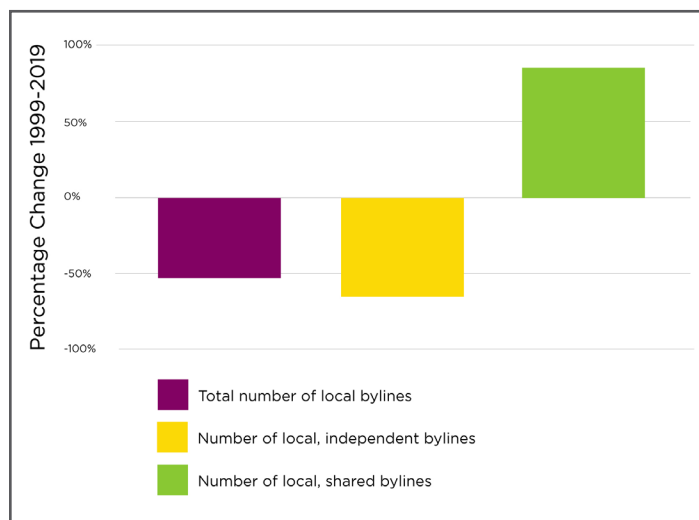
Similar to other states, Maine has seen increasing concentration of ownership of local newspapers, with the largest 2 Maine-based publishers owning three-fifths of all newspapers. Unlike other states, ownership of radio and television stations is pretty diversified.

SUMMARY FOR 2020: In looking at the loss of local newspapers and circulation, we compared Maine with Vermont and West Virginia, because the 3 states have the highest percentage of rural populations in the U.S (62%, 61%, and 51% respectively). Maine had 63 newspapers — 7 dailies and 56 weeklies — in 2004, and this had declined to 50 — 6 dailies and 44 weeklies — by 2019, a decline of 19%. This rate of decline was higher than that in Vermont (7%) or West Virginia (15%). Newspaper circulation declined by 39%, comparable to the decline in the other two states (38% and 35% respectively).

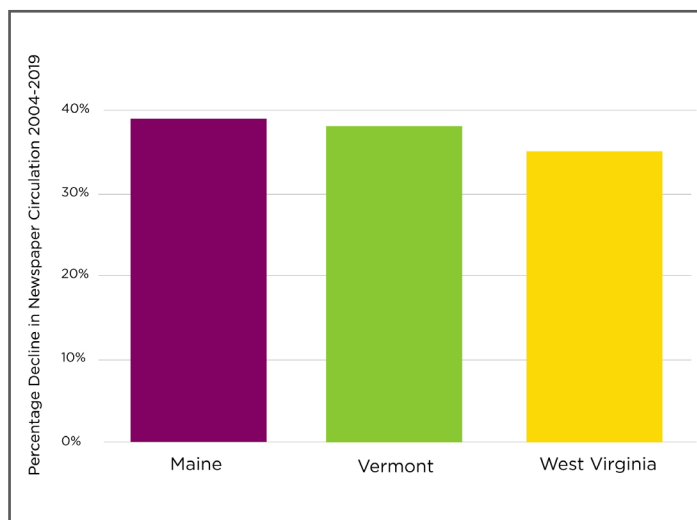
The number of independent local bylines in the Maine dailies declined by over 50% (from 134 to 64) between September 1999 and September 2019. The number of shared bylines increased from 12 to 22, while the number of original local stories fell by two-thirds during the same time period.

Similar to other states, Maine has seen increasing concentration of ownership of local newspapers, with the largest 2 publishers (Reade Brower and Rick Warren) owning three-fifths of all newspapers in Maine. Unlike most other states, however, both publishers are Maine-based. Also unlike other states, ownership of radio and television stations is well diversified with two of the top three owners of radio stations being Maine-based. Of the 19 television stations, Maine Public Broadcasting Group, the largest owner, owns 5 (26%).

