

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
MAINE STUDENTS VOTE



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

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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). These organizations work together to protect and strengthen civic participation in our democratic institutions. We believe that a solid foundation of knowledge and measurable outcomes are necessary to craft and sustain the public policies that support and protect an inclusive democracy. This is the third edition of our report, “Maine: The State of Our Democracy,” and it sets a baseline for our continuing efforts in advocacy, civic participation, 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, with Maine Students Vote joining in 2021, to strengthen our advocacy and educational 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 big 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 will increase political and racial 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, election security and integrity, automatic and online 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 district demographics on voter turnout, voting rights, barriers to voting, election methods, conduct of elections, money in politics, freedom of information, newspapers and media access, digital equity, and the judicial system. In each of these areas, we have 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 have attempted to compare Maine with other states to provide a larger context for our findings. Each chapter provides a brief overview of why the subject matters to democracy and a short assessment of the situation in Maine. We also present the

selected indicators that we've measured and the key conclusions from our analysis (along with graphs to illustrate our findings, where relevant). Each chapter provides a brief discussion of the methodology and sources used, along with suggestions for future research and, in some cases, pointers to further reading. 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 we limited ourselves to easily accessible data. We hope to continue publishing 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.

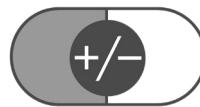
A note on indicators: Each indicator is assessed in terms of what the finding implies for the state of democracy in Maine, whether negative, positive, mixed, or difficult to judge.



The — indicates a negative finding, impact, or trend.



The + Indicates a positive finding, impact, or trend.



The +/- indicates a mixed “good news/bad news” finding, impact, or trend.



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

Chapter One

REPRESENTATIVE GOVERNMENT



KEY INDICATORS



Indicator #1 | *Percentage Aged 55-74 in the Legislature vs. in Maine Population*

The percentage of baby boomers in the Legislature is very high (55%) relative to their numbers in the general population (36%).



Indicator #2 | *Percentage of Women in the Legislature vs. in Maine Population*

Women make up 44% of the Legislature but comprise 51% of the general population.



Indicator #3 | *Percentage of Women in the Legislature in 2023 vs. in Earlier Years*

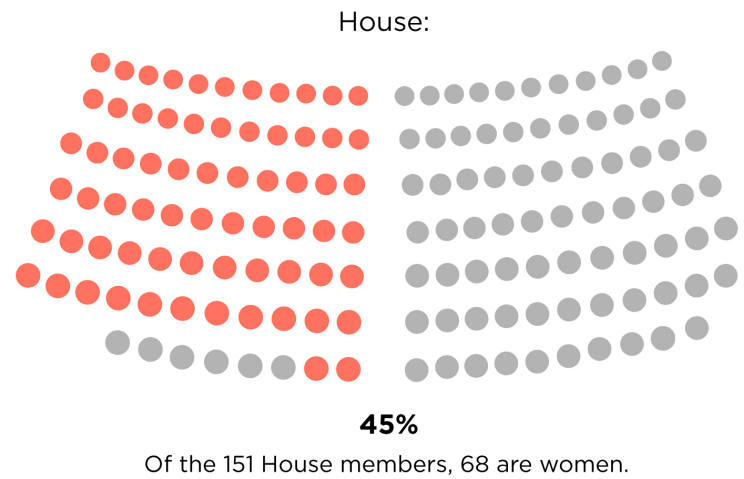
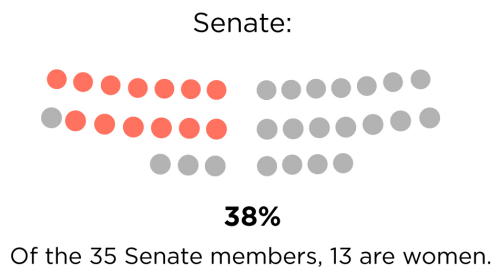
The percentage of women in the 2023 Legislature is at an historic high, fully five percentage points higher than in 2019, which was already a high-water mark. At 44% today, that's almost 17% higher than it was 20 years ago. There is still room for improvement, but we have made significant progress.



Indicator #4 | *Percentage of Women in Executive Branch Leadership*

Women held 60% of cabinet-level positions in Maine at the end of 2022, compared with 27% in 2018.

GENDER REPRESENTATION IN MAINE'S 131ST LEGISLATURE



WHY IT MATTERS:

The demographic composition of our Legislature and of our executive branch tells us something about whose voices get heard in state government and who has access to power. How representative can a government be if it does not reflect its entire constituency, or if it does not provide representation proportional to the electorate? How can we have the best leadership possible if there are substantial barriers to service for a significant number of qualified people?

SITUATION IN MAINE 2023:

We examined the age and gender of members of the Legislature and of senior executive branch officials to see whether we are electing and appointing people who represent us all. 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. It's hard for young people to serve. It's harder for women: The wealth gap between men and women and the high cost of a political career make it harder for women to pursue a political career, as does the extra burden of child care. The barriers are even higher for women of color. However, women continue to hold a majority of cabinet positions, a feat achieved for the first time in 2020.

CONCLUSIONS:

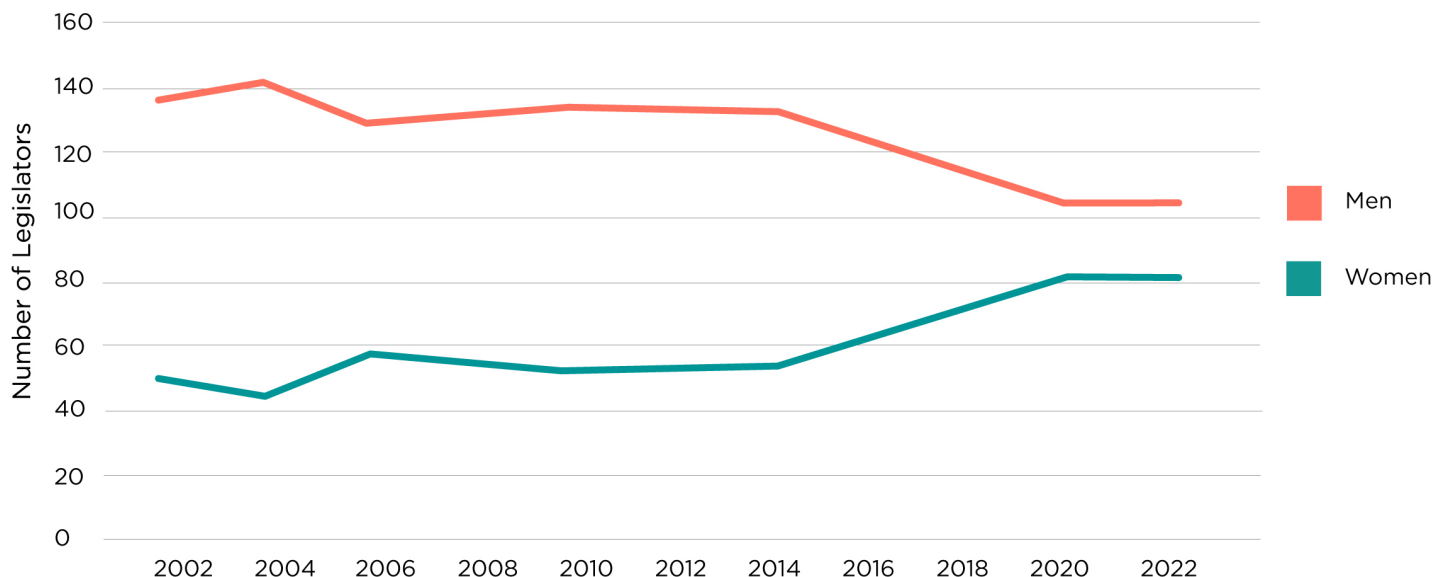
From 2000 to 2022, the gender balance in the Maine Legislature has fluctuated slightly (see Graph 1), but the average age of legislators has proven remarkably stable, with an advantage

tilted toward older age groups (see Table 1). Research at the federal level indicates that older representatives pay more attention to issues that relate to seniors.¹ This is only natural. If that finding holds true in our state legislature, then its policy agenda may tilt toward the interests of older, white men. Representation matters. We want a legislature that reflects our varied interests and priorities.

Why is this so hard to achieve? Women frequently reach leadership positions in the Legislature once elected—indicating that they are perfectly able to do the job. Academic studies^{2,3} 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, year-round job and perform legislative service at the same time. The result is that people defer public service until their financial circumstances are more secure, that is, until they are well into their fifties or sixties. Many young men simply cannot afford to serve; these barriers are even greater for women. Median wealth for single women is only 73% that of their single male counterparts.⁴ Child-care issues also fall disproportionately on women.

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.⁵

Continued on next page.



GRAPH 1 | Gender Makeup of Maine's Legislature, 2002-2022

Conclusion Continued:

On the bright side, the 131st Legislature features an unprecedented number of Black members: five in total, one of whom is Speaker of the House.⁶ They represent 2.7% of the Legislature, slightly higher than their share of the current Black population of Maine at large (1.8%).⁷

In addition to looking at the Legislature, we also looked at the gender distribution of cabinet-level positions and constitutional officers going back to 2000. 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 2022, women held 60% of cabinet-level positions. By 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.⁸

Maine's government also includes three constitutional officers (the Secretary of State, the State Treasurer, and the State Attorney General) and one statutory officer (the State Auditor). 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, and she continues to serve in that role. 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 is women, a slightly greater percentage than the percentage of women in the general population.

AGE	AT LARGE	SENATE	HOUSE	ALL LEGISLATORS
20-39	30.33%	8	19	14.52%
40-54	22.88%	5	40	25.19%
55-74	36.44%	22	80	54.84%
75+	10.35%	0	12	6.45%

TABLE 1 | Age Breakdown of the 131st Maine Legislature, House and Senate



METHODS:

Indicators #1-3: We looked at the age and gender distribution of the 186 incoming members of the new Legislature going back to the year 2000. Data for the House from 2000-2018 was provided by the Clerk of the House. Data for the Senate from 2000-2018 was provided by the Secretary of the Senate. From 2019 through the beginning of the 131st Maine Legislature in 2023 (House and Senate), age and gender data was drawn from publicly available data as well as from the Catalyst database, available to participating members. Comparative data for the population of Maine is from the 2021 American Community Survey 1-Year Estimates⁹ provided by the U.S. Census. (Note that 2020 data excluded one open seat; Shenna Bellows resigned her Senate seat to become Maine's first female Secretary of State.)

