



TO: The Honorable Tim Nangle
The Honorable Holly Stover, Co-Chairs
Members of the Joint Standing Committee on State and Local Government

DATE: March 2, 2023

RE: LD 484 - An Act to Prevent a Conflict of Interest in State Elections by Requiring the Secretary of State to Resign Before Running for Elected Office

Good afternoon Senator Nangle and Representative Stover.

My name is Will Hayward. I'm a resident of Portland. I am the Advocacy Program Coordinator for the League of Women Voters of Maine. I am submitting testimony in support on LD 484, An Act to Prevent a Conflict of Interest in State Elections by Requiring the Secretary of State to Resign Before Running for Elected Office.

The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

The League of Women Voters believes that responsible government should be responsive to the will of the people and that it should be free from undue influence, corruption, and the appearance of corruption. We support measures that encourage governmental ethics and that give citizens confidence that public affairs are being conducted in the public's best interests. When this proposal previously appeared before the Legislature in 2013, we supported it, and we again support it today.

The Maine Secretary of State is our highest election official, responsible for the conduct of state and federal elections. The office of the Secretary of State shapes policy regarding elections in countless ways, large and small, from the introduction of agency legislation, through rulemaking, enforcement, setting of procedures, providing guidance, and deploying of state resources.

It could be seen as a conflict of interest for the State's highest election official to have a vested interest in the outcome of their own election. Therefore, it is reasonable to include in statute language to prevent a chief election official from overseeing an election where they are a candidate. One way to achieve this, as provided in this legislation, would be to require the Secretary of State to resign their office when they become a candidate for state or federal office. Alternatively, the Legislature could codify a requirement that the Secretary of State recuse themselves from overseeing an election where they are a candidate, and turn over all functions to their Deputy. Statutory recusal might be a preferable and more narrowly tailored approach because it would minimize disruptions in the other divisions overseen by the office and prevent a vacancy in a constitutional office. Either of these approaches would be more formal and

visible to the public than the practice we have seen: a verbal reassurance that the candidate Secretary of State will keep the election at arm's length.

The League is not aware of any abuse of official power In the previous instances in Maine where a sitting Secretary of State has been a candidate for another office. Nonetheless, LD 424 or the alternative approach of formal recusal we have outlined both provide opportunities to strengthen public trust in our elections by removing any appearance of conflict of interest when a Secretary of State chooses to run for another office. We would support either approach to this issue.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.