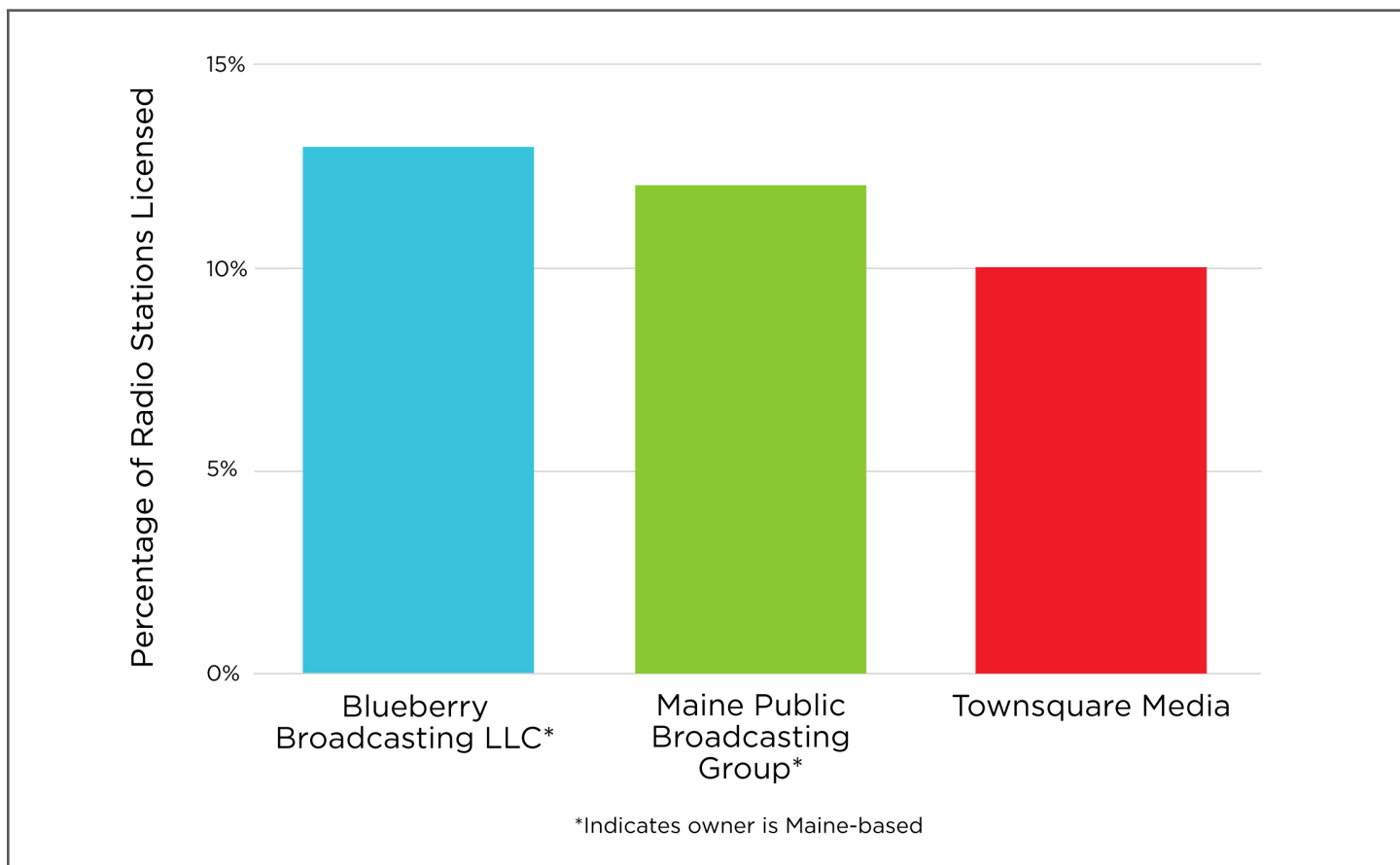
METHODOLOGY: Background data on national trends and research on the link between democracy and journalism were drawn from reports and articles from a variety of national sources (see Resources and References). Data for indicators (1) and (2) were calculated from data collected by *The Center for Innovation and Sustainability in Local Media* at the University of North Carolina at Chapel Hill. Pine Tree Watch/Maine Center for Public Interest Reporting, an independent and nonpartisan investigative journalism group, collected comparable data on newspaper bylines for the same day in September 1999 and September 2019. Data on ownership of radio and television stations were drawn from a directory published by the Maine Association of Broadcasters.