Indicator #4: We looked at age and gender of the cabinet members going back to the year 2000 based on publicly available data.

FURTHER RESEARCH:

It would be useful to compare Maine with other states (such as Nevada, which currently has a 62% female Legislature) and to understand the reasons for the differences in gender representation. Not enough data is available on race, ethnicity, gender/sexuality, or 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 is not available on the racial composition of the Maine Legislature, and even the numbers of non-whites in the population is too small to make statistical inferences. Progress may be on the horizon in this area since legislation passed in 2021 to pilot a program of assessing the racial impact of pending legislation. Finally, it would be interesting to examine the demographics of representation at the county and municipal level and at the senior leadership level of the executive branch departments. As to the latter, it is noteworthy that demographic information (or even identification of the persons holding those positions) is difficult for the public to find. Some of the departmental websites provide that information, but many do not.

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Chapter Two

VOTER PARTICIPATION & INDIVIDUAL CHARACTERISTICS



KEY INDICATORS



Indicator #1 | *Maine's Voter Turnout*

Maine's turnout in 2020 was 76.3%, a five-point increase from the 2016 presidential election and in line with national turnout. In the 2022 midterm election, 61.5% of registered voters participated. While this participation rate is in line with historical expectations, it is four points lower than the 2018 participation rate of 65.6%. This mirrored trends in other high-turnout states.



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 2022 general election, Maine's turnout of 61.5% was the second highest in the nation, just behind Oregon at 62.4%.



Indicator #3 | *Voter Turnout by Gender*

Women in Maine consistently vote at a slightly higher rate than men, which is in line with national averages. In midterm years, the gap is between two and three percent; in presidential years, it doubles. In 2022, the 2% gap was narrower than in 2018, but very similar to earlier midterms.



Indicator #4 | *Voter Turnout by Age*

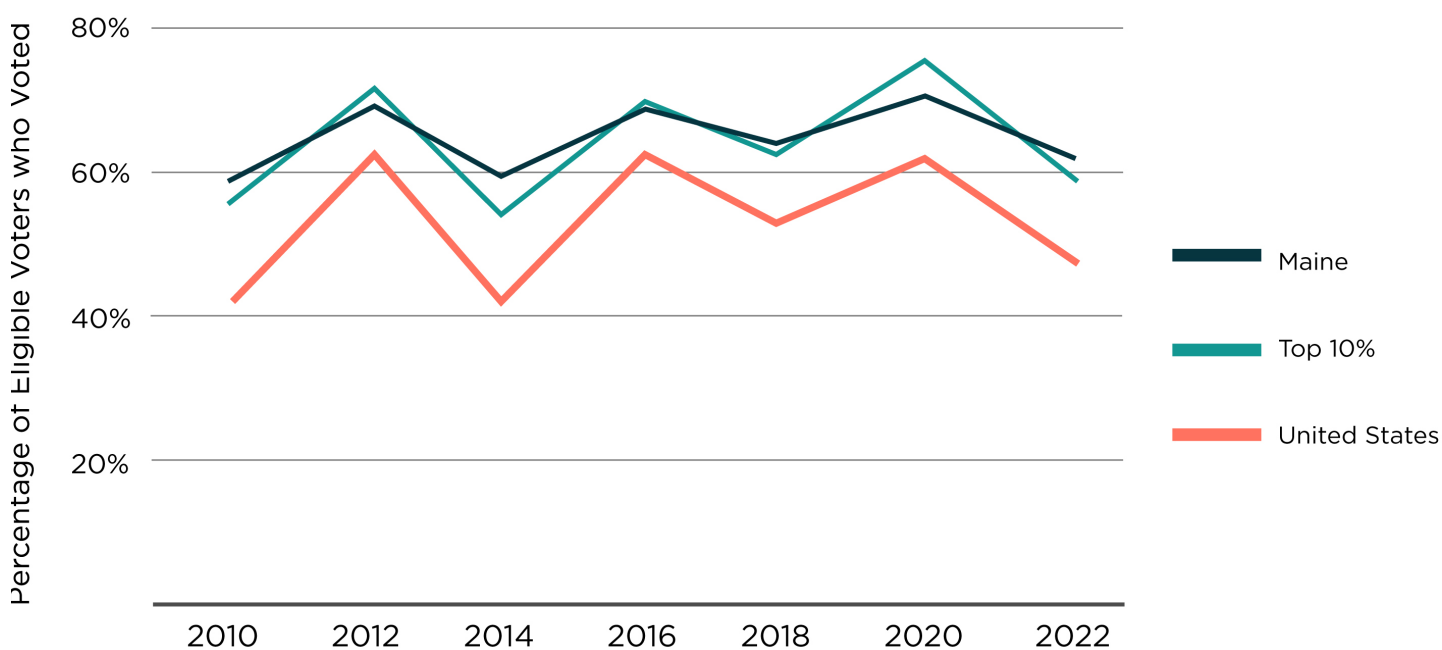
In 2022, Maine ranked in the top 10 states for youth electoral significance in both the gubernatorial and congressional races. Historically, people have generally been more likely to vote as they age. However, in 2020, 18- to 24-year-olds voted at a rate at least 20 percentage points higher than expected, putting them in line with the oldest group of voters. In 2022, their participation was only slightly higher than in the 2018 midterm. It remains to be seen if 2020's rise in youth participation signals an upward trend in youth turnout over time.

WHY IT MATTERS:

Voter participation is the centerpiece of a democratic society. 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. If we are to have a healthy democracy, we need to acknowledge and mitigate sources of political inequality, including economic, racial, ethnic, linguistic, and other demographic disparities. And while data limitations may at times make it challenging to quantify the extent of certain demographic disparities, it does not mean those disparities do not exist or do not need to be addressed.

SITUATION IN MAINE 2023:

Maine has a comparatively high voter registration rate and voter turnout rate (see Graph 2), with women voting at a slightly higher rate than men (see Graph 3). While Maine has a high voter turnout, a significant percentage of eligible voters still do not participate in each election. On average over the past 20 years, 60.8% of Maine's voting-eligible population voted in November in midterm years and 69.4% in presidential years. Year-to-year trends tend to mirror national trends.



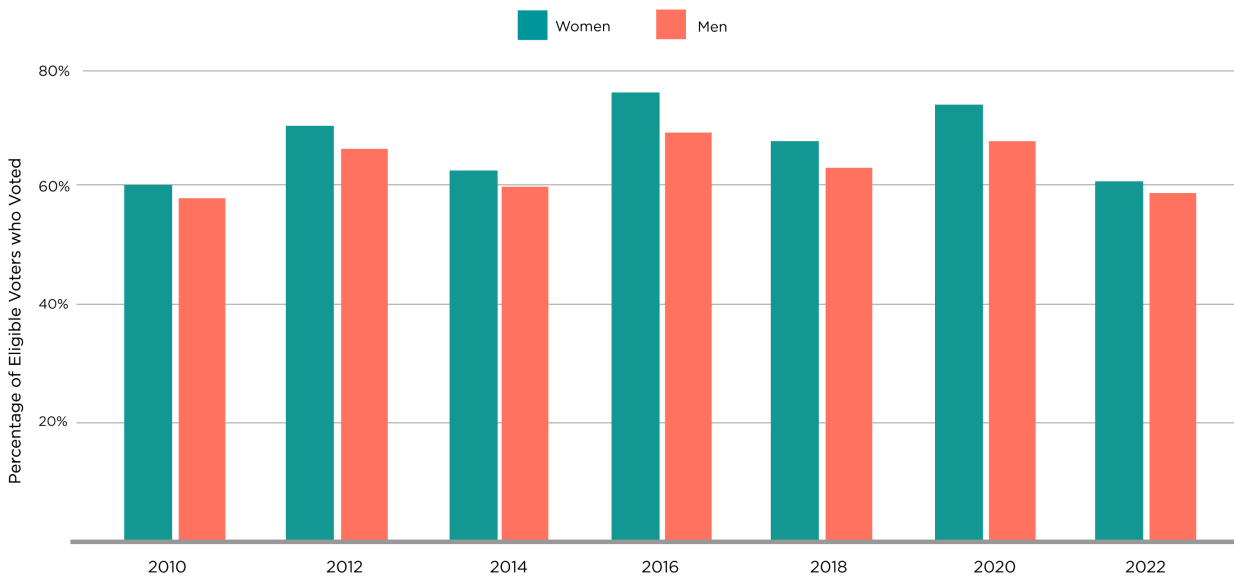
GRAPH 2 | Turnout in National Elections Since 2010

CONCLUSIONS:

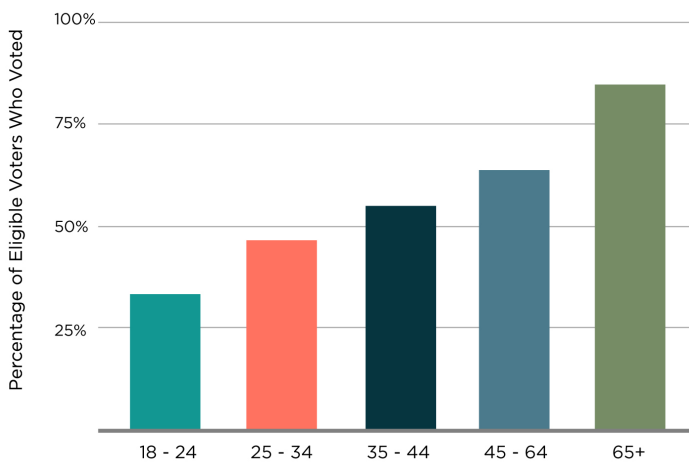
Maine's voter participation rate has held steady over the last 20 years in both presidential and midterm elections. 2020 showed a large increase in youth participation,⁵ and the youth vote in 2022 was higher than in previous midterms³ (see Graphs 4 and 5). However, despite Maine being at or near the top of the nation in terms of voter turnout, on average, roughly a third of the electorate is not participating. Racial and economic disparities may play a role in lower turnout. While we do not have individual data on racial disparities in voting in Maine, we will address the issue of socioeconomic disparities in voting in Chapter 3.

