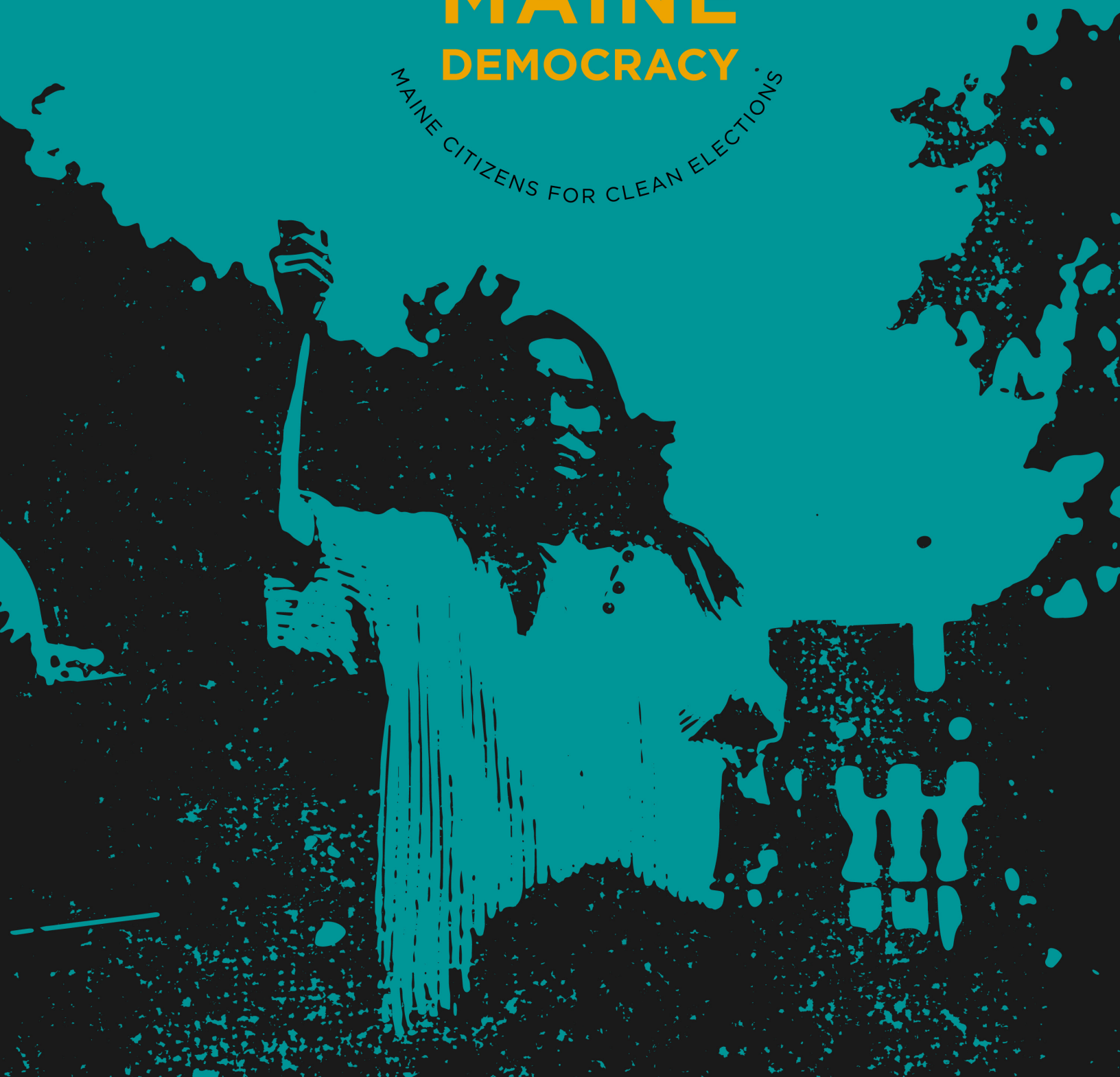
LEAGUE OF WOMEN VOTERS OF MAINE

STATE OF MAINE DEMOCRACY

MAINE CITIZENS FOR CLEAN ELECTIONS



DEMOCRACY ME

LEAGUE OF WOMEN VOTERS OF MAINE
MAINE CITIZENS FOR CLEAN ELECTIONS

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

Contributors include: Amy Adamson, John Brautigam, Will Hayward, Anna Kellar, Ann Luther, Deb McDonough, Melissa Murphy, Evan Tess Murray, Gloria D. Sclar, and Janet Williams

Design by: Jen Lancaster

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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 of Maine (LWVME) and Maine Citizens for Clean Elections (MCCE). We work together as Democracy Maine to protect and strengthen civic participation in our democratic institutions; we believe that a solid foundation of knowledge and measurable outcomes is necessary to crafting and sustaining the public policies that support an inclusive democracy. This is the second edition of this report, "State of Maine Democracy," and it sets a baseline for our continuing efforts in advocacy and voter engagement.

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; informing, protecting, and engaging voters; and reducing the influence of private money in politics.

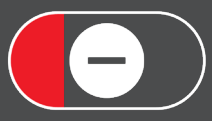
Voting is a fundamental citizen right that must be guaranteed, and we are dedicated to ensuring that all eligible voters have the opportunity to vote. We support measures that enhance the smooth conduct of elections and public confidence in election outcomes. And we work for election measures that increase 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 for several years on issues such as ranked choice voting, early voting, election security and integrity, automatic voter registration, the national popular vote, primary elections, and redistricting in Maine.

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, the effect of poverty on voter turnout, voting rights and barriers to voting, election methods, conduct of elections, money in politics, freedom of information, newspapers and media access, and the judiciary. 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 finding 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 used and suggestions for future research. A final chapter discusses overall conclusions. Resources and reference materials are provided in Appendix B (page 47).

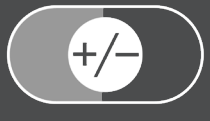
The areas and indicators selected for the report were necessarily informed and guided by our mission and priorities, and we limited ourselves to easily accessible data. We hope to publish this report biennially in odd-numbered years. We believe the report offers a timely, objective, and informative portrait 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 negative, positive, mixed, or difficult to judge.



The - indicates a negative finding or a negative trend.

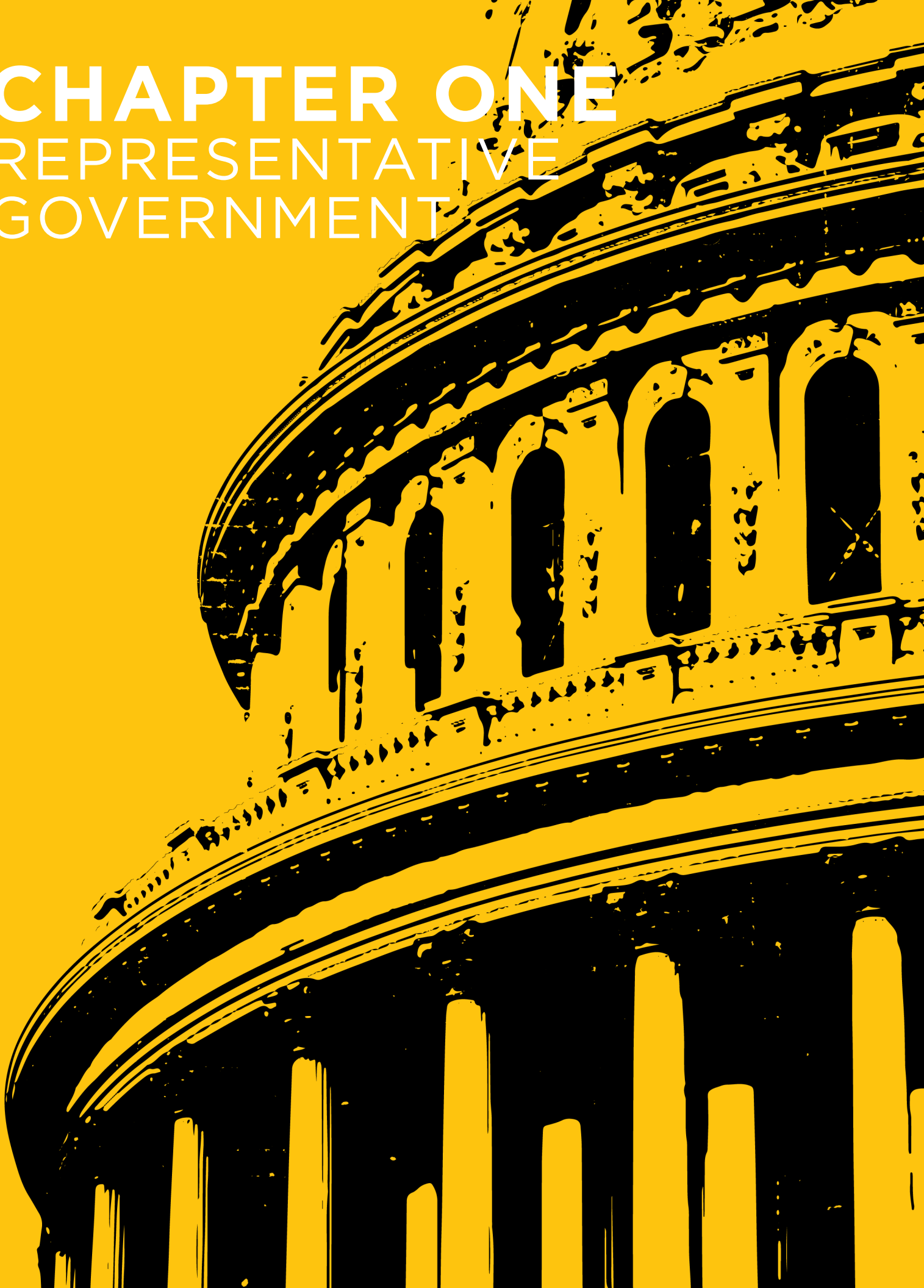
The + Indicates a positive finding or a positive trend.



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

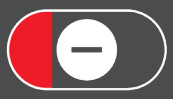
The ? indicates that it is hard to judge the impact of the finding.

CHAPTER ONE
REPRESENTATIVE GOVERNMENT



CHAPTER ONE
REPRESENTATIVE GOVERNMENT

KEY METRICS



Indicator #1 | Percentage Aged 55-74 in the Legislature vs. Population in Maine
The percentage of baby boomers in the Legislature is very high (57%) relative to the general population (36%).

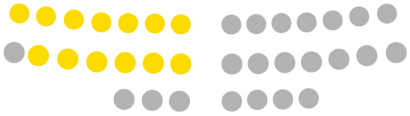
Indicator #2 | Percentage of Women in the Legislature vs. Population in Maine
Women make up 44% of the Legislature but comprise 51% of the general population.

Indicator #3 | Percentage of Women in the Legislature in 2021 vs. Earlier
At 44%, the percentage of women in the 2021 Legislature is at an historic high, fully five percentage points higher than in 2019, which was already a high-water mark. There's still room for improvement, but we have made significant progress.