GRAPH 1 | Percentage Change in Number of, Independent, and Shared Bylines



GRAPH 2 | Decline in Newspaper Circulation in Selected States



GRAPH 3 | Three Largest Licensees of Radio Stations in Maine

FURTHER RESEARCH: Understanding how staffing cuts, the shift to online publishing, and increasing concentration of ownership of the press have impacted local government coverage and Maine’s communities would provide a more comprehensive look at the link between democracy and journalism. A recent study by researchers at the University of Texas at Austin interviewed several local journalists in California and noted that there are likely important political consequences to changes in coverage, including increased mismanagement, lower turnout, and incumbency advantages. It would also be useful to examine the extent to which non-traditional media are addressing the gap in investigative journalism.

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CHAPTER NINE

POVERTY AND VOTER TURNOUT

WHY IT MATTERS: Studies have shown that, in general, people living in poverty are less likely to vote, support political candidates, and serve in elected offices. Economic realities in people's lives serve as barriers to political participation, which perpetuates economic and representational inequality within the state. Low-income people are less likely to be political donors and, as noted in Chapter 1, low-income Mainers are also less represented in elected office, due in part to the economic hardship of public service. If we are to have a healthy democracy, we need to acknowledge and mitigate sources of political inequality, including socioeconomic status. In addition, racial inequality correlates with the poverty rate.

TAKEAWAYS: The rate of Mainers living in poverty is 12.9% as of 2019. We found strong correlations for poverty rate and racial makeup with voter participation. Poorer districts had much lower participation rates, as did those with a lower percentage of white people. However, if it were possible to control for the intersection of race and socioeconomic status, evidence suggests that much of the racial makeup correlation with voter participation would disappear. In other words, poverty is the issue.

SUMMARY FOR 2020: Economic factors play a role in the health of our democracy in obvious and not-so-obvious ways. People struggling to make ends meet face barriers to voting including time off work, transportation and child care, and less access to information about when and where elections occur and the candidates and issues on the ballot. In addition, poverty intersects with racial identity in complex ways. Households below the poverty line have twice as much residential instability (19%) as non-poor households (10%), which can make it harder to know where and when to vote, and to connect with local political issues and candidates.

KEY METRICS:



Indicator #1 | Percentage of Mainers Living in Poverty

At 12.9%, the 2019 poverty rate is higher than it was in 2018 (11.3%). This refers to the Federal poverty line, which is widely acknowledged to be very low compared to the cost of living.



Indicator #2 | Income Inequality in Maine

Maine has slightly less income inequality than in many other states. The Gini coefficient is a measure of inequality of income ranging from 0 to 1, where 0 is perfect equality and 1 is total concentration of income. At .4519, Maine's Gini coefficient shows a relatively smaller gap between those who are well-off and those who are not.



Indicator #3 | Correlation Between Poverty Rate and Voter Participation by District

As expected, there is a strong negative correlation between poverty rates and voter participation for both the 2016 and 2018 general elections. House districts with the highest poverty rate had the lowest voter turnout.