METHODS:

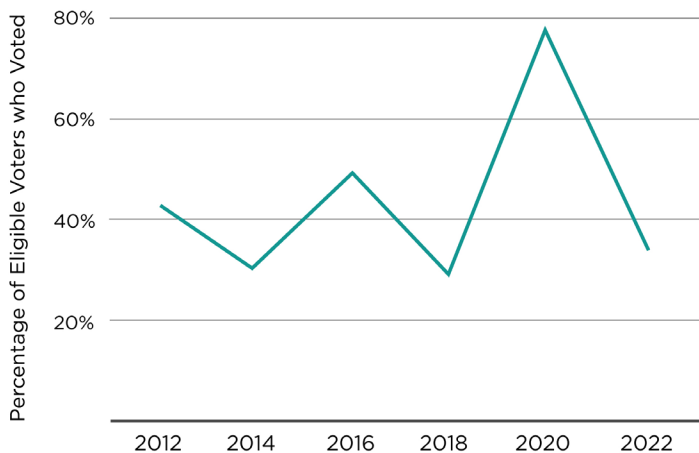
We analyzed data from the Census Current Population Survey¹, the Maine Secretary of State², and the US Elections Project.⁴ Prior to 2022, we relied solely on Census data, but the 2022 tables were not yet released at the time of publication. We compared turnout to previous elections going back 20 years as well as to other states and the nation as a whole.



GRAPH 3 | Maine Voter Turnout by Gender in Recent Elections



GRAPH 4 | Maine Voter Turnout in 2022 by Age



GRAPH 5 | Youth Voter Turnout Over Time in Maine

FURTHER RESEARCH:

Differences in voter participation across other demographic variables, such as educational attainment or occupation, may also be useful to explore. Voting behavior of specific marginalized populations, such as unhoused or incarcerated people, would also be a good measure to capture. Multivariate analysis could allow us to examine the net effects of each of the variables separately. In addition, we've focused on turnout for November elections in even-numbered years; Maine voters have many other opportunities to participate in state and local government, including state primaries and referenda, municipal elections, and annual town meetings. We know turnout is lower for elections at other times of year but have not yet explored available data on municipal turnout.

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Chapter Three

VOTER PARTICIPATION & DISTRICT DEMOGRAPHICS



KEY INDICATORS



Indicator #1 | *Correlation Between Poverty Rate and Voter Participation*

In the aggregate, Maine has a lower poverty rate (10.8% vs. 11.6%¹ in 2021) and a higher voter participation rate (60.5% vs. 46.9%² in 2022) than the nation as a whole. However, these rates vary widely across districts, and we would expect districts with higher poverty rates to have lower voter turnout. This relationship has historically been strong in Maine, with a high negative correlation between poverty rates and voter turnout. However, over the past several elections, this correlation has weakened (correlation coefficient of -0.64 in 2022, compared to -0.73 in 2016), suggesting that although there is continued work to be done, access to voting may be improving for Maine voters experiencing poverty.



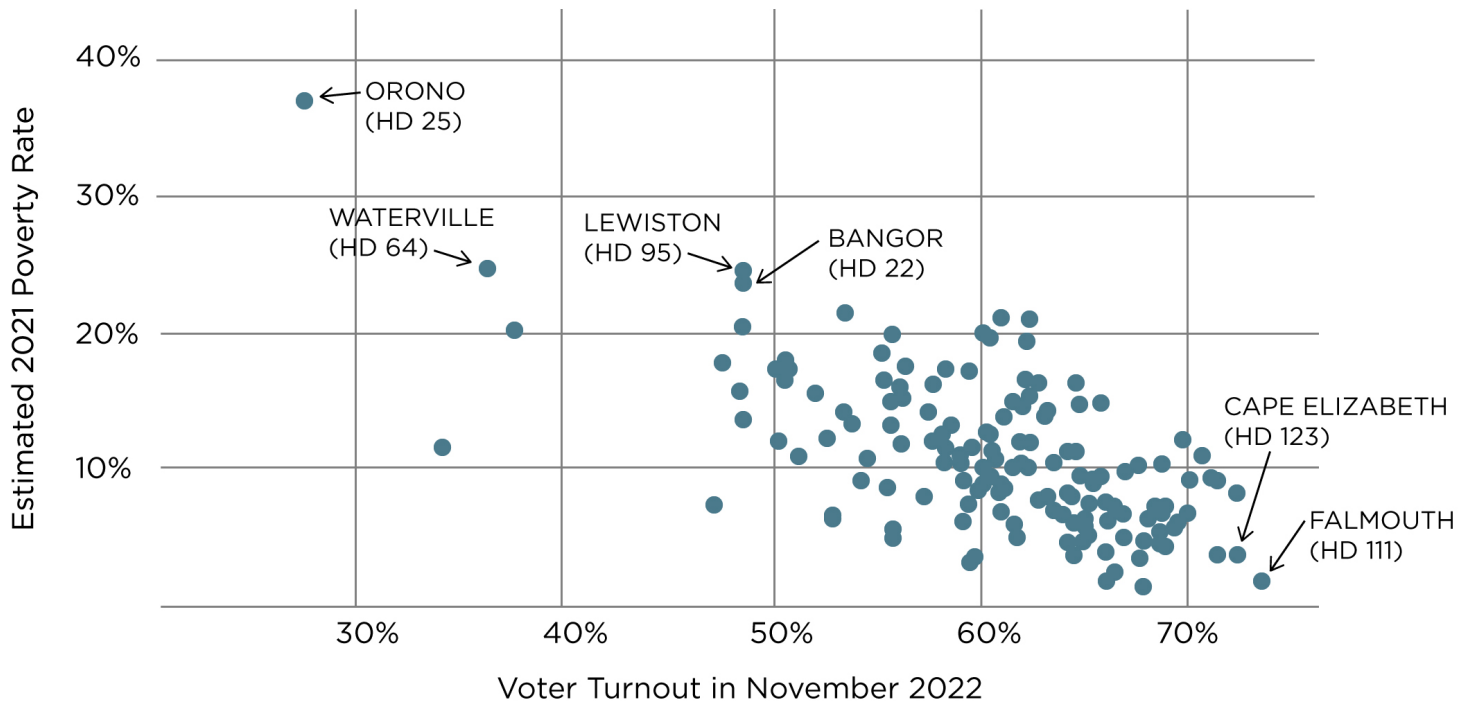
Indicator #2 | *Correlation Between Racial Makeup and Voter Participation*

In the 2020 decennial census, over 90% of Maine residents identified as white only. At the house district level, this rate ranged from a low of under 70% in several urban districts to over 95% in several rural districts. While voter participation tends to be lower in districts with lower percentages of white only voters, we found that for the 2022 midterms, the correlation is moderate (correlation coefficient of 0.55).



Indicator #3 | *Correlation Between Owner-Occupied Housing Rates & Voter Participation*

Maine's owner-occupancy rate is higher than the nation as a whole, at an estimated 73.4% compared to 65.9%. Of the indicators we reviewed, the owner-occupancy rate has the strongest correlation with voter turnout (correlation coefficient of 0.73). Renters are more likely to face residential instability, with households below the poverty line having twice as much residential instability (19%) as those above the poverty line (10%).³ Renter instability makes it harder to know where and when to vote and to connect with local political issues and candidates. Having to update a voter registration address may also create an additional perceived barrier for voters who move more frequently.



GRAPH 6 | Maine House Districts, 2022 Voter Turnout and Poverty Rate

WHY IT MATTERS:

Where people live can provide valuable information about certain structural barriers and disparities that may affect voter participation, particularly where data on individuals is unavailable. For example, we may not know an individual voter's income, but if they live in a high-poverty area, they and their neighbors are more likely to be experiencing poverty and associated barriers to political participation than those living in more affluent areas (see Graph 6). Measuring the relationship between voter turnout and district characteristics—such as poverty rate, racial makeup (see Graph 7), and prevalent housing type—can provide valuable insights into voter access and potential interventions needed to reduce barriers to enfranchisement.

SITUATION IN MAINE 2023:

Calculating the correlation is a way to quantitatively measure the relationship between voter turnout and district characteristics, and can provide valuable insights into voter access, socioeconomic barriers to enfranchisement, and potential interventions to reduce these barriers. The stronger the correlation between voter participation rates and certain district demographics—such as poverty rate, racial makeup, and prevalent housing type—the more likely it is that socioeconomic barriers may be keeping people from voting.

While voter participation appears to be moderately correlated with both the poverty rate and the racial makeup of a district, it is most strongly correlated with prevalent housing type. Districts with higher poverty rates, lower percentages of white residents, and lower owner-occupied housing rates tend to have lower voter participation rates. However, these characteristics are often interrelated; although the correlation between racial makeup and poverty was low, for example, we found moderate to strong correlations between owner-occupied housing and poverty rates (see Graph 8) and between owner-occupied housing rates and the percentage of residents identifying as white only. The interrelationship between these variables makes it difficult to identify a single underlying driver of low participation and suggests the potential for compounding barriers. Some of these barriers could include lack of time off work, transportation and child care shortages, lack of access to information about when and where to vote or documentation needed to register, and who the candidates are and what issues are on the ballot.