Indicator #4 | Percentage of Women in Executive Branch Leadership
Women held 60% of cabinet-level positions in Maine at the end of 2020, compared with 27% in 2018.

GENDER REPRESENTATION IN MAINE'S 130TH LEGISLATURE

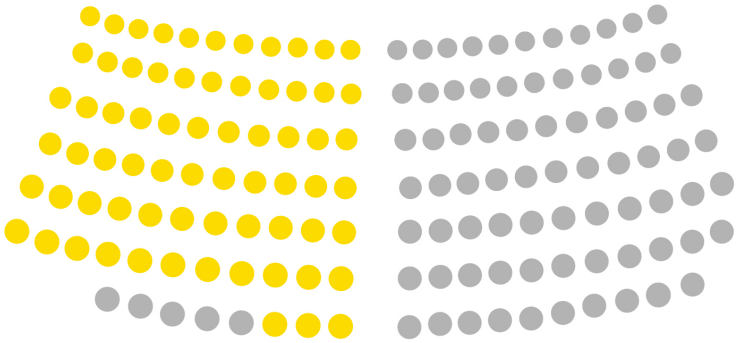
Senate:



38%

Of the 34 Senate members, 13 are women.

House:



46%

Of the 150 House members, 69 are women.

WHY IT MATTERS: The demographic composition of our legislature and executive branch tell us something 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 leadership 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 and senior Executive branch officials to see whether we are electing and appointing people who represent us all.

TAKEAWAYS: To put it bluntly, the Legislature is and has been dominated by older white men, although the number of women serving has grown recently. 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 putting a drag on their current or future financial security, unless they have independent resources or a high-earning spouse/partner. 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. However, for the first time, women hold a majority of cabinet positions.

AGE	MAINE POPULATION	SENATE	HOUSE	ALL LEGISLATORS
20-39	29.69%	6	19	13.51%
40-54	24.01%	6	41	25.41%
55-74	35.70%	21	87	58.38%
75+	10.60%	1	4	2.7%

TABLE 1 | Age Breakdown of the 130th Maine Legislature, House and Senate

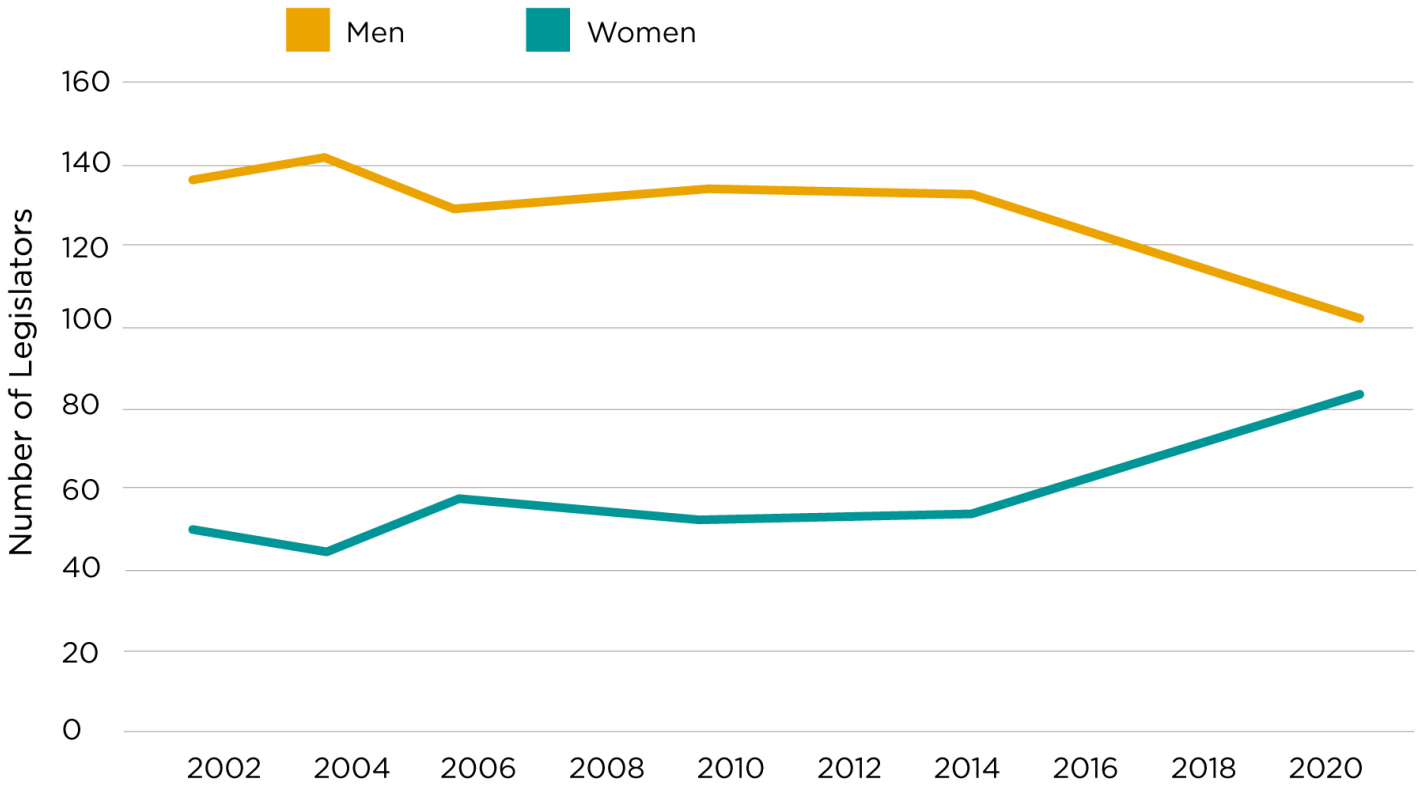
SUMMARY FOR 2021: One of the often-cited reasons why women are less likely to run for public office is that the burden of political fundraising falls harder on them. Maine has public funding, which is a benefit. The Maine Clean Election Act (MCEA) eliminates one barrier to running, and indeed, in the 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 to enable people to serve 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 frequently achieve leadership positions in the legislature 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 a greater number of women than men to department head/cabinet level positions. As of the end of 2020, women held 60% of cabinet level positions. In contrast, in 2018, at the end of the prior administration, women held just under 27% of those positions, reflecting a marked shift in the representation of women in the cabinet since then.

Maine's government also includes three Constitutional Officers (the Secretary of State[1], the State Treasurer[2], and the State Attorney General[3]) and one Statutory Officer (the State Auditor[4]). The Constitutional Officers are elected biennially by joint ballot of both chambers of the Legislature.

They serve two-year terms. The State Auditor also is elected by joint ballot of the Legislature, but for a term of four years. Although women have served as State Treasurer, State Attorney General, and State Auditor, Maine's first woman Secretary of State was elected by the Legislature in 2020. The other three Officers are currently men.

If the Governor, the Constitutional Officers, the Statutory Officer, and the cabinet members are considered together as the executive leadership of Maine's government, 55% of that leadership are women, a greater percentage than the percentage of women in the general population.



GRAPH 1 | Gender Makeup of Maine's Legislature, 2002-2020

METHODOLOGY: We looked at the age and sex distribution of 185 members of the incoming 130th Maine Legislature (House and Senate), as of December 31, 2020. (Note that this excluded one open seat; Shenna Bellows resigned her Senate seat to become Maine's first female Secretary of State.) We have historical data going back to the year 2000. Although gender has fluctuated slightly over that period, average age has proven remarkably stable. We also looked at the sex distribution of cabinet-level positions and constitutional officers going back to 2000.

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, and economic origin. 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.

1. www.maine.gov/sos
2. www.maine.gov/treasurer
3. www.maine.gov/ag
4. www.maine.gov/audit

CHAPTER TWO
VOTER AND CIVIC PARTICIPATION

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KEY METRICS

Indicator #1 | Maine's Voter Turnout

Maine's turnout in 2016 was 71.3%, in line with average turnout in Maine for prior Presidential elections. The election in 2018 saw a sharp uptick from the expected 60% typical of midterm elections, with 65.6% of registered voters participating. This increase mirrored trends across the country. In 2020, the general election drew 76.3% of the electorate.

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 the 2020 general election, Maine's turnout of 76.3% was third highest in the nation. Maine's turnout trends are in line with the other high-turnout states.

Indicator #3 | Voter Turnout in Maine by Gender

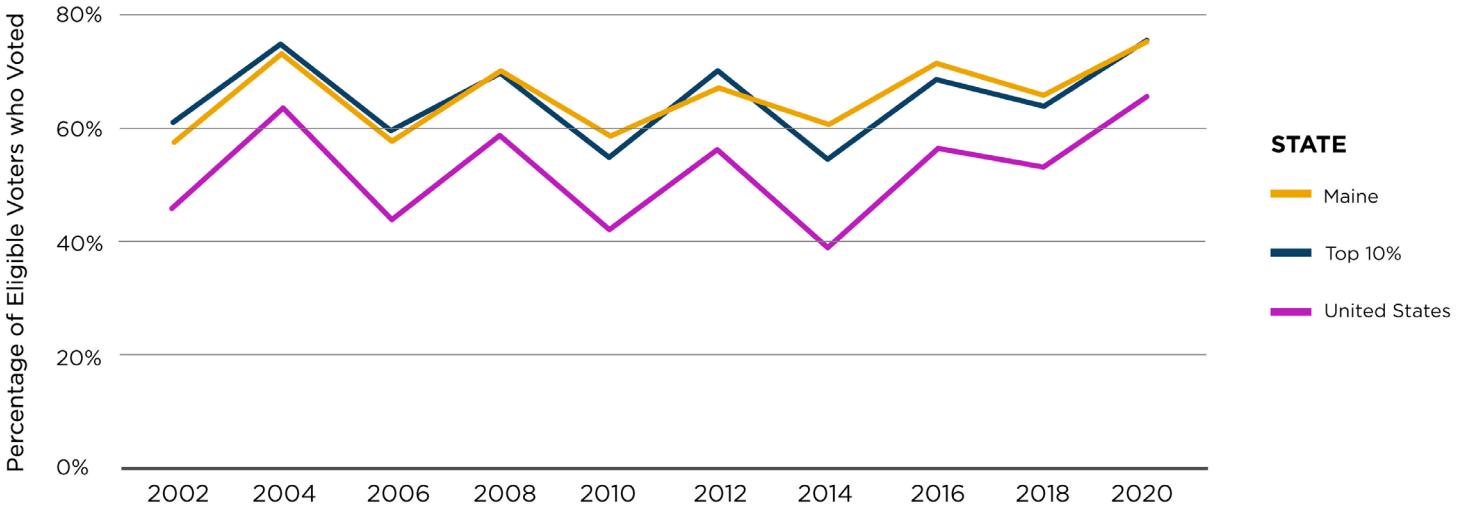
Women are generally slightly more likely to vote than men. This is more noticeable in high-salience elections, meaning that women's voting behavior fluctuates more overall. The 2020 election was an exception: turnout by gender was equal.