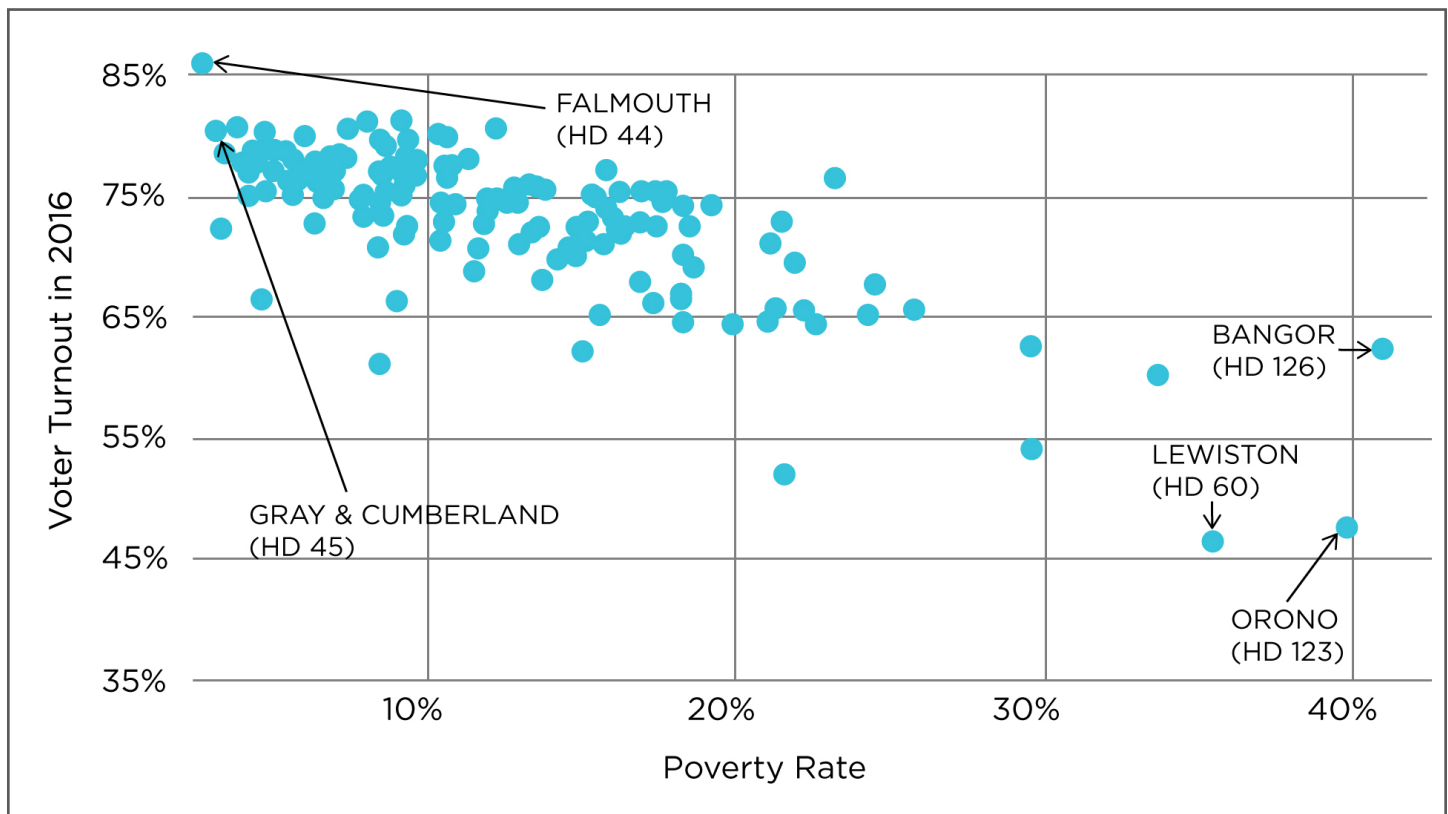


Indicator #4 | Correlation Between Racial Makeup and Voter Participation by District

The correlation between whiteness and voter participation is positive, as expected, but varies for high-interest elections and can't be separated easily from the effect of economic inequality.



GRAPH 1 | Voter Turnout by Poverty Rate, Maine House Districts, 2018



GRAPH 2 | Voter Turnout by Poverty Rate, Maine House Districts, 2016

METHODOLOGY: We compared voter turnout data, the poverty rate, and racial demographics by Maine House district across the state for both the 2016 and 2018 general elections. We calculated correlation coefficients to analyze the strength of the relationship between voting propensity and poverty as well as racial makeup of the district.

FURTHER RESEARCH: In the future, we will continue to further assess the impact of poverty on voting in Maine. Future research should focus on the reasons poverty reduces turnout and evidence-based proposals to overcome them, as well as work to disentangle the effects of poverty and race on voter participation.

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CONCLUSIONS

The purpose of this report was to assess the state of democracy in Maine using broad indicators representing the basic values of democratic political systems: representative government, broad voter and civic participation, no undue influence of money in politics, voting rights for all citizens, free and fair elections, freedom of information, and free and unbiased reporting by press and other media. Future editions of this report might look at additional factors, such as governmental ethics, an independent judiciary, and a professional civil service.