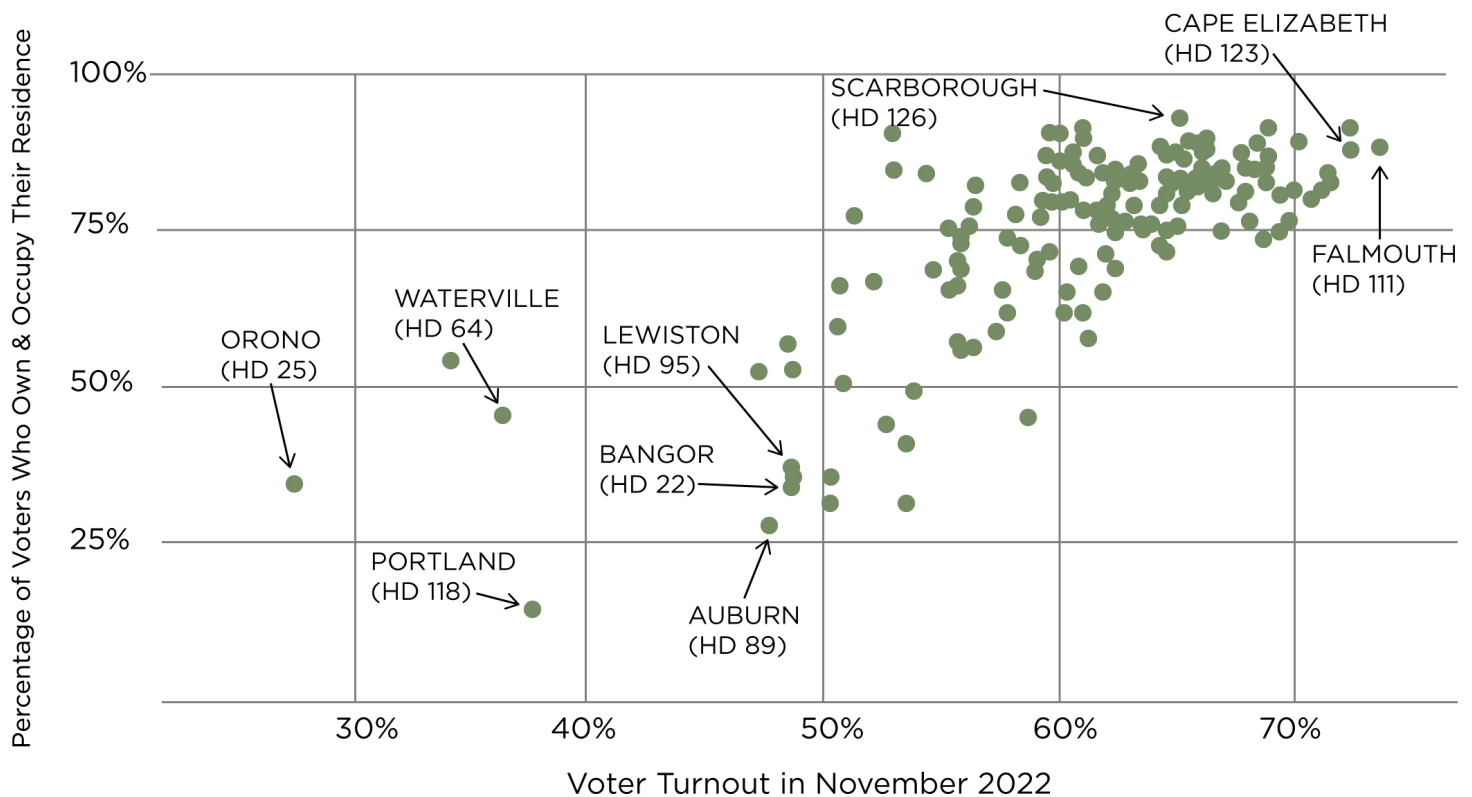
GRAPH 7 | Maine House Districts, 2022 Voter Turnout & Percentage of Residents Identifying as White

METHODS:

For all indicators, we compared 2022 voter turnout data by house district from the Maine Secretary of State’s office⁴ to rates of poverty, owner-occupied housing, and white only population, which we estimated using census block group population data from the 2021 American Community Survey and 2020 census block population data.^{5,6} We calculated correlation coefficients to analyze the strength of the relationship between voting propensity and these characteristics. We categorized the indicator as “negative” where the correlation was moderate to strong (between -0.5 and -1.0 for negative correlations, between 0.5 and 1.0 for positive correlations).

FURTHER RESEARCH:

There are a number of opportunities for future analysis of voting participation based on demographics and geography. We will continue to monitor the relationship between voting participation and poverty, racial makeup, and other geographic factors. Additional metrics for analysis might include average distances to polling locations, eligible voters per polling place, residential instability, as well as how these factors may affect voting patterns in local vs. statewide and national elections. Studying these relationships would help us to further identify and reduce barriers to voting in future elections as well as to assess the effectiveness of policies implemented to improve voter access.



GRAPH 8 | Maine House Districts, 2022 Voter Turnout and Owner-Occupied Housing Rate

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Chapter Four

VOTING RIGHTS



KEY INDICATORS



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 (nonprovisional) ballot then and there. Studies show that on average, SDR increases voter participation by seven percentage points.



Indicator #2 | *No Photo ID Requirement*

Although voters must prove their identity in order to register to vote, Maine is one of 15 states that does not require a picture ID 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 and Online Voter Registration*

In 2019, Maine joined 17 other states that have enacted automatic voter registration (AVR) laws, under which citizens are automatically registered to vote when they interact with the Bureau of Motor Vehicles or other state agencies. Maine implemented AVR at the Bureau of Motor Vehicles in 2022. Maine enacted a law to implement online voter registration (OVR), which will allow citizens to register to vote online and is scheduled to be available in late 2023.



Indicator #5 | *Absentee Ballot Drop Boxes*

Absentee ballot drop boxes were first used in 2020 in response to the COVID emergency declaration, allowing voters to securely and conveniently return their ballots. In 2021, the use of drop boxes was codified by the 130th Legislature. As of March 2023, there were 364 absentee ballot drop boxes in use across the state.



Bath, November 2022 Election

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. This trend has aggressively accelerated since the 2020 election. As of February 2023, a record 150 new restrictive voting bills have been introduced in 32 states, including Maine.¹ Thankfully, restrictive measures have not passed in Maine, and several steps have been taken to improve access to the ballot. 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.

SITUATION IN MAINE 2023:

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.”² Implementation of automatic voter registration (AVR) in 2022 further removed barriers to voter registration and participation, and the implementation of online voter registration (OVR) later this year will continue this progress.

CONCLUSIONS:

Maine leads the nation in protecting voting rights and has expanded voting rights with the passage of AVR and OVR. But voting rights have come under assault with 19 states passing restrictive laws in 2021 alone, with additional threats mounting since then. Photo ID 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 ID requirement at the polls were defeated in 2011, 2015, 2017, 2018, and 2021. Similar legislation is proposed again this year. Strict photo ID laws have been found to place a disproportionate burden on minority voters; a nationwide, county-level study found that they suppressed minority turnout by 5.3 to 7.8 percent.³

AVR Ribbon Cutting Ceremony



METHODS:

For our first four qualitative indicators of pro-voter laws, we looked at “Voting Rights in Maine,” a 2018 report from the U.S. Commission on Civil Rights,² and “The State of Voting 2018” by Wendy Weiser and Max Feldman of the Brennan Center for Justice.⁴ We scored every U.S. state on these indicators, and found that only Maine and Vermont scored 100%. Additionally, the MIT Elections Performance Index⁵ cited Maine’s lack of online voter registration in 2020 as a factor in Maine’s middling performance in this index (ranked 33/50 states). Maine’s passage of online voter registration legislation in 2021 represents an improvement we anticipate will be incorporated into the next update of MIT’s index. For the impact of same-day registration, we referred to a peer-reviewed 2001 study in *Social Sciences Quarterly*.⁶ Data on states without photo ID requirements is from the National Conference of State Legislatures.⁷ For the fifth indicator, we relied on testimony from the Maine Secretary of State.⁸

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 voter education and engagement, outreach to marginalized voters, accommodation for those speaking languages other than English, and accommodation for those with disabilities through consultation with experts in those fields.

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Chapter Five

ELECTION METHODS



KEY INDICATORS



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 the Maine Supreme Judicial Court has issued an opinion that the Maine State Constitution requires that those offices be elected by a plurality vote. Two municipalities currently use RCV for local elections: Portland and Westbrook.



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, equating to 195 electoral votes out of the 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*

Unenrolled voters will be allowed to participate in a party's primary of their choice (a "semi-open primary") beginning in 2024. Opening primary elections to unenrolled (that is, independent) voters will 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 will now be able to participate in Maine's primary elections.



Indicator #4 | *Presidential Primaries*

Presidential nominating caucuses restrict participation in the nominating process. Legislation passed in 2019 re-established presidential primaries in Maine. In 2020, presidential primaries were used in Maine's presidential nominating process and will be used again in 2024.



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. In 2021, Maine's legislative maps were passed with minimal public input; the State House and State Senate maps were approved by the commission less than a week after their release to the public. The Princeton Gerrymandering Project has found Maine's State House and Senate maps to have a bias toward Republicans of 7.8% and 4.3% respectively⁴; this is principally due to constraints on state legislative redistricting imposed by the Maine Constitution. Maine's congressional districts featured minimal change and were not substantially biased towards either party.

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-winner elections and extreme partisan gerrymandering, can have disastrous consequences for representative government.

SITUATION IN MAINE 2023:

In 2022, Maine improved access to its elections by passing a semi-open primaries bill, allowing unenrolled voters to vote in the primary of their choice. Maine is among the leading states for ranked choice voting (RCV), requiring it for all federal elections and federal and state primaries. 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, although measures suggest these maps may still have partisan bias. There are still opportunities to do better by extending RCV and embracing the National Popular Vote (NPV) Interstate Compact. These methods help elect individuals with the broadest possible support.

CONCLUSIONS:

Maine is a leader in the use of RCV, but an amendment to the Maine State Constitution, or at least a different judicial interpretation, 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. The City of Portland has had ranked choice voting since 2011; RCV expanded at the local level when Westbrook adopted it in 2021. Legislation to implement semi-open primaries for 2024 became law in 2022. Maine's 2021 redistricting produced legislator-drawn maps that were not overtly gerrymandered but that were drawn with minimal public input and were found to have some measure of bias.

METHODS:

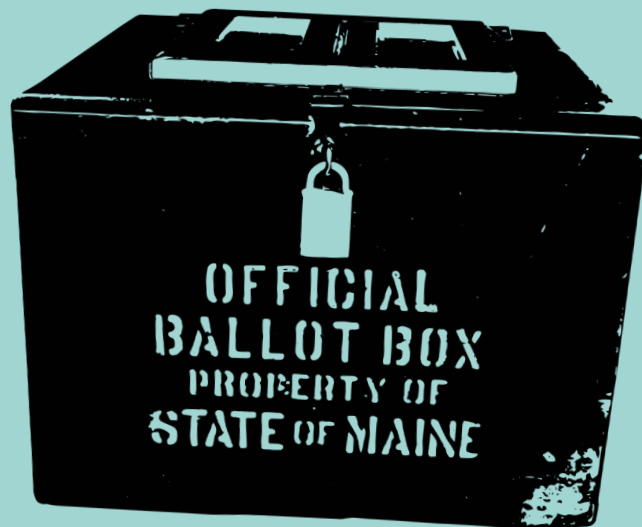
We drew on decades of work, studies, and evidence-based testimony by LWVME and allied organizations about best practices for elections that ensure broadly representative outcomes.^{1,2,3} Data about redistricting was drawn from the Princeton Gerrymandering Project's analysis of Maine's 2021 redistricting process.⁴ Maine's Constitution imposes many restrictions on how to draw state legislative districts that are uncommon across the country, and so many metrics of fair redistricting such as district compactness are difficult to apply to Maine. However, data on partisan bias (measuring how many seats each party would win in a hypothetical 50%-50% election) was used to illustrate structural biases in Maine's redistricting process.