Indicator #4 | Voter Turnout in Maine by Age

Historically, people have consistently been more likely to vote as they age. In contrast, in 2020, the youngest age group (18-24) voted at nearly the same rate (77.8%) as the oldest (65+) (78.5%). This unusual increase in youth voting held true across the nation. The difference between the 20-year average and the 2020 participation rate is striking; voter turnout among 18-24 year olds was at least 20 percentage points higher than expected.

Indicator #5 | Correlation Between Racial Makeup and Voter Participation by District

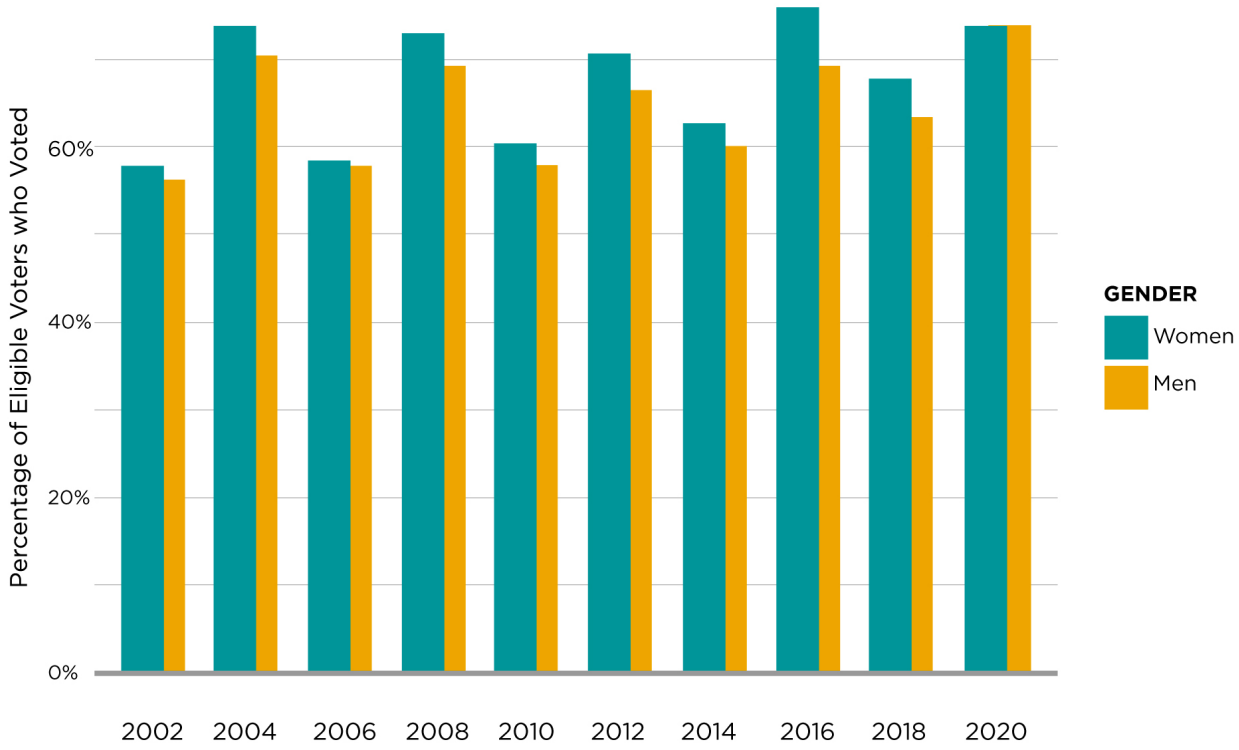
Voting data for individuals by race is unavailable for Maine. Voter participation is lowest in districts with the lowest percentage of white voters; this correlation is strong, but it is important to note that race is also highly correlated with poverty, making it difficult to attribute these voter turnout differences to race alone. (Chapter 3 discusses this in more detail.)



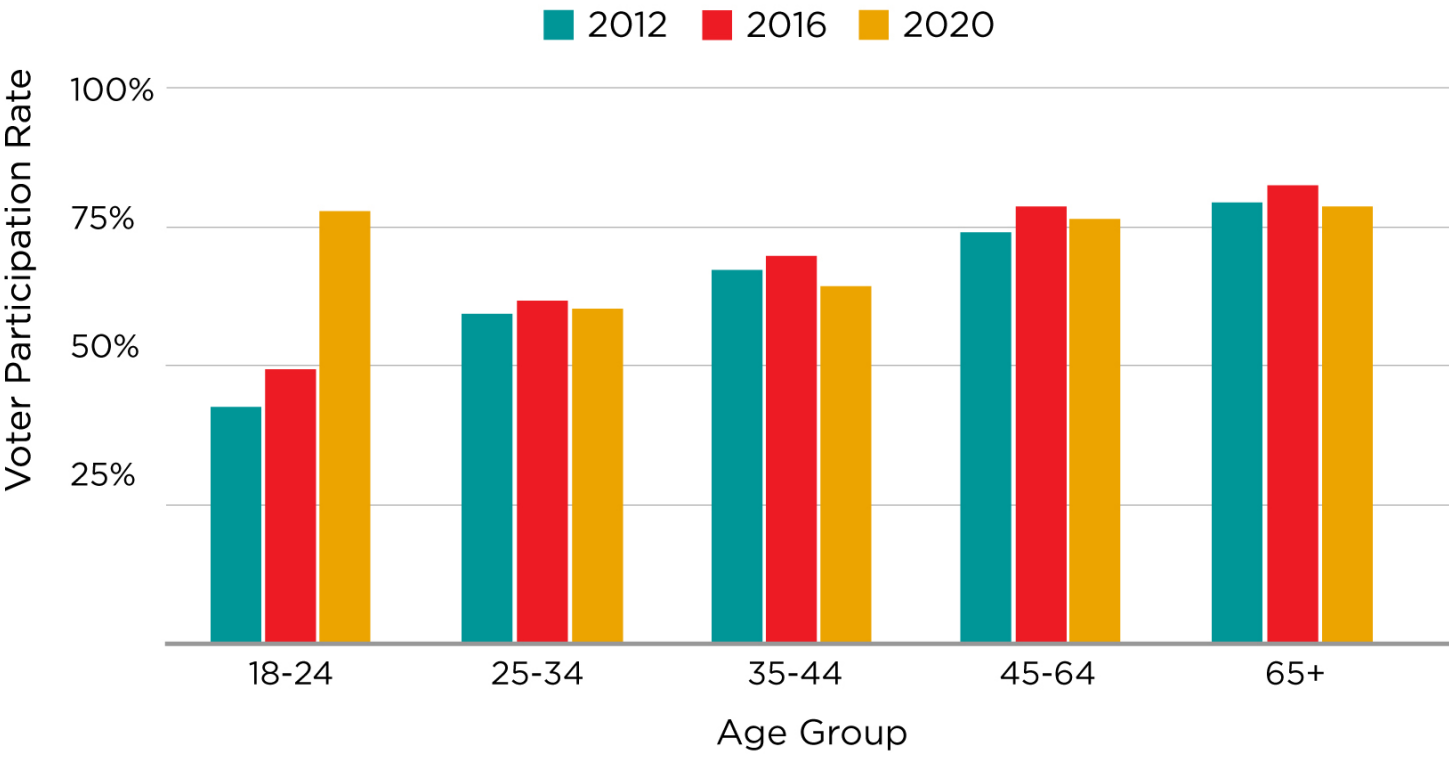
GRAPH 2 | Voter Turnout in Maine Compared to Top 10% of States and U.S. Overall

WHY IT MATTERS: Voter participation is the centerpiece of a democratic society. Tracking it over time allows us to see how and why voting fluctuates, based on both the perceived salience of elections and the change in the structures surrounding voting. Structural changes that remove barriers to voting tend to increase voter 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.



GRAPH 3 | Voting Trends by Sex



GRAPH 4 | Voter Participation Rate by Age Group in Past Presidential Election Years

SUMMARY FOR 2021: 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 at or near 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 on racial disparities in voting, we address the issue of socioeconomic disparities in voting in Chapter 3.

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

To examine racial disparities in voter turnout, we calculated the correlation coefficient between voter turnout and the percentage of white people in each house district.

FURTHER RESEARCH: Differences in voter participation across other demographic variables, such as educational attainment or occupation, may also be useful to explore. Multivariate analysis would allow us to examine the net effects of each of the variables separately.

CHAPTER THREE
POVERTY AND VOTER PARTICIPATION

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POVERTY AND VOTER PARTICIPATION

KEY METRICS

Indicator #1 | Percentage of Mainers Living in Poverty

At 10.9%, the 2020 poverty rate in Maine is lower than it was in 2019 (12.9%). This rate is calculated as the percentage of households living below the Federal poverty line, which is widely acknowledged to be very low compared to the cost of living and may better represent extreme poverty. Maine's current poverty rate is similar to the national average of 10.5%.

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 0.45, Maine's Gini coefficient shows a smaller gap between those who are well-off and those who are not, compared to some other states, where the Gini coefficient ranges from 0.43 to 0.51.

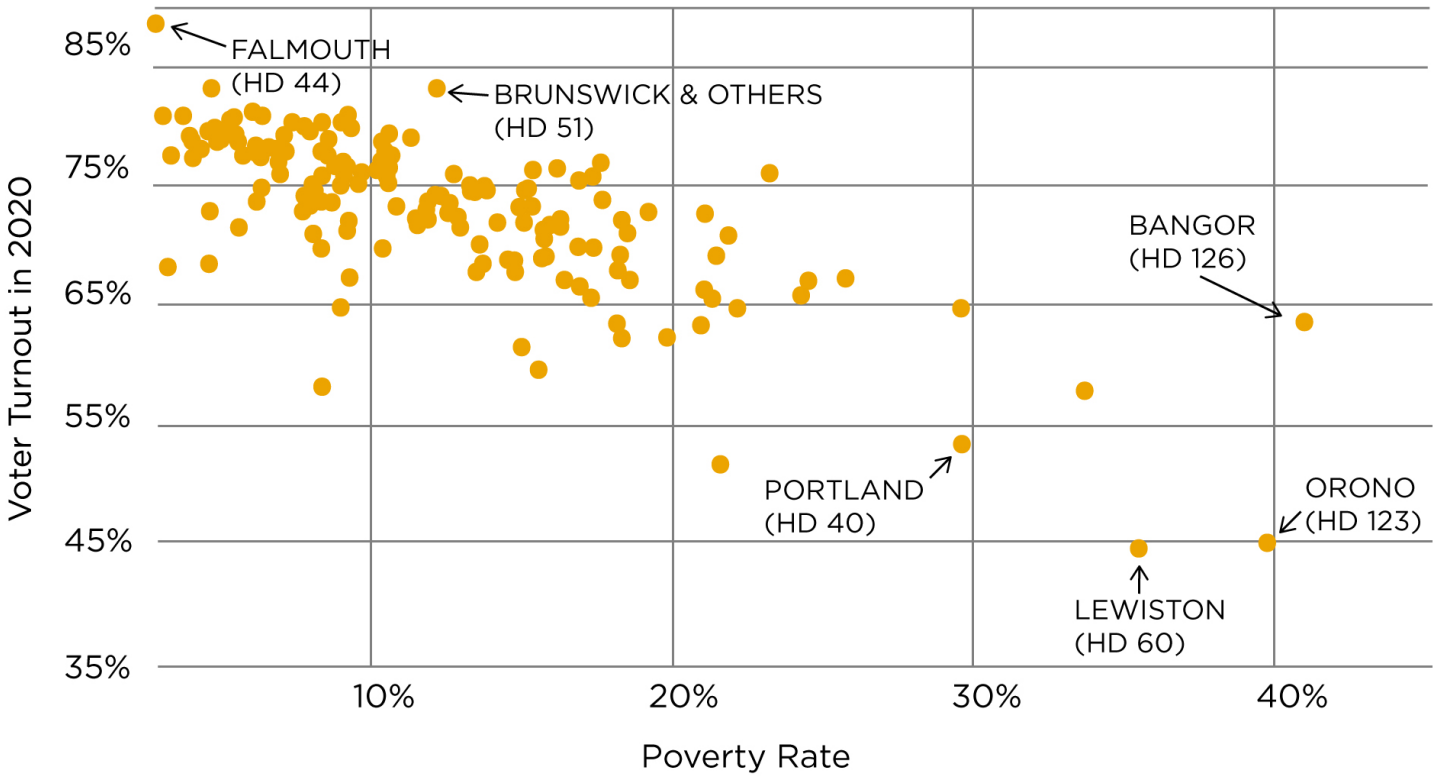
Indicator #3 | Correlation Between Poverty Rate and Voter Participation by District