Overall, we find that Maine ranks high as a democratic state, and we should be justifiably proud of our record. But there are some areas that bear watching or where we could improve.

FIRST, THE GOOD NEWS

- Maine leads the nation in protecting voting rights: with same-day registration, no photo identification requirement, and no felony disenfranchisement. Full implementation of automatic voter registration (AVR), due in 2022, will remove further barriers to voter registration and participation.
- Maine has a comparatively high voter registration rate and turnout rate: Maine has consistently been in the top 10% of states in terms of voter turnout over the last 20 years and in fact led the nation in voter turnout in both 2016 and 2018.
- Maine leads the nation in the use of ranked choice voting (RCV) for state and federal elections. Maine joined a growing supermajority of states in abandoning presidential



caucuses in favor of presidential primaries. While Maine does not have independent, nonpartisan redistricting commissions, we do have a bipartisan commission that protects against the worst abuses of extreme partisan gerrymandering.

- Maine is fortunate to enjoy well-run elections overall, having experienced few serious election issues in the last twenty years. Maine continues to use paper ballots in all elections, ensures security of the ballots during storage and transportation, allows for public monitoring of critical ballot processing activities, and has good recount protocols.
- Maine has made great progress combating the corrosive effect of money in politics. It passed the Maine Clean Election Act (MCEA) in 2000, and since then, participation (especially among women) in this public funding option has been relatively high. Maine's new gubernatorial transition funding disclosure requirement plugs a hole in the previous disclosure structure. And the "top three" donor real time disclosure law is one of the first in the nation.
- Maine has a strong Freedom of Access Act (FOAA), and the total number of complaints filed with the Ombudsman seems relatively small across the state government.
- Similar to other states, Maine has seen increasing concentration of ownership of local newspapers, with the largest two publishers (Reade Brower and Rick Warren) owning three-fifths of all newspapers in Maine. Unlike most other states, however, both publishers are Maine-based. Also unlike other states, ownership of radio and television stations is well diversified, and two of the top three owners of radio stations are Maine-based.



AREAS FOR IMPROVEMENT OR VIGILANCE

Voting Rights: Since 2011, voting rights have come under assault in 22 states and there is concern about some potential voter suppression tactics being used in college towns here in Maine.

Voter Turnout: A significant percentage of registered voters still do not participate in each election, and this is especially true of younger people, whose voter turnout rate was only a little over 40% in the last several elections. In addition, voter turnout was lowest in the districts with the highest poverty rate.

Money in Politics: From the 2016 to 2018 election cycle, MCEA participation among all candidates declined from 64% to 55%. In addition, unaccountable and undemocratic funding continues to play an outsized role in determining our policies and those who run our government.

Conduct of Elections: The lack of centralized reporting to the chief election official in Maine hampers efforts to modernize and standardize our system. A post-election ballot audit system would help ensure that systemic tabulation errors are detected and corrected. Further measures may be needed to ensure that all absentee votes are counted, that best practices are uniformly adopted, and that robust options for in-person voting are preserved.

Election Methods: We should extend RCV to other elections, join the National Popular Vote Compact, and establish semi-open primaries because these methods help to elect individuals with the broadest possible support.



Freedom of Information: Anecdotal evidence suggests that state employees do not always prioritize FOIA requests, causing delays and insufficient disclosure, despite the relatively good written policies. The judiciary’s electronic records database system needs to be monitored to ensure it provides the media and the public with access to vital court public records.

Newspaper and Media Access: The loss of local newspapers and greater sharing of bylines across newspapers is worrisome, given the diminished coverage of local news and the impact on in-depth, investigative journalism.

LOOKING TO THE FUTURE

Maine has a strong and proud tradition of upholding the principles of democracy, but some work remains unfinished. Over the two centuries since Maine’s founding as a state, we have managed to preserve essential principles of democracy and representative government embodied in our State Constitution. At the same time, we have adopted reforms over the years that advance civic participation and representative government and adapt to the evolving needs of our citizens. These reforms, which serve the broad public interest, must be defended and preserved; and we must continue to find new ways to engage all of our people in the work of self-government.



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