SOURCES:

1. *Primary Elections Study*. (2018, November 17). League of Women Voters of Maine. <https://www.lwvme.org/primarystudy>
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Chapter Six

CONDUCT OF ELECTIONS



KEY INDICATORS



Indicator #1 | *Use of Paper Ballots*

Maine has always used paper ballots, which are the standard for security and recountability, instead of electronic voting machines.



Indicator #2 | *Training for Local Election Officials*

Local election officials receive training and ongoing support, but participation records are not available. Anecdotal evidence suggests that the quality of training and educational resources relies heavily on the experience and professionalism of the municipal clerks and the Secretary of State—currently very strong, but this bears watching in future years.



Indicator #3 | *Security of Ballots*

Maine's chain of custody and ballot security procedures ensure that ballots are secured before, during, and after an election. These ballot security laws were strengthened in 2022 with the passage of legislation to prevent third-party access to ballots after an election.



Indicator #4 | *Public Monitoring of Elections*

Allowing members of the public to monitor critical election activities provides important transparency and increases trust in elections. While Maine law only requires that political parties be granted access to observe polling places, in 2022, LWVME volunteers were allowed to observe in every target location.



Indicator #5 | *Recount Protocols*

Recount protocols are strong in state elections, and legislation has been passed to implement 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 2022, 35.6% of ballots were cast using absentee voting. Only 0.57% of those absentee ballots were rejected due to issues with the ballot. This is due in large part to the simple signature requirements for returning ballots and to clerks following up on (“curing”) deficient ballots, reinforced by recently passed legislation.

**Indicator #7 | *Wait Time to Vote***

Among 149 observation reports filed by LWVME observers in 2022, 70% reported voters waiting under 10 minutes to vote, and 10% reported voters waiting under 45 minutes to vote. In 2020, the average wait time in Maine was estimated at 5.7 minutes, well below the national average of 11.6 minutes.

**Indicator #8 | *Modern Voter List Procedures***

Procedures to ensure voter lists are kept accurate and up to date are important for administering elections securely. In 2022, Maine joined ERIC, an interstate consortium that improves information sharing among states to help keep voter lists accurate. Maine also implemented automatic voter registration at the Bureau of Motor Vehicles. Both of these practices ensure that Maine’s voter lists are as accurate and up to date as possible.

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 promotes voter participation. Policies that undermine that confidence foster cynicism and voter apathy. Elections should be secure, accurate, recountable, accessible, and transparent.

SITUATION IN MAINE 2023:

Maine is fortunate to enjoy well-run elections overall, having experienced few serious election issues in the last 20 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. Full implementation of measures passed in 2022 to support election official training will improve the ability of local election officials to access training resources.

CONCLUSIONS:

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. Numerous recounts indicate that the ballot processing systems currently in use accurately record votes, and a post-election ballot audit is being developed to ensure that systemic tabulation errors are detected and that any erroneous outcomes are corrected. Ballot rejection rates remain extremely low.

METHODS:

We drew on decades of work, studies, and evidence-based testimony by the LWVME and allied organizations about best practices for elections that lead to broadly representative outcomes. We analyzed 2022 absentee voting data provided by the Maine Secretary of State, which showed that well under 1% of cast absentee ballots were rejected.¹ We also used the MIT Elections Performance Index for certain metrics, which assessed election administration in each state in the 2020 election.²



Scarborough, November 2022 Election

FURTHER RESEARCH:

In the future, we would like to examine data on rejected absentee ballots and how many voters of those affected managed to eventually cast a valid ballot. 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.

ADDITIONAL READING:

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SOURCES:

1. Bureau of Corporations, Elections & Commissions. (n.d.). *Voter Registration Data, Election Data and Online Forms*. Maine.gov. <https://www.maine.gov/sos/cec/elec/data/index.html>
2. *Elections Performance Index*. (n.d.). *Maine*. Massachusetts Institute of Technology Election Data + Science Lab. Retrieved April 5, 2023, from <https://elections.mit.edu/#/data/map>

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 due to Maine's decentralized voting system: each municipality is responsible for reporting 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 reports of polling place problems, or learning how often municipal clerks receive training on conducting elections.

Chapter Seven

MONEY IN POLITICS



KEY INDICATORS



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

The 2022 Clean Elections participation rates were mixed from the perspective of maximizing use of the public funding program. Sixty-two percent of current legislators were elected using Clean Elections funds, an increase of 35% from 2020. This is still down from the historical peak participation rate of 85% of elected legislators using the program in 2008. In addition, in the 2022 cycle the participation rate among all candidates—including those who lost in the primary or general election—slipped from 55% to 53%.



Indicator #2 | *Health of the Clean Election Fund*

The size of the Clean Election Fund remains at a healthy level. If there had been a certified gubernatorial candidate in the 2022 general election, the added cost would have put the health of the fund in question. The proposed budget for fiscal years 2024-2025 continues to provide a steady level of funding for the Clean Elections program. To ensure the solvency of the fund and the confidence of participating candidates at all levels, a total of \$6,631,156 (plus interest) inappropriately removed from the fund in past budget cycles should be repaid. The health of the fund may receive increased scrutiny as the current legislature considers a measure to allow candidates for county office to use the Clean Election Fund in future cycles.



Indicator #3 | *Campaign Finance Transparency*

Maine's new gubernatorial transition funding disclosure requirement was a success in 2018 and again in 2022. In 2018, the administration of Governor Janet Mills was the first to provide detailed reports of inaugural fundraising. The 2018 rollout of the gubernatorial transition funding disclosure regimen stumbled at first due to a challenging deadline, but that issue was resolved in the 2022 cycle. In 2022, this reporting on inaugural funding shone a light on the 76 named individual donors and an unknown number of unitemized donors who contributed \$401,360 to the inauguration and related events. This is in addition to \$23,378 of in-kind contributions made for the inaugural celebration. Transition funding needs were minimal, as Governor Mills was an incumbent. Included

were 17 donations of \$10,000 and four donations of \$20,000. Thirty-three of the donors are identified as “businesses,” including all of the \$20,000 donors. Almost all of the \$10,000 donations came from businesses or lobbying firms that represent businesses in Augusta. The committee reported receiving \$923 from small individual contributions. The committee paid out approximately \$30,000 for compliance and legal services in the three months after the election.



Indicator #4 | Leadership PACs

Leadership PACs circumventing standard campaign finance regulations has long been a concern. The number of leadership PACs dropped again in this election cycle. In 2015 there were 30 leadership PACs, but in 2022 there were only 17. However, one leadership PAC—The Dinner Table PAC—raised \$502,114, an unusual amount for such a PAC. The Dinner Table PAC is controlled by Rep. Laurel Libby, who raised 1,375 contributions of \$10 or less to her PAC in addition to larger contributions. The PAC made independent expenditures of \$267,929 in the 2022 election cycle and appears to have refrained from giving to caucus or party PACs. The next highest fundraiser in this group was Sen. Jeffrey Timberlake’s Still Fed Up With Taxes PAC, which raised \$119,500—a substantial amount by leadership PAC standards. The full explanation for why these two leadership PACs are bucking the trend merits further analysis. A law that took effect on January 1, 2023, applies new contribution restrictions to leadership PACs, which is likely to result in further changes in this sector.



Indicator #5 | Corporate Contributions

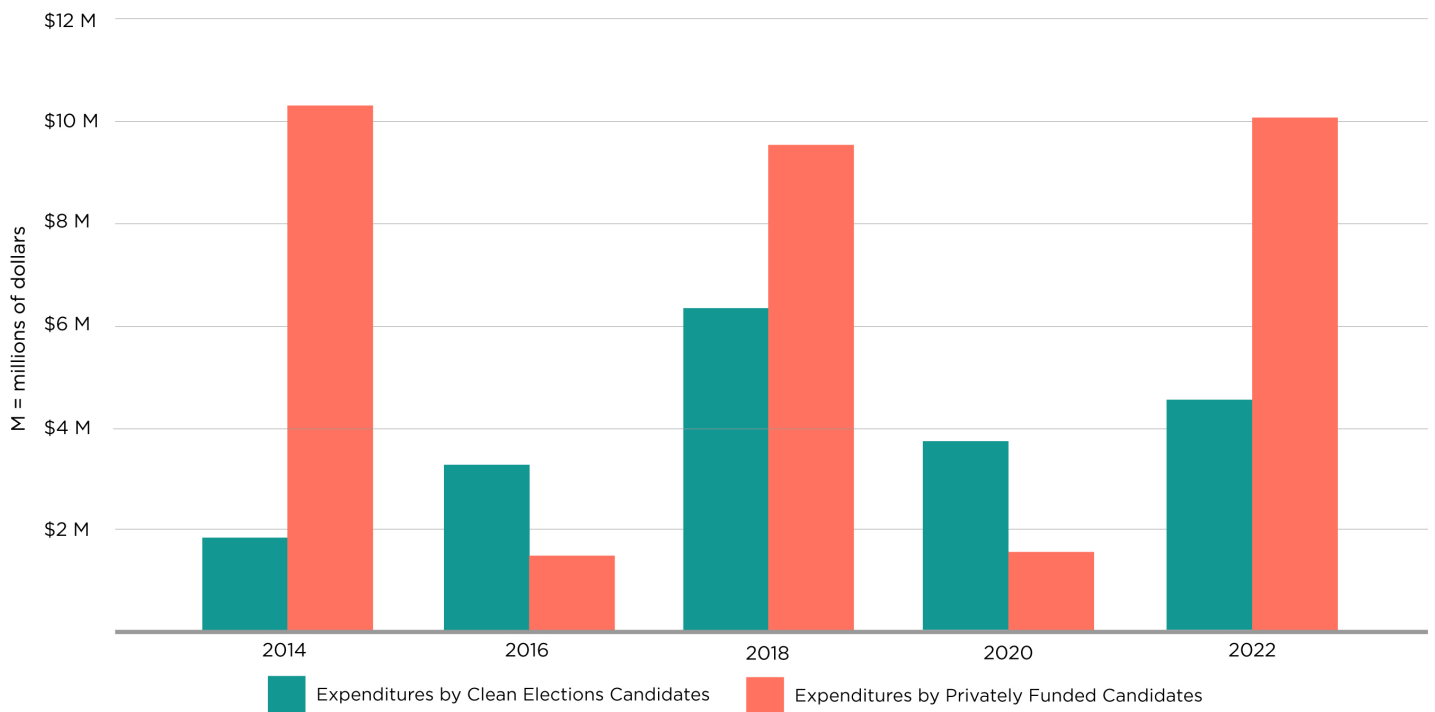
In the 2021-2022 cycle, political committees controlled by candidates and elected officials received \$2,353,317 from corporate contributors. This continues a long practice of corporate money working its way into Maine political committees that are under the control of candidates and elected officials. Between 2014 and 2022, candidates, leadership PACs, and caucus PACs received a total of \$10.08 million directly from corporations. They received as much as \$11.8 million more from PACs that are allowed to accept corporate contributions. All of these entities are run by people elected to office in Augusta or running for office.