As expected, there is a strong negative correlation between poverty rate and voter participation for both the 2016 and 2020 general elections. House districts with the highest poverty rate had the lowest voter turnout. The pattern is nearly identical for both general elections, with the same towns and cities as the outliers.

GRAPH 5 | Voter Turnout by Poverty Rate for Each Maine House District (2016)

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. 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 was 10.9% in 2020. Voter participation appears to be strongly correlated with both the poverty rate and race. Poorer districts had much lower participation rates, as did those with a lower percentage of whites. However, the latter finding may be driven by the strong relationship between race and socioeconomic status. As such, poverty is likely the underlying cause of low voter participation.



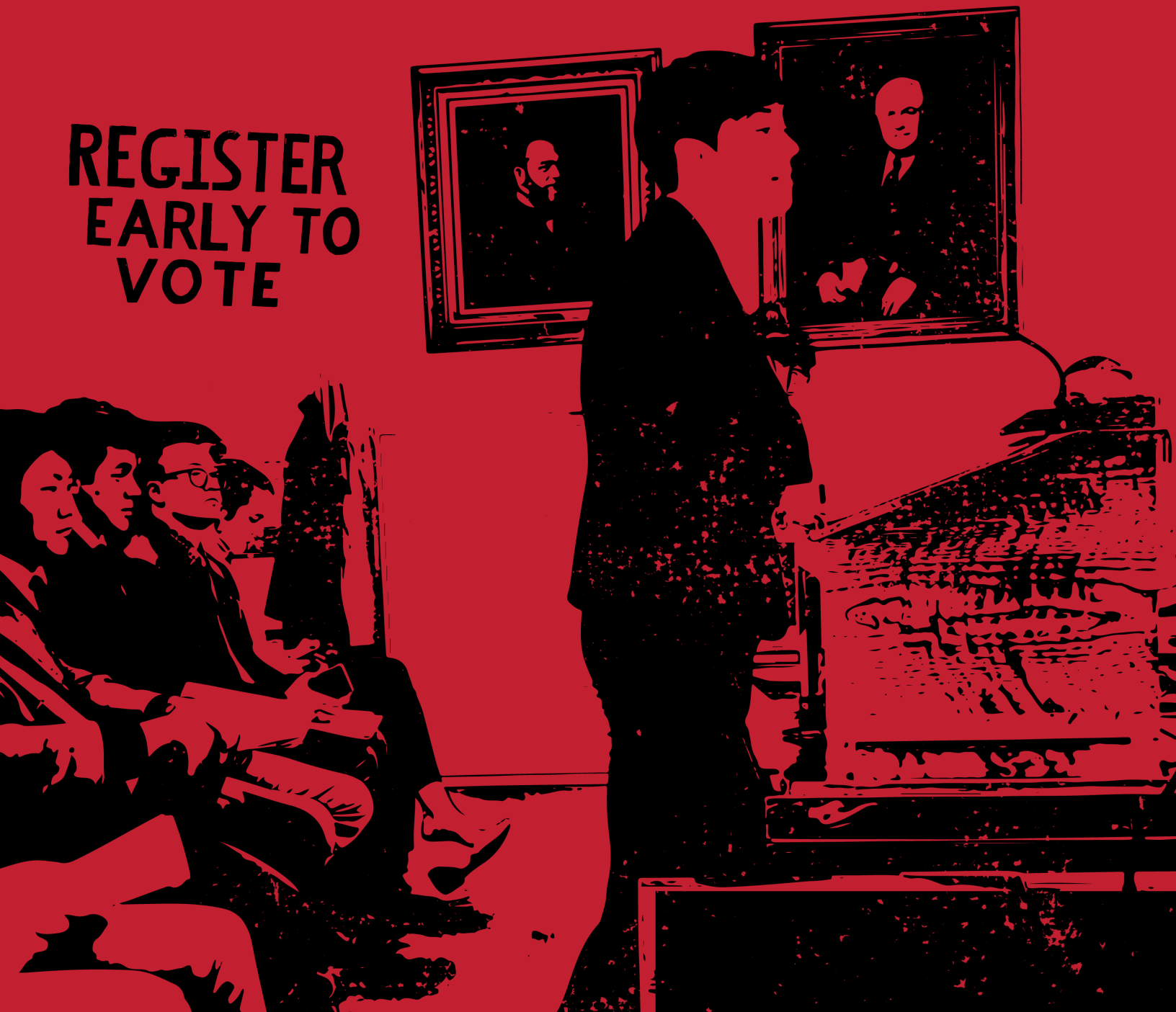
GRAPH 6 | Voter Turnout by Poverty Rate for Each Maine House District (2020)

SUMMARY FOR 2021: 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 access to information about when and where elections occur, who are the candidates, and what issues are on the ballot. Households below the poverty line have twice as much residential instability (19%) as those above the poverty line (10%), and this makes it harder to know where and when to vote, and to connect with local political issues and candidates. In addition, poverty intersects with racial identity in complex ways.

METHODOLOGY: We compared voter turnout data and the poverty rate by Maine House district across the state for both the 2016 and 2020 general elections. We calculated correlation coefficients to analyze the strength of the relationship between voting propensity and poverty.

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 barriers poorer citizens face in voting and examine evidence-based proposals to address them. It would be useful to consider the impact of other measures of socioeconomic status, such as education.

CHAPTER FOUR
VOTING RIGHTS



CHAPTER FOUR
VOTING RIGHTS

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 percentage points.

Indicator #2 | No Photo I.D. Requirement
Although voters must prove their 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 #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 Black Americans at a rate four times that of other Americans.

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. Maine is hoping for implementation of AVR in 2022. The next step for Maine might be Online Voter Registration (OVR).

Indicator #5 | Access to the Internet
As of September 2020, Maine ranked 43rd among states in broadband access to the Internet. Access to high speed Internet is essential for business, education, and voting. Access to the Internet can be especially important for residents who have physical challenges such as visual and hearing impairments.

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 citizen 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; since the 2020 election, many more are threatening additional restrictive measures. Maine, thankfully, is not among them. Nevertheless, 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 2021: Maine leads the nation in protecting voting rights. But voting rights have come under assault in 22 states since 2011, with additional threats mounting in 2021. 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. Similar legislation is proposed again this year. Voter I.D. requirements have been found to suppress turnout by 2-3 percentage points 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.

Meanwhile, access to online candidate information, requests for absentee ballots, and information on where and when to vote and what is on the ballots are often dependent on having reasonable Internet access. Approximately 35,000 Mainers do not have access to high speed Internet; 12,000 Mainers are unable to get wired Internet services at all; and 137,000 Mainers have access to only one wired provider. Only 4.5% of the state's residents have access to a low-priced Internet plan costing $60 or less per month. For the November 2020 election, Maine offered electronic absentee ballots for the first time to blind or low-vision residents. Electronic ballots make it possible for these voters to request and submit their ballots privately and independently with computer assistance. Needless to say, one needs the Internet for that.

METHODOLOGY: Our first four qualitative indicators of pro-voter laws were selected after reviewing "Voting Rights in Maine," a 2018 report by 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%. We added an indicator for broadband access after the COVID-19 elections of 2020 highlighted the importance of digital access to election information and remote access to voting processes.

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

CHAPTER FIVE
ELECTION METHODS

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ELECTION METHODS

KEY METRICS

Indicator #1 | Ranked Choice Voting (RCV)
Maine uses RCV in elections for the U.S. President, U.S. Senate, U.S. House of Representatives and in all primaries for state and federal offices. We do not use RCV to elect the Governor and state legislators because our Maine State Constitution stipulates that those offices are to be elected by a plurality vote.

Indicator #2 | National Popular Vote (NPV) Interstate Compact
NPV would ensure that the elected President is the candidate who receives the most votes nationwide. Fifteen states and the District of Columbia have so far enacted the Compact into law, equating to 196 electoral votes out of 270 needed for the Compact to go into effect. As of yet, Maine has not passed legislation 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 (i.e. independent) voters would encourage broader participation in candidate selection. As of November 2020, 31.9% of active Maine voters had an "unenrolled" party status. This significant portion of Maine voters is unable to participate in Maine's primary elections.

Indicator #4 | Presidential Primaries
Caucuses restrict participation in the presidential nominating process. Legislation passed in 2019 re-established presidential primaries in Maine. In 2020, presidential primaries were used in Maine's presidential nominating process.

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. For congressional redistricting, Maine's two districts have followed very similar lines since 1960. While these lines currently provide a degree of incumbency protection, they also produce districts with a similar partisan composition to districts drawn by algorithmic methods, meaning they are generally representative of Maine's political composition.

WHY IT MATTERS: Fair and equitable 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 that are designed to thwart majority rule, including plurality winners and extreme partisan gerrymandering, 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 embracing the National Popular Vote (NPV) Interstate Compact and semi-open primaries. These methods help elect individuals with the broadest possible support.

SUMMARY FOR 2021: Maine is a leader in the use of RCV, but an amendment to the Maine State Constitution is required to extend the use of RCV to the general 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 with RCV passed in time for the 2020 presidential elections, but bills in support of NPV and semi-open primaries did not pass.