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 to 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. Whether or not a person can get access to political money can still reinforce existing power dynamics across race, gender, income, and other demographic factors.

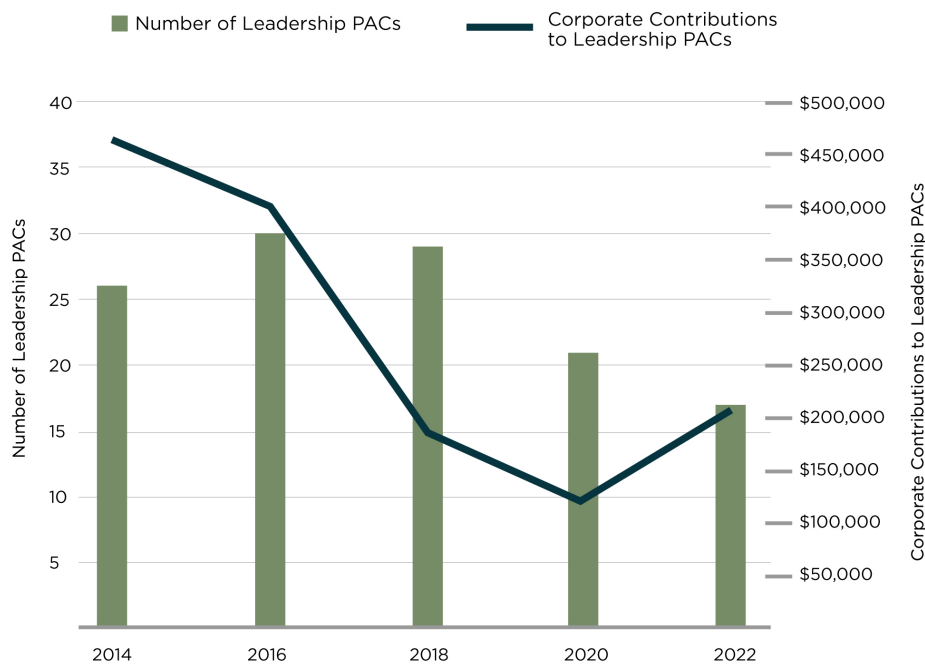
SITUATION IN MAINE 2023:

Previous trends in Clean Elections participation, fundraising, independent expenditures, and corporate giving generally continued through 2022. The use of leadership PACs continued to diminish, with one very notable exception. The leadership PAC of Rep. Laurel Libby, The Dinner Table PAC, collected an eyebrow-raising amount of money in the 2022 cycle: \$502,114. The PAC raised many small contributions as well as 10 contributions of \$5,000 or more. In addition, rather than directing those funds to caucus or party committees, as leadership PACs often do, the Dinner Table PAC spent a large amount of it directly on independent expenditures, advocating for the election of candidates in Rep. Libby’s party. It remains to be seen whether Rep. Libby’s approach is an outlier or the harbinger of reinvigorated reliance on leadership PACs.



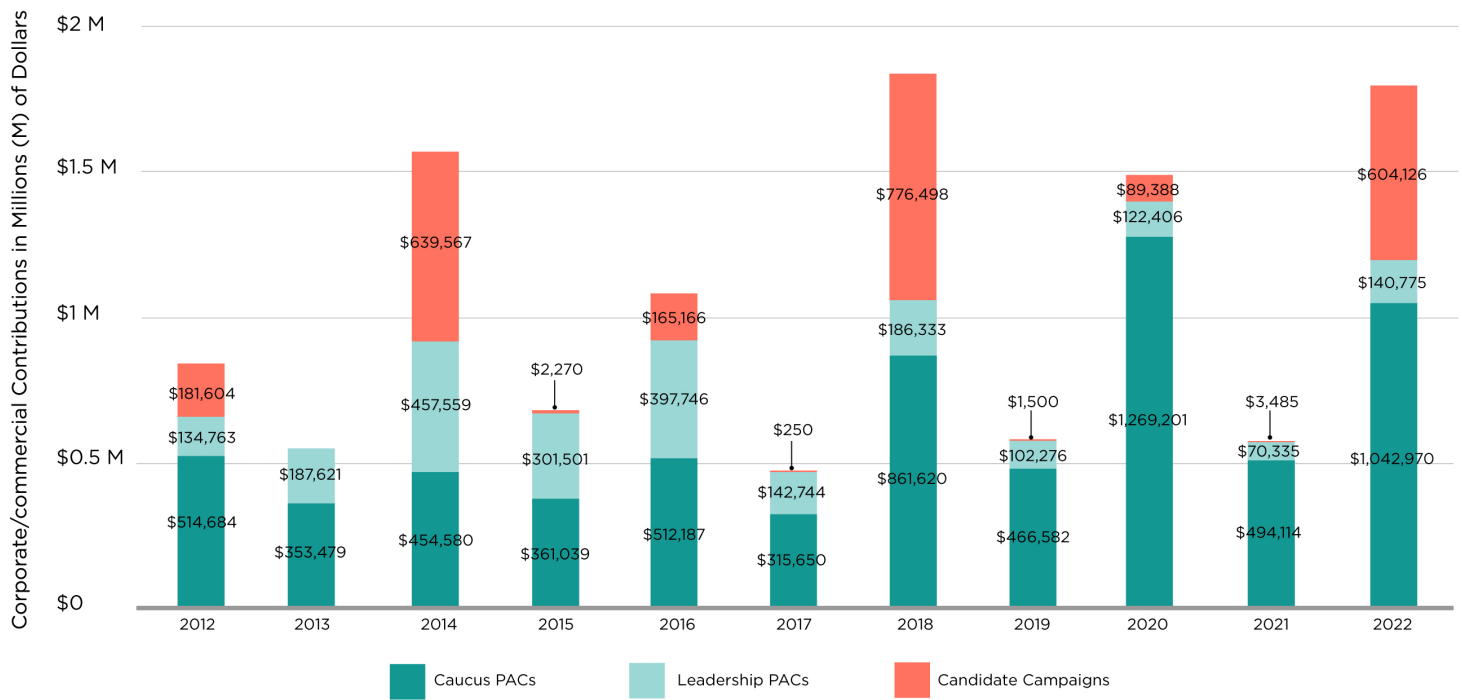
GRAPH 9 | Total Spending by Privately Funded and Clean Election Candidates

Total spending by Clean Election candidates in 2022 was \$4.6 million—less than one-half of the total spending by privately funded candidates (\$10.0 million, see Graph 9). The quadrennial gubernatorial race is driving this outcome. Fewer gubernatorial candidates have used Clean Election funding, and as a result the total spending by privately funded candidates for governor in 2014, 2018, and 2022 caused private spending overall to spike in those years.



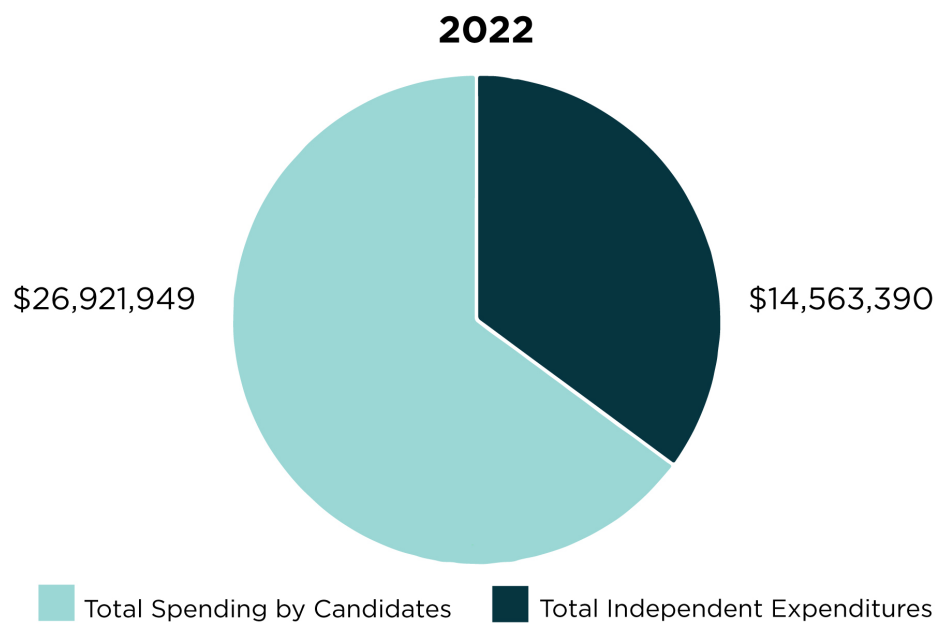
One of the most interesting results of the 2022 cycle was the activity of The Dinner Table PAC—a leadership PAC that is bucking the trend toward fewer and smaller PACs controlled by individual legislators. The overall number of leadership PACs continued to decline, but the total amount contributed by commercial sources bumped up significantly for the first cycle since 2016 (see Graph 10). Corporate contributions to leadership PACs will no longer be allowed under a new law that went into effect in 2023.

GRAPH 10 | Number of Leadership PACs Continues to Fall, While Dollars Raised from Commercial Sources Inch Up



GRAPH 11 | Corporate Contributions Since 2012

In 2022 contributions from commercial sources approached the high water mark of 2018 (see Graph 11). Business contributions to caucus PACs were down somewhat from the 2020 cycle, but their contributions directly to candidates increased somewhat. Contributions to leadership PACs remained a small part of the total. Again, corporate contributions to candidate committees and leadership PACs will no longer be allowed under a new law that went into effect in 2023.



Many in the public do not distinguish between campaign spending by candidates and spending by entities that are entirely independent of the candidates themselves. These “independent expenditures” made up two-thirds of the overall spending in 2022 (see Graph 12). Independent expenditures are not subject to the same limits and disclosures that apply to spending by candidates, raising issues of transparency and accountability. A significant amount of the money used for independent expenditures comes from undisclosed sources.

GRAPH 12 | Total Independent Expenditures vs. Total Spending by Candidates

CONCLUSIONS:

The 2022 cycle was noteworthy for its continuation of previous trends. Maine still has not seen a Clean Elections candidate elected governor. Voters continue to elect a majority of legislators using Clean Elections but a substantial minority who do not. Commercial contributions remained a significant source of funding on the eve of the 2023 ban on many commercial source contributions. Overall, the use of leadership PACs has continued to diminish, but an interesting development arrived in the world of leadership PACs when The Dinner Table PAC emerged as one of the most active fundraising operations in that category in recent memory. And the 2022 gubernatorial transition committee opened its books to the public in a more successful implementation of this new transparency regimen than occurred in 2018.

METHODS:

We looked at both quantitative and qualitative sources in assessing these indicators. The quantitative sources included data on campaign contributions and expenditures maintained by the Commission on Governmental Ethics and Election Practices as reported by candidates, parties, PACs, lobbyists, and entities making independent expenditures.^{1,2} Our qualitative sources included reports from our volunteer and staff lobbying teams,^{3,4} our professional lobbyist, and conversations and/or interviews with policymakers and officials in Augusta.

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, as well as their various self-reported classifications. There is a lot of discrete information which the general public can access through the Ethics Commission website. But the Commission does not attempt to string it all together to tell the story of money in politics in Maine, nor do they make it easy for us to do it.

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.

ADDITIONAL READING:

1. Commission on Governmental Ethics and Election Practices. <https://www.maine.gov/ethics/>. *Note: The Commission posts many reports, guides, and links to current laws and regulations and offers a portal through which members of the public can review fundraising activities by candidates, PACs, and political parties.

SOURCES:

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3. *An Analysis of Clean Election Participation and Outcomes*. (2016). Maine Citizens for Clean Elections. <https://www.mainecelelections.org/money-14>
4. *Money in Politics Series*. (2012-2021). Maine Citizens for Clean Elections. <https://www.mainecelelections.org/mip>

Chapter Eight

FREEDOM OF INFORMATION



KEY INDICATORS



Indicator #1 | *Number of Reported FOAA Requests*

Fourteen state agencies reported receiving a total of 2,625 Freedom of Access Act (FOAA) requests in 2022, down slightly from 2020. The high-water mark for reported requests was 4,022 in 2019, and the low point in recent years was 1,238 in 2017. Agencies reportedly devoted 2,764 hours to answering these requests and charged \$15,709 in fees. Notably, the Ombudsman 2022 Annual Report did not include any FOAA data reflecting the responses of two of major state agencies, the Department of Labor and the Department of Corrections.



Indicator #2 | *Percentage of Requests Answered Within Five Days*

About 54.2% of FOAA requests (1,423) were responded to within five days—an improvement from the figure of 48% in the previous year. This does not necessarily mean that the information was provided, only that the agency sent a response noting receipt of the request and lodging preliminary objections, if any. State law requires a response within five days, although it does not require full document production by any deadline.



Indicator #3 | *Number of Complaints Received by the Ombudsman*

It was a busy year for the Ombudsman, who received 124 complaints in 2022—a substantial increase from the 76 received the previous year. The office also received 486 communications deemed “inquiries.” There were only 61 complaints in 2020. The cause of this continuing increase in complaints merits further examination.



Indicator #4 | *Transparency of State Budgetary Process*

In 2022, the Legislature did not consider or enact a biennial budget, only a supplemental budget. Proceedings before the Appropriations and Financial Affairs Committee were somewhat disrupted by the continuing effects of the pandemic. We did not discern any movement toward increased transparency in connection with proceedings in which the biennial budget will be adopted in 2023.

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 the 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.

SITUATION IN MAINE 2023:

As the pandemic eased, governmental operations and public meetings returned to a degree of normalcy. Some pandemic-driven changes endured, such as increased public access to proceedings through video connections. In general this has been a welcome development, provided the use of remote technology does not interfere with the public's right to have their elected officials appear in person to address questions and concerns.

In some respects, Maine's robust vision of public access remains aspirational, as too often governmental employees working with scarce resources find that deprioritizing their response to document requests is easy and risks few consequences. The prevailing philosophy appears to treat the public's right to know not as not being absolute but rather negotiable, to be weighed against the inconvenience and disruption in the daily work of a government agency or office. Fees should never be used to deter from or punish a person for filing a good-faith request. Maine is not the worst state in the union, but we could do better if we committed to ensuring adequate resources for this key function of government.

CONCLUSIONS:

Significant issues loom for those concerned about freedom of information. In the judicial branch, a dispute arose over a proposal to charge the public a per-page fee for access to court records even though the electronic records system was paid for by taxpayer funds. The year 2022 was also the year in which the weaponization of FOAA requests reached a

crescendo—particularly in connection with the 2022 election, voter registration information, public education curriculum information relating to teaching race and gender subjects, and with school and public library collections that include books and materials targeted by combatants in the culture wars. The Secretary of State was not able to provide specific data on the election-related inquiries, and there is no central database of municipal FOAA requests that would allow tracking of the allegedly “harassing” inquiries of schools and libraries. Nonetheless, Maine has a strong tradition of free access, open meetings, and transparency of governmental decision-making. With some course corrections, Maine can be confident that this tradition will prevail and endure.

METHODS:

Our data came from conversations with various experts on FOAA matters within Maine as well as a review of statistics and reports filed by the FOAA Ombudsman.¹

FURTHER RESEARCH:

A researcher who could be dedicated to closely observing and reporting on the biennial budget process would be able to assess opportunities for greater transparency and public input. Another research avenue would be obtaining records of the complaints filed with the Ombudsman and interviewing those who filed the complaints to determine the nature of their grievances and any possible remedies.

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Chapter Nine

NEWSPAPERS & MEDIA ACCESS



KEY INDICATORS



Indicator #1 | *Number of Newspapers*

Similar to the national trend, about one in four newspapers closed over the last 18 years in Maine. All of the newspapers that closed were weeklies, except in 2019 when the *Biddeford Journal Tribune* closed, leaving the state with only six remaining dailies.



Indicator #2 | *News Deserts*

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). These numbers have remained the same since the last report (there are the same number of news deserts in the same counties representing 12.7% of the state population).



Indicator #3 | *Newspaper Circulation*

Print newspaper circulation declined by almost 40% between 2004 and 2020, comparable to declines in other predominantly rural states such as Vermont and West Virginia.



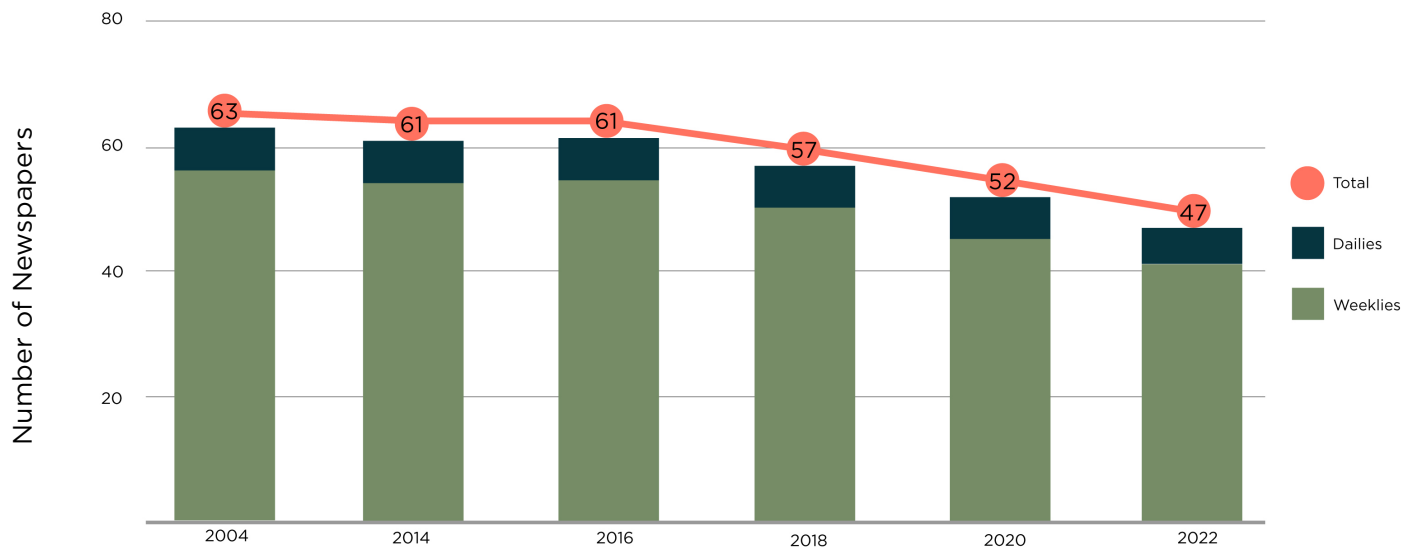
Indicator #4 | *Decline in Number of Independent Local Bylines*

Local bylines (written and filed by Maine-based reporters) declined by over 50% between 1999 to 2019—from 134 to 64. Independent local bylines (those not shared across several newspapers) fell by two-thirds—from 122 to 42.