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. Narrative information on congressional redistricting was incorporated from a 2013 Clark University summary study of redistricting across New England. Statistical evaluation of Maine's congressional districts comes from FiveThirtyEight's Atlas of Redistricting. This project found that Maine's current districts would result in an expected long-term average of 1.3 Democratic and 0.7 Republican representatives, the same as proportionally partisan or compactly-drawn districts. Partly because Maine has only two Congressional districts, Maine is not that susceptible to extreme partisan gerrymandering. The Atlas of Redistricting finds that the most favorably-drawn Democratic gerrymander would result in 1.4 Democratic and 0.6 Republican representatives, and the most favorably-drawn Republican gerrymander would result in 1.1 Democratic and 0.9 Republican representatives, suggesting that Maine's congressional districts are not susceptible to high degrees of partisan manipulation.

CHAPTER SIX
CONDUCT OF ELECTIONS

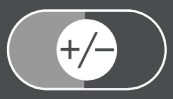
CHAPTER SIX
CONDUCT OF ELECTIONS

KEY METRICS

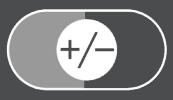
Indicator #1 | Use of Paper Ballots
Maine has always used paper ballots, which are the standard for security and recountability.

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, although very high in some jurisdictions, tends to be uneven across the state.

Indicator #3 | Security of Ballots
Protocols are in place to ensure that ballots are secured before, during, and after an 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. Maine law only requires that political parties be given space to observe polling places; it does not specify that space must be made for other observers or members of the press.



Indicator #5 | Recount Protocols
Recount protocols are strong, but we have no provision for post-election audits. Post-election audits can protect against systematic errors in races outside of the recount margin. Handmarked paper ballots are necessary, but not sufficient, to ensure secure elections.

Indicator #6 | Rejection Rate for Absentee Ballots
In the 2020 election, when over 62% of ballots were cast using absentee voting, a very low percentage of absentee ballots cast were rejected, well below 1%. This is due in large part to the simple signature requirements for returning ballots and a tradition of clerks following up on deficient ballots (“curing”), reinforced this year by strong guidance from the Secretary of State.

WHY IT MATTERS: Well-run elections allow voters to efficiently access and complete their ballots and feel confident that their ballots will be counted. Public 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 also promotes voter participation. Policies that undermine that confidence foster cynicism and voter apathy. Elections should be secure, accessible, accurate, recountable, 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.

SUMMARY FOR 2021: 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 disseminated more broadly and this right should be explicitly enshrined in law. Numerous recounts indicate that the ballot processing systems currently in use accurately record votes, but a post-election ballot audit should be developed to ensure that systemic tabulation errors are detected and that any erroneous outcomes are corrected. Despite a record number of first-time absentee voters in 2020, ballot rejection rates remained extremely low.

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. We also analyzed 2020 absentee voting data provided by the Maine Secretary of State, which showed that less than 1% of cast absentee ballots were rejected.

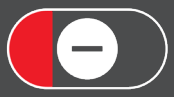
FURTHER RESEARCH: Complaints about long lines or other election day problems are not logged, so the magnitude of any such problems is unknown. Also, in the future, we would like to examine data on rejected absentee ballots and how many of those people affected managed to eventually vote. Another area for future consideration is whether funding in the Elections Division has been adequate to sustain adaptability and resiliency in systems and procedures to address changing conditions and emerging trends.

NO DATA, NO PROBLEMS: One challenge in assessing Maine's election administration is a lack of consistent data, or any data at all in some areas. In large part, this is because of Maine's decentralized voting system: each municipality is responsible for reporting its data on items such as absentee ballot status, which can create inconsistencies in how data is reported, reducing the utility of that data. It also means certain data is not collected; for instance, there is no publicly-available central source for collecting reports of polling place problems, or learning how often municipal clerks receive training on conducting elections.

CHAPTER SEVEN
MONEY IN POLITICS

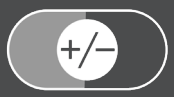
CHAPTER SEVEN
MONEY IN POLITICS

KEY METRICS



Indicator #1 | Percentage of Eligible Candidates Who Use Clean Elections

From the 2016 to 2020 election cycles, Maine Clean Election Act (MCEA) participation among all candidates declined from 64% to 55%. The percentage of current Legislators who were elected using Clean Elections slipped to 59%, down from a peak of 85% in 2008.



Indicator #2 | Health of the Clean Elections Fund

Whether the Clean Election Fund will have sufficient resources for 2021-2022 remains unclear, as it may depend on how many gubernatorial candidates participate in 2022. The Governor's proposed budget for Fiscal years 2022-2023 continues a steady level of funding for Clean Elections. 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, which also passed as part of a 2015 citizen initiative, 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 | Number of Leadership PACs

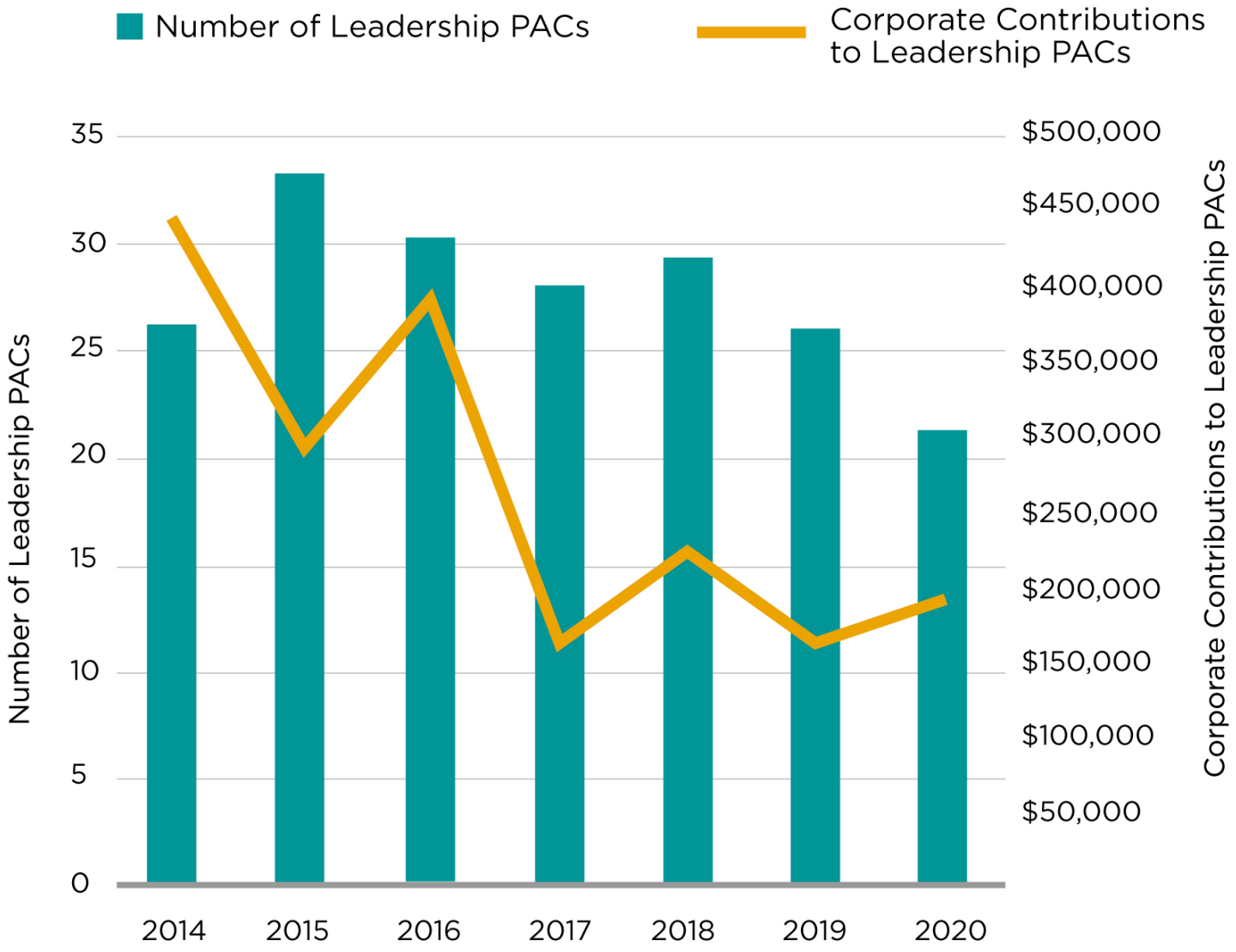
The number of leadership PACs is declining, down to 21 in 2020 from a high of 30 in 2015. The amount of money flowing through leadership PACs is also down to $189,421 in 2020, from a high of $291,077 in 2015.

Indicator #5 | Corporate Contributions

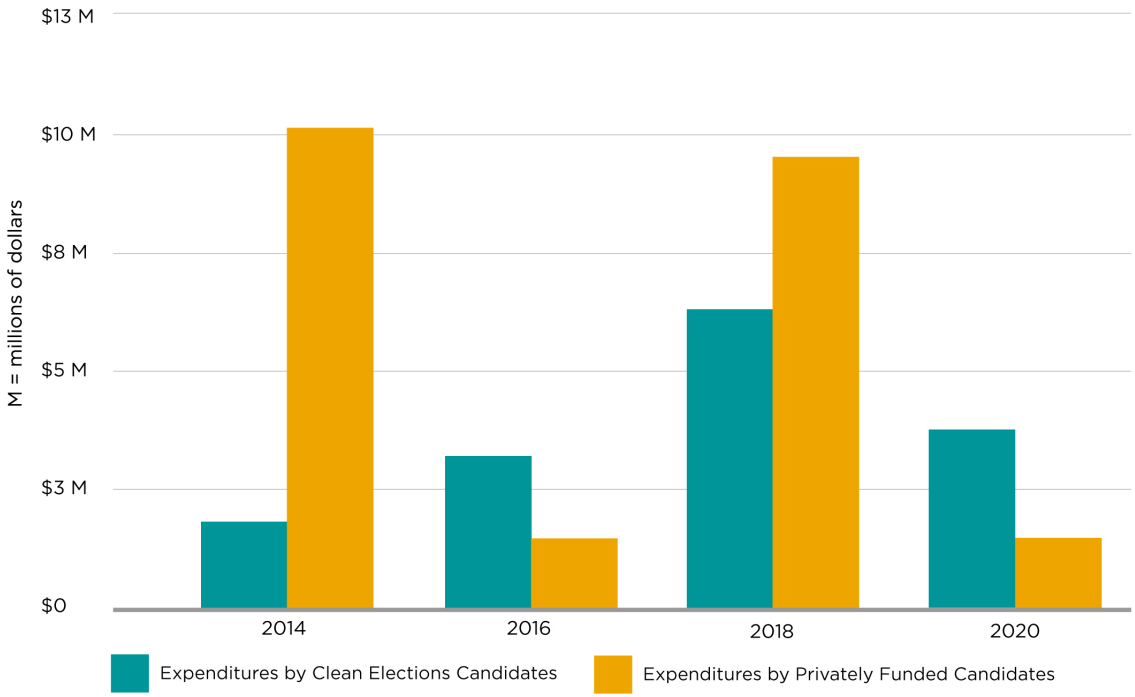
Between 2014 and 2020, candidates, leadership PACs, and caucus PACs received a total of $6.7 million dollars from corporations. They received as much as $9.5 million more from PACs that were allowed to accept corporate contributions. These entities are run by legislators and legislative leadership.

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 Maine Clean Election Act (MCEA), thousands of 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 is the lack of access to political money that reinforces existing power dynamics across race, income, and other demographic factors.

TAKEAWAYS: The good news this year is that the Clean Election public funding option remains the first choice of a majority of candidates, though participation is 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, some legislators continue to use leadership political action committees (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. Contributions from corporations, their PACs, and other givers who are not "natural persons" — i.e., flesh-and-blood humans — remain a concern.



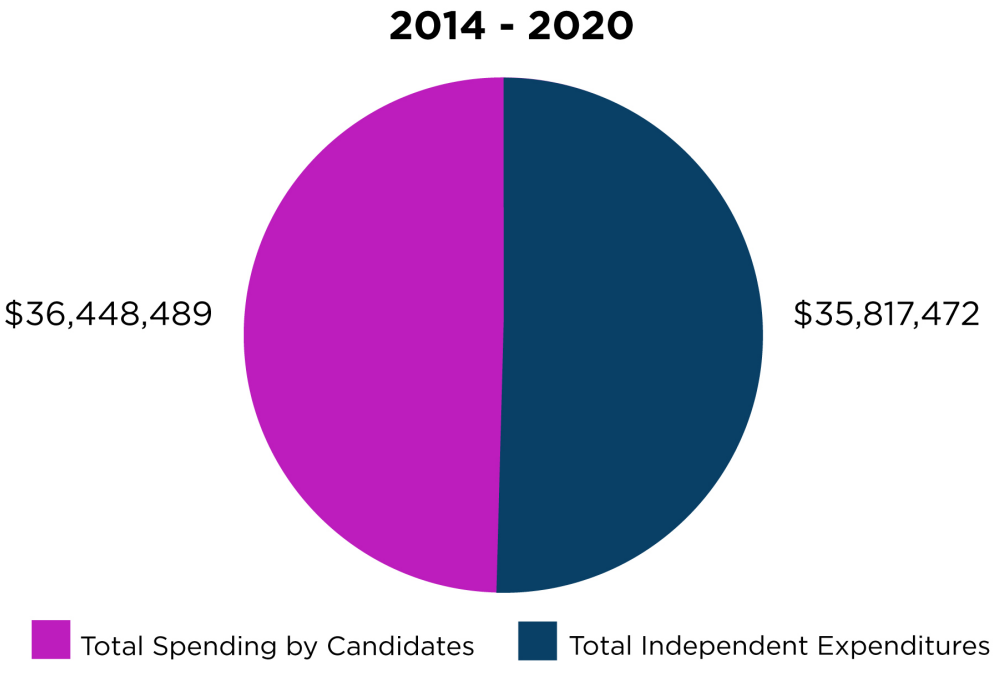
GRAPH 7 | Number of Leadership PACs and Corporate Contributions to PACs



GRAPH 8

Spending by Privately Funded versus Clean Elections Candidates*

*Although many 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.

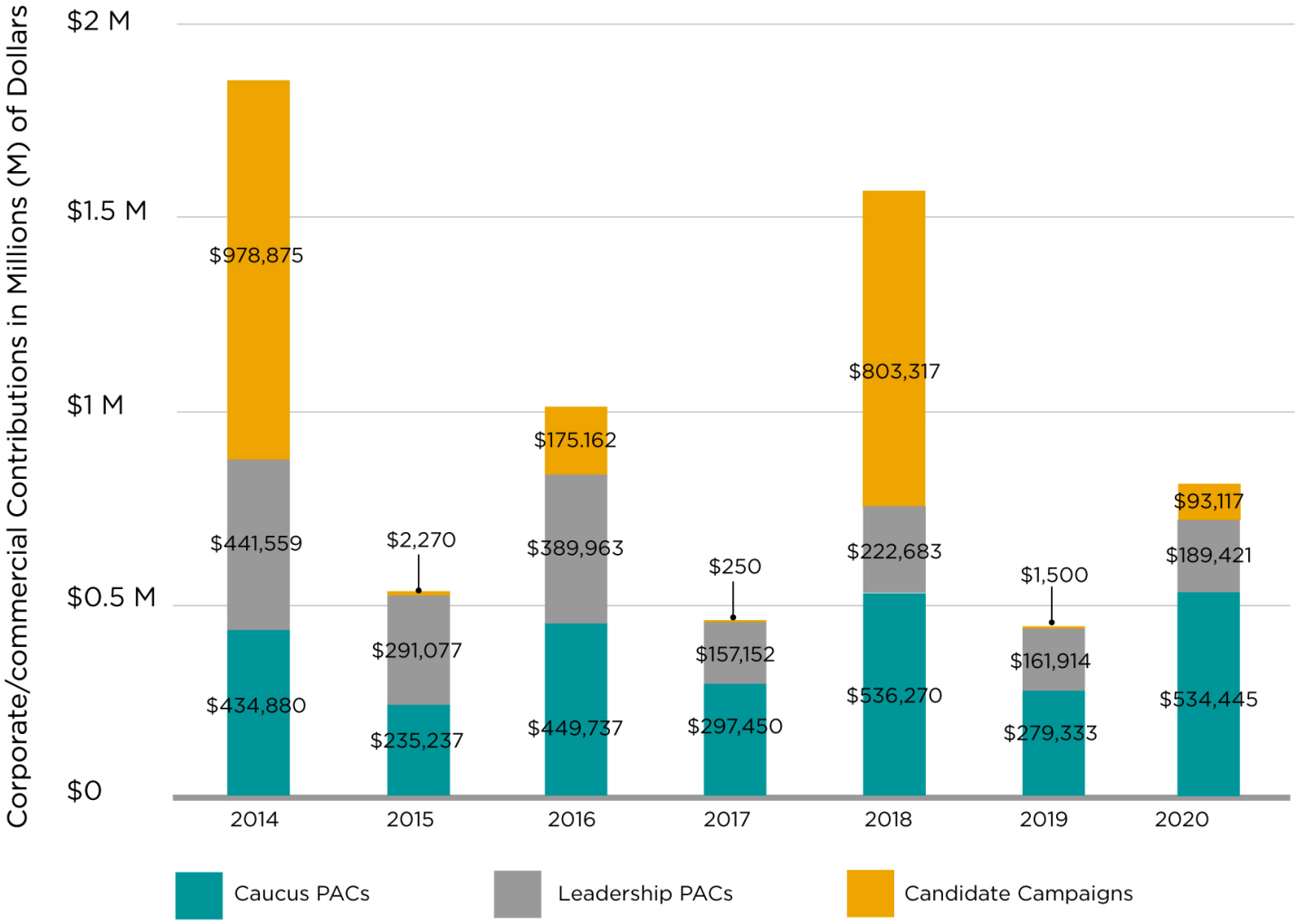


GRAPH 9

Total Spending on Candidate Elections

SUMMARY FOR 2021: 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.

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.



GRAPH 10 | Corporate Contributions

FURTHER RESEARCH: The various 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 on frontline communities including new Mainers, low-income individuals and families, racial and demographic minorities, and those toward the bottom of other socioeconomic metrics. Another area for further research would be to quantify factors in reduced MCEA participation, including hardening ideology among some GOP legislators.

CHAPTER EIGHT
FREEDOM OF INFORMATION

CHAPTER EIGHT
FREEDOM OF INFORMATION

KEY METRICS

Indicator #1 | Total Number of Reported FOAA Requests
Fourteen state agencies reported receiving a total of 2,652 requests in 2020, down from the high of 4,022 in 2019, but still more than double the 1,238 FOAA requests made in 2017. These are logged and reported to the FOAA Ombudsman, who is within the Office of the Maine Attorney General.

Indicator #2 | Percentage of Requests Answered within Five Days
About 48% of those requests (1,278) 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, 41% of requests were answered within five days (1,632 out of 4,022).

Indicator #3 | Number of Complaints Received by Ombudsman
The Ombudsman received 61 complaints and 402 communications classified as "inquiries." Across the state government, 61 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 similar to those in the previous year (53 complaints and 414 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. In the past, sometimes key decisions were arrived at "off mic" or in off-the-record meetings, and the final vote often involved significant policy decisions that had not been fully debated in public. The 2017 budget ended in turmoil, and a staffer's late night resulted in protracted legal proceedings the following year. Transparency and observation of the regular order are important principles in budgetary proceedings.

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: Even in the time of COVID-19, 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 2021: 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.

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: The COVID-19 pandemic has put a strain on the mechanisms of public access. When the pandemic ends, it would be useful to assess how well state and local governments were able to continue to provide open meetings and access to records. Also, 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.

CHAPTER NINE
NEWSPAPERS AND MEDIA ACCESS

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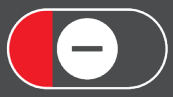
NEWSPAPERS AND MEDIA ACCESS

KEY METRICS



Indicator #1 | 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. The Biddeford Journal Tribune closed in 2019, leaving Maine's sixth largest city without daily news coverage.

Indicator #2 | Newspaper Circulation
Print newspaper circulations declined by almost 40% over the last 15 years in Maine, which is comparable to declines seen in other rural states like Vermont and West Virginia

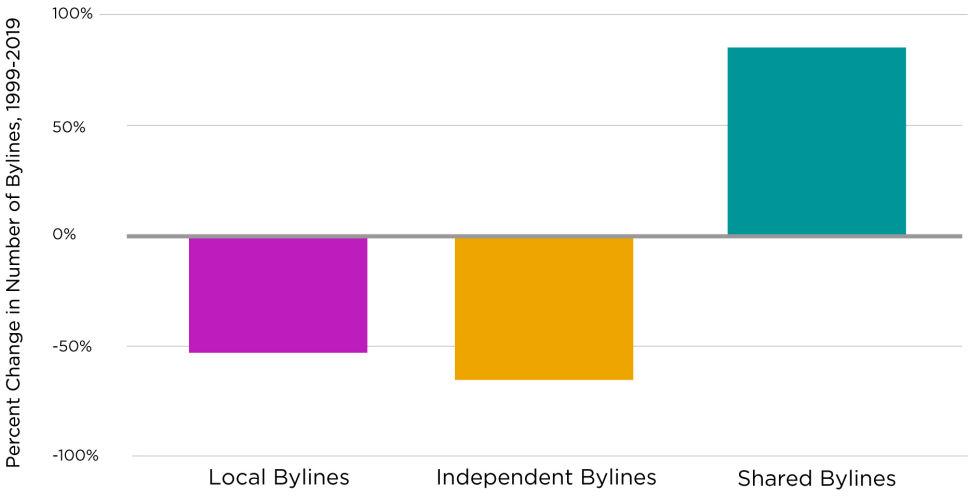
Indicator #3 | Number of Independent Local Bylines
Local bylines (written and filed by Maine-based reporters) declined by over 50% over the last 20 years — from 134 to 64. Independent local bylines (those not shared across several newspapers) fell by two-thirds — from 122 to 42.

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 two Maine-based publishers owning three-fifths of all newspapers. Unlike other states, ownership of radio and television stations is well diversified.

Indicator #5 | News Deserts in Maine
According to a study done at the UNC Hussman School of Journalism and Media, Maine has five counties that classify as news deserts (counties with 0-1 local newspaper): Somerset (0); Franklin (1); Piscataquis (1); Waldo (1), and Sagadahoc (1). This is one more than last year as Sagadahoc County was recently added to the list. Altogether, nearly 175,000 Mainers, or 13% of our population, live in counties designated as news deserts.

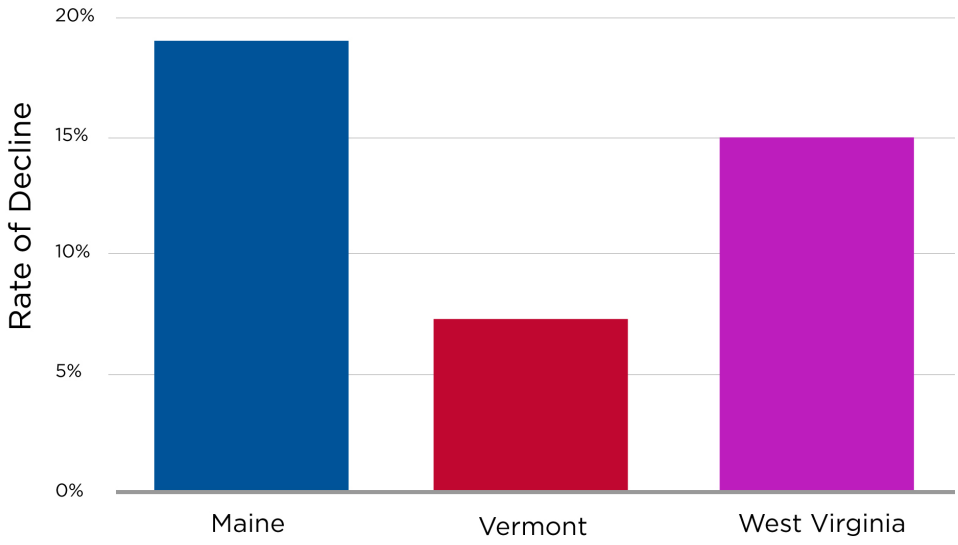
WHY IT MATTERS: Thomas Jefferson wrote in 1786, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost." This remains equally true today. Past research has shown that strong local newspapers increase voter participation, hold governments accountable, and encourage 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 local newspaper). Coupled with increased concentration in ownership of both print and broadcast outlets, this has led to fears about undue influence and openly partisan agendas. In addition, the demise of the Fairness Doctrine has opened the door to more and more partisan content, and as our information ecosystem has evolved toward more online content, it has also enabled consumers to choose their own media silos.

TAKEAWAYS: The last 15 years have seen a marked decline in the number of local newspapers and print newspaper readership in Maine. This has inevitably diminished coverage of local news and made it difficult to support in-depth, watchdog journalism. As local news declines, pseudo-local news outlets are on the rise that are deceptive and shirk journalistic ethos, posting articles that are paid for by undisclosed "clients." 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.



GRAPH 11

Percent change in Number of Local, Independent, and Shared Bylines



GRAPH 12

Decline in Newspaper Circulation in Selected States

SUMMARY FOR 2021: The loss of local news sources is a major trend that raises serious concerns. According to researchers, "Local news outlets are much more likely to report on the benefits and services legislators bring back to their districts. When local news is strong, government is more responsive, local elections are more competitive and local government finances even improve. On the other hand, where local news is weaker, there is more corruption and polarization."

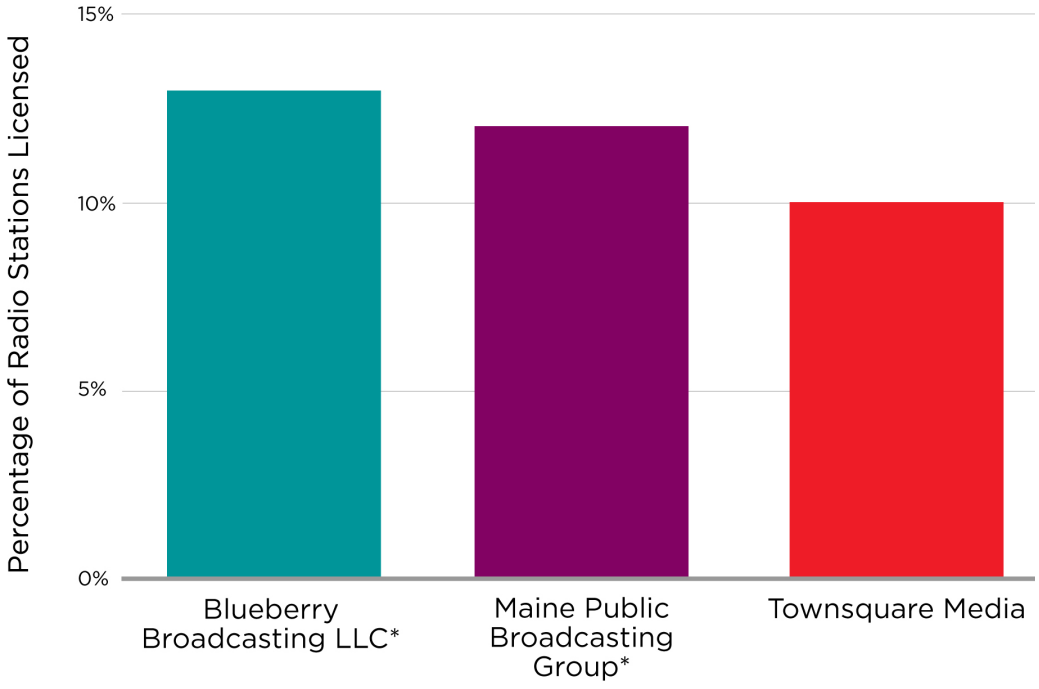
In looking at the loss of local newspapers and circulation, we compared Maine with Vermont and West Virginia, because the three states have the highest percentage of rural populations in the U.S (62%, 61%, and 51% respectively). Maine had 63 newspapers — 7 dailies and 56 weeklies — in 2004, and this 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 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 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%).

Social media platforms, like Facebook and Twitter, are increasingly used for sharing and getting news and facilitate the rapid spread of misinformation. The majority of Americans living in the Northeast do not use social media sites as the most common way they get their news, but social media is becoming a part of people's "news diet." In a recent survey by the Pew Research Center, 51% of respondents from the Northeast reported they get news from social media sites often or sometimes. Moreover, while many were skeptical of news from social media, reporting low levels of trust, only a third felt "very confident" in their ability to recognize made-up news.

Most people place their trust in local news sources, but there is an emerging concern here, as well, with regard to misinformation. As local news outlets are dying, a growing network of pseudo-local news websites are taking their place. The vast majority of these sites are owned and operated by Metric Media, LLC, with 1,200 sites and counting. The company employs freelancers to write articles that are paid for by undisclosed "clients," typically conservative operatives. At least 14 of these sites advertise themselves as "local" news outlets in Maine.



GRAPH 12

Three Largest Licensees of Radio Stations

*Indicates owner is Maine-based

LIST OF PSEUDO-LOCAL NEWS WEBSITES IN MAINE

Name	Website	Company
Aroostook News	aroostooknews.com	Metric Media
Down East Times	downeasttimes.com	Metric Media
Gray Guide	grayguide.com	Other local news sites
Lewiston Times	lewistontimes.com	Metric Media
Maine Business Daily	mainebusinessdaily.com	Business Daily network
Maine Highlands News	mainehighlandsnews.com	Metric Media
Maine Lakes News	mainelakesnews.com	Metric Media
Mid Coast Today	midcoasttoday.com	Metric Media
Oxford Today	oxfordmetoday.com	Other local news sites
Pine State News	pinestatenews.com	Metric Media
Portland Maine News	portlandmainenews.com	Metric Media
River Valley Today	rivervalleytoday.com	Metric Media
South Maine News	southmainenews.com	Metric Media
Unity Guide	unitymaineguide.com	Other local news sites

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. Data on social media come from the July 2019 and October-November 2019 American Trends Panel survey by the Pew Research Center. We conducted a sub-analysis on respondents living in the Northeastern US (N = 835 July; N = 1,913 Oct-Nov). Information on Metric Media, LLC and the network of pseudo-local news sites comes from investigative journalism by the New York Times, with the Maine-specific sites reported on by The Portland Press Herald.

FURTHER RESEARCH: Understanding how staffing cuts, the shift to online publishing, and increasing concentration of ownership of the press have affected 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.

At the same time, the rise of pseudo-local news sites, with content paid for by undisclosed "clients", is alarming. These sites violate journalistic ethics and exploit the trust Americans place in local news. It will be vital to keep track of these sites and the amount of traction they gain among Mainers to understand their effects.

In the new information ecosystem, we no longer share a common understanding of factual reality. The ways in which social media giants monetize outrage and contribute to extreme partisanship bears further examination.

CHAPTER TEN
THE JUDICIARY

CHAPTER TEN
THE JUDICIARY

KEY METRICS

Indicator #1 | Appointed Judges
Judicial selection by appointment through a public process, as is done in Maine, fosters judicial independence, as opposed to electing judges through highly politicized popular elections.

Indicator #2 | Judicial Nominating Committee
Maine's state court judges are nominated by the governor and confirmed by the senate for a seven-year term. A Judicial Nominations Advisory Committee consisting of Maine attorneys appointed by the Governor has traditionally been established by Executive Order to review and advise on candidates for appointment. The Maine State Bar Association, a voluntary membership organization for Maine lawyers, provides information to the senate on re-appointments. While the process has worked well, it is not mandated by law; it is a strong tradition in Maine but vulnerable to the norm-breaking whim of a future governor.

Indicator #3 | Gender in the Maine Judiciary
Women comprise 51% of Maine's general population. Women constitute 37% of licensed attorneys in Maine as reported in the most recent Annual Report of the Board of Overseers of the Bar. However, only 27% of Maine's state court judges are women. Until recently, the chief justice on the Maine Supreme Judicial Court was a woman.

Indicator #4 | Gender on the Judicial Nominating Committee
Of the nine members who serve on the Judicial Nominating Committee, three (33%) are women. While this is one more than in the prior administration, the representative of women remains low.

WHY IT MATTERS: Fair and impartial justice is a cornerstone of our democracy, and decisions of state court judges have an impact on the lives and livelihoods of citizens in their states. The administration of justice by judges who are representative of those citizens whose cases come before them is key to a judge's understanding of the potential impact of a decision and in fostering respect for the judicial system.

TAKEAWAYS: Currently, Maine's state court judiciary is much more "male" than the population of Maine as a whole. While the percentage of male judges is closer to the percentage of licensed attorneys who are male, there is still a marked disparity. Demographic trends showing an increase in the percentage of law students who are female, however, suggest that the percentage of female judges could increase over time to more closely mirror the general population.

SUMMARY FOR 2021: Maine's judicial selection process appears to be conducted currently without undue partisan or political influence, with candidates being evaluated and recommended by an advisory committee made up primarily of practicing attorneys. It is noteworthy, however, that the advisory committee process has been established by Executive Order, and while this has become the traditional process, it is not mandated by law.

Although the current make-up of the state judiciary is overwhelmingly male and disproportionate to the percentage of women in both the general population and in the Bar, demographic trends suggest this imbalance could improve over time. Nationally, the make-up of first year law school classes in 2020 was 54.5% women, and the University of Maine Law School's first year class was split almost evenly between men and women. Conventional wisdom and anecdotal evidence, however, suggest that women "drop out" at a relatively high rate during their careers; if this holds true over time, this will slow the progress in making the judiciary more representative. Surveys/data provided by the American Bar Association (ABA) concentrate on large firms and thus, may not be directly applicable to Maine.

METHODOLOGY: We obtained information on the judicial selection process from the Governor's website and compared it with data from studies conducted by the Brennan Center for Justice at New York University Law School. We examined the sex distribution of Maine's State Court judges as of December 31, 2020, based on data on the Court system's website, and from the Maine Bar as of December 31, 2018, based on data provided by the Board of Overseers of the Bar. We also compared the percentage of women in the state's judiciary with that in the general population.

FURTHER RESEARCH: Studies from 2010 and 2016 place Maine nationally among the bottom five or six with respect to the racial diversity of the judiciary. This is not surprising, given that our population is less diverse than that of many other states. But it is a concern when one looks at the racial makeup of criminal defendants. A corollary issue for investigation would be to examine whether civil and criminal juries in Maine are racially representative. In many other states, ethnic and racial minorities are underrepresented in jury pools. This is a significant potential equity and racial justice issue. In some cases, potential jurors, predominantly minorities, are excluded because they admit to being fearful of law enforcement. This is far more likely to result in exclusion of racial minorities from juries. And it assumes that such fear is a disqualifying factor. It's a problem.

It would be useful to examine other metrics with respect to the judiciary as and when data is available, such as ethnicity, sexuality, and economic origin, compared with that of the general population and the legal profession in Maine.

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, voting rights for all citizens, free and fair elections, no undue influence of money in politics, freedom of information, free and unbiased reporting by press and other media, and an independent judiciary. Future editions of this report might look at additional factors, such as governmental ethics and a professional civil service.

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

Pages 45-46 provide an overview of the metrics used in this report and whether the trends were positive, negative, or hard to judge, with respect to their effects on the state of democracy in Maine.

FIRST, THE GOOD NEWS

- Maine's 2021 Legislature has the highest percentage of women at 44%, an historic high and fully five percentage points higher than in 2019. In addition, women held 60% of cabinet-level positions in Maine at the end of 2020.

- 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 — leading the nation in voter turnout in 2016 and 2018 according to the Census Voting and Registration Tables, and ranking third in 2020 with 76.3% of the electorate voting in the general election. While voting among younger people has historically been low, with only a little over 40% participating in prior elections, 78% of 18-24 year olds voted in November 2020, vastly exceeding expectations.

- Maine leads the nation in the use of ranked choice voting (RCV) for state and federal elections. Maine also 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, including in the very challenging COVID-19 election of 2020. 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, has strong recount protocols, and had a high valid cast ballot rate for absentee ballots with less than 1% rejected in 2020, despite a sharp increase in the number of absentee ballots cast.

- 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 remains the first choice for a majority of candidates. When it comes to 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.

- 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.

- Maine's state court judges are appointed by the governor through a public process, rather than popularly elected, fostering judicial independence.

AREAS FOR IMPROVEMENT OR VIGILANCE

Representative Government:
While the percentage of women in the Legislature is at an all-time high at 44%, this is still not reflective of the general population where women make up 51%. The percentage of baby boomers in the Legislature is also very high (57%) relative to the general population (36%). To put it bluntly, the Legislature is and has been dominated by older white men. Barriers to legislative service are real for women and younger adults, especially financial barriers.

Voting Rights:
Since 2011, voting rights have come under assault in 22 states; since the 2020 election, many more are threatening additional restrictive measures. There is concern about some potential voter suppression tactics being used in college towns here in Maine. In addition, Maine currently ranks 43rd among states in high-speed Internet access, which is critical for voters to access candidate information, learn about when and where to vote and what will be on the ballot, and make requests for absentee ballots. Internet access is especially vital for blind or low-vision Mainers who, as of the November 2020 election, may use electronic absentee ballots to vote privately and independently with computer assistance.

Voter Turnout:
Although Maine is among the highest turnout states, a significant percentage of registered voters still does not participate in each election, and this has historically been especially true in the districts with the highest poverty rates.

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. Moreover, there is a need for better transparency and more uniformity in how local election officials are trained, when and where election activities are taking place to allow for public monitoring, and collection of data regarding problems at polling places. Further measures may be needed to ensure that best practices are uniformly adopted and that robust options for in-person voting are preserved.

Election Methods:
We should amend the Maine State Constitution to extend the use of RCV to gubernatorial and state legislative elections, join the National Popular Vote Interstate Compact, and establish semi-open primaries. These election methods are critical for ensuring the people get the most out of their vote and the candidates with the broadest possible support are elected, thus upholding the true will of the voters.

Money in Politics:
From the 2016 to 2020 election cycle, MCEA participation among all candidates declined from 64% to 55%. The health of the Maine Clean Election Fund also remains unclear; on the one hand, a steady level of funding continues, but at the same time a large amount of funding was removed by previous Legislators. In addition, unaccountable and undemocratic funding continues to play an outsized role in determining our policies and those who run our government.

Freedom of Information:
Anecdotal evidence suggests that state employees do not always prioritize FOAA 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. Moreover, while formal budgetary documents are publicly available, these are difficult to understand and key decisions are sometimes made off-the-record, pointing to a need for better transparency of budgetary proceedings.

Newspaper and Media Access:
Like many states, Maine has seen a drastic decline over the years in the number of local newspapers and newspaper circulation, with 13% of the population living in a 'news desert.' This 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. Even more troubling is the rise of pseudo-local news websites that employ out-of-state freelancers to write articles paid for by undisclosed "clients," typically conservative operatives. There are at least 14 sites so far that portray themselves as "local" news outlets in Maine, most of which are owned and operated by the digital firm, Metric Media, LLC.

The Judiciary:
The Judicial Nominations Advisory Committee has been established by Executive Order and has become a strong tradition, but it is not mandated by statute. Therefore, this preferred method of identifying and recommending judicial candidates could be abandoned by a future governor looking to create a more partisan or overtly political process.

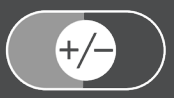
LOOKING TO THE FUTURE

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 also 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, for only then can we claim to be a true democracy.

APPENDIX A: SUMMARY OF REPORT INDICATORS

	 **Positive Findings / Trends**	 **Negative Findings / Trends**	 **Mixed News / Hard to Judge**
Chapter One Representative Government	• Percentage of Women in the Legislature in 2021 vs. Earlier • Percentage of Women in Executive Branch Leadership	• Percentage of Women in the Legislature vs. General Population • Percentage Aged 55-74 in the Legislature vs. Population	
Chapter Two Voter and Civic Participation	• Maine's Voter Turnout, 2016 and 2020 • States with the Highest Voter Turnout • Voter Turnout in Maine by Gender • Voter Turnout in Maine by Age		• Correlation Between Racial Makeup and Voter Participation by District
Chapter Three Poverty and Voter Participation		• Percentage of Mainers Living in Poverty • Correlation Between Poverty Rate and Voter Participation by District	• Income Inequality in Maine
Chapter Four Voting Rights	• Same-day Registration • No Photo I.D. Requirement • No Felony Disenfranchisement • Automatic Voter Registration (AVR)	• Access to the Internet	

APPENDIX A: SUMMARY OF REPORT INDICATORS (CONT.)

	 **Positive Findings / Trends**	 **Negative Findings / Trends**	 **Mixed News / Hard to Judge**
Chapter Five Election Methods	• Presidential Primaries • Redistricting	• National Popular Vote (NPV) Interstate Compact • Semi-open Primaries	• Ranked Choice Voting (RCV)
Chapter Six Conduct of Elections	• Use of Paper Ballots • Security of Ballots • Rejection Rate for Absentee Ballots		• Public Monitoring of Elections • Recount Protocols • Training for Local Election Officials
Chapter Seven Money in Politics	• Campaign Finance Transparency • Number of Leadership PACs	• Percentage of Eligible Candidates Who Use Clean Elections • Corporate Contributions	• Health of the Clean Elections Fund
Chapter Eight Freedom of Information	• Total Number of Reported FOAA Requests • Percentage of Requests Answered within Five Days		• Number of Complaints Received by Ombudsman • Transparency of State Budgetary Process
Chapter Nine Newspaper and Media Access		• Number of Newspapers • Newspaper Circulation • Number of Independent Local Bylines • News Deserts in Maine	• Concentration of Ownership of Print and Broadcast Media
Chapter Ten The Judiciary	• Appointed Judges	• Gender in the Maine Judiciary • Gender on the Judicial Nominating Committee	• Judicial Nominating Committee

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We've come through a tumultuous year in American politics.

Our 2020 elections were rocked by the COVID-19 pandemic, which also affected the normal functioning of government at the local, state, and federal level. We witnessed an unprecedented insurrection at the U.S. Capitol, reflecting serious divisions in the body politic which remain potent and evident right here in Maine. The second session of the 129th legislature adjourned early, and the first session of the 130th is off to a slow start, operating remotely for the first several weeks of the session.

Now, more than ever, we believe in an inclusive democracy; and we believe that we, the people, can make democracy work. Facing the challenges of conducting elections under COVID-19 protocols, Maine people — from election officials to ordinary voters — rose to that challenge, with a generally well-run election and record voter turnout. Even in the midst of a crisis, our democracy remains strong and vital. Among many other success stories, the 2020 general election saw a phenomenal boost in voting among young people, soaring to almost 78%, almost 20% higher than what was expected.

But difficulties remain for our democracy. Nearly 175,000 Mainers live in a "news desert," defined as a county with zero or only one local newspaper. Trusted local news coverage is being replaced in Maine by increasingly profit-driven social media and "for hire" news channels that exacerbate partisanship and leave local government open to corruption and polarization.

While this past year has exposed some weaknesses in our system, we believe it has also presented opportunities to improve. We can draw on our democracy's many strengths — including our strong voting rights and culture of civic participation — to ensure every Mainer's voice will be heard.

DEMOCRACY ME
LEAGUE OF WOMEN VOTERS OF MAINE
MAINE CITIZENS FOR CLEAN ELECTIONS

PO BOX 18187
Portland, ME 04112
info@democracymaine.org

democracymaine.org