Indicator #5 | *Concentration of Ownership of Print and Broadcast Media*

In Maine, two publishers own three-fifths of local newspapers, including all six dailies. However, both publishers—Rick Warren and Reade Brower—are Maine-based. Further, with the exception of a weekly in York County, the rest of the weekly papers in Maine are also owned here in the state. As for broadcast news media, ownership of radio and television stations remains well diversified.



GRAPH 13 | Decline in Number of Newspapers in Maine

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 four of its newspapers, including more than 200 dailies and more than 2,000 weeklies.¹ Over half of the 3,143 U.S. counties are news deserts—counties with zero or one local newspaper.¹ Increased concentration in ownership of both print and broadcast outlets has led to fears about access to information on critical issues as well as the quality and neutrality of that information.^{1,2} And, as people turn toward social media for their news, they are more likely to encounter inaccurate, unreliable, or misleading content.³

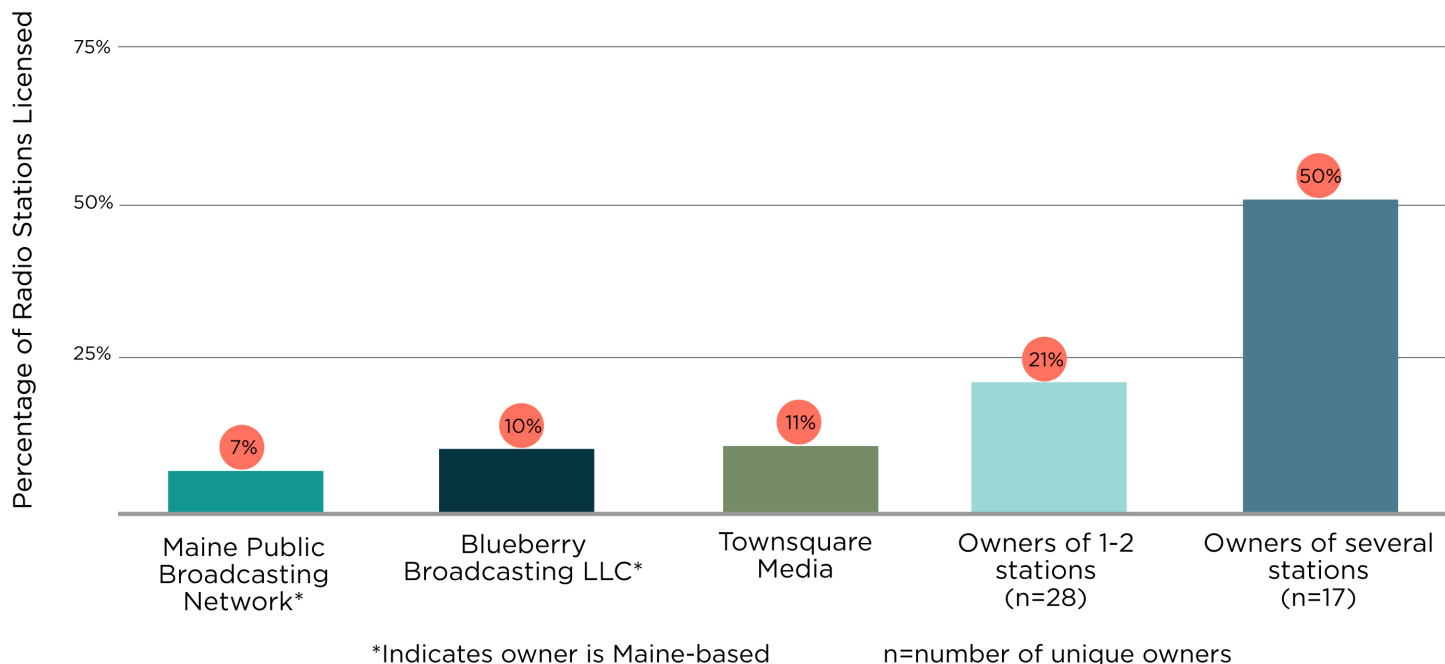
SITUATION IN MAINE 2023:

Maine has seen a marked decline in the number of local newspapers and the size of the readership for print newspapers over the past several years. This has inevitably diminished coverage of local news and made it difficult to support in-depth watchdog journalism. On the upside, there are signs that nonprofit newspapers with online sites may be gaining strength; *The Harpswell Anchor* is one example.⁴ Maine has also thus far not experienced the takeover of newspapers and broadcast media by outside investment groups that is occurring in many other states, but this national trend bears watching.

CONCLUSIONS:

In the previous edition of this report from 2021, we discussed a broader trend in the loss of local news over the past 15 years. Now, a few years later, we show how this trend continues and raises serious concerns. According to researchers from the UNC Center for Media Law and Policy, “Local news outlets play an important role in informing community members about local government, elections, and other civic events. They also help to shape community views around common values and beliefs, creating a sense of shared purpose that can be a powerful uniting force within a town or county. Without a source for local news, community members get most of their news from social media, leaving them vulnerable to mis- and disinformation and exacerbating political polarization.”⁹

The U.S. has seen a dramatic decline in local newspapers, with one in four closing down since 2004.¹ In Maine, we note a similar trend with a more rapid decline starting around 2016. Between 2004 to 2016, Maine lost two local newspapers, reducing the total number from 63 to 61—a 3% decline. But from 2016 to 2022, the total number of local papers dropped from 61 (seven dailies and 54 weeklies) to 47 (six dailies and 41 weeklies)—a 23% decline (see Graph 13).⁵ In addition, five of Maine’s 16 counties—with 12.7% of the state’s population—continue to be news deserts with only one or no local newspaper.^{5,6} The declines in newspaper circulation and independent local bylines further exemplifies the loss of local news.



GRAPH 14 | Owners of Licensed Radio Stations in Maine

Digital news sites were anticipated to fill the void left by the loss of local newspapers, but nationally there are far fewer than expected.¹ However, Maine has six digital local news sites, with some publishing monthly—*Daily Bulldog* (est. 2008), *The Maine Monitor* (est. 2009), *Amjambo Africa* (est. 2016), *Saco Bay News* (est. 2020), *The Quietside Journal* (est. 2020), and *Harpowell Anchor* (est. 2021). *The Harpswell Anchor*, in particular, is a resurrection success story that showcases how nonprofit approaches, and collective community action, can bring local news back.⁴

Across the nation, not only is there a decline in local newspapers, but ownership is becoming more and more concentrated. Maine has seen a similar increase in concentration with three-fifths of all newspapers owned by two publishers, Richard J. Warren and Reade Brower.⁵ But unlike in other states, where many local papers are owned by large chains and investment entities,¹ both publishers are Maine-based. Rick Warren is a fourth-generation owner of Bangor Publishing Company, while Reade Brower moved to Maine in the 1980s and founded his first paper in 1985—a weekly called *The Free Press*.¹⁰ For broadcast media, there is minimal concentration of ownership of television and radio stations. Of the 22 television stations, the largest owner is Maine Public Broadcasting Network, which owns five stations (23% of all Maine stations).⁸ Of the 145 licensed radio stations, there are 48

unique owners, with most owning only a handful of stations (see Graph 14).⁸ Two of the three top radio station owners are also Maine-based: Maine Public Broadcasting Network (10 stations, 7%) and Blueberry Broadcasting, LLC (15 stations, 10%).⁸

Social media platforms are increasingly used for sharing and getting news, and they facilitate the rapid spread of misinformation.¹¹ A survey conducted by the Pew Research Center in summer 2022 found half of U.S. adults get news from social media either sometimes or often.¹² Of the social media platforms used, Facebook surpasses the rest. One third of U.S. adults (31%) reported they regularly get news from Facebook compared to 25% for YouTube, 14% for Twitter, 13% for Instagram, and 10% or less for other social media sites such as TikTok, Reddit, and LinkedIn.¹² In another survey by the Pew Research Center among U.S. adults living in the Northeast, many reported low levels of trust toward news from social media and only a third felt “very confident” in their ability to recognize made-up news.¹³

Most people place their trust in local news sources, but there is an emerging concern here as well with regard to misinformation. In our last report we sounded the alarm about a growing

Continued on next page.

NAME	WEBSITE
Aroostook News	aroostooknews.com
Down East Times	downeasttimes.com
Lewiston Times	lewistontimes.com
Maine Business Daily	mainebusinessdaily.com
Maine Highlands News	mainehighlandsnews.com
Maine Lakes News	mainelakesnews.com
Mid Coast Today	midcoasttoday.com
Pine State News	pinestatenews.com
Portland Maine News	portlandmainenews.com
River Valley Today	rivervalleytoday.com
South Maine News	southmainenews.com

TABLE 2 | List of Metric Media's Fake Local News Websites "in Maine"

Conclusion Continued:

network of pseudo-local news websites that are filling the void left behind by dying local news outlets.^{14,15} The vast majority of these sites are owned and operated by Metric Media, LLC.¹⁶ The company employs freelancers to write articles that are paid for by undisclosed "clients," typically conservative operatives; this approach is now affectionately known as "pink-slime journalism."¹⁷

In our 2021 report, we noted 14 such sites that advertise themselves as local news outlets "in Maine." Since then, three websites have become inactive and no new sites have been created, leaving 11 active sites (see Table 2).¹⁶ While we note this encouraging decline in Maine, Metric Media still maintains more than 1,300 fake "local" news sites across the country.¹⁶

METHODS:

Indicators #1-3 / Graph 13: We requested a dataset on local newspapers in Maine between 2004 and 2022 from the Local News Initiative team at Northwestern University's Medill School of Journalism, Media, Integrated Marketing Communications.⁵ The research group collated and analyzed national datasets on newspapers, with their latest findings published in "The State of Local News 2022."¹ For the news desert indicator, we used the latest census data to calculate the proportion of the population.⁶

Indicator #4: 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. We were unable to update the data on bylines for September 2022.⁷

Indicator #5 / Graph 14: Data on ownership of print came from the dataset provided by Abernathy and Metzger⁵ and confirmed in correspondence with Dan Dinsmore.⁷ Data on ownership of radio and television stations came from a directory published by the Maine Association of Broadcasters.⁸

Rise of fake "local" news / Table 2: Information on Metric Media, LLC comes from investigative journalism by *The New York Times*.¹⁴ The original 14



sites “in Maine” were reported on by *The Portland Press Herald*.¹⁵ The 14 sites were checked in February 2023 to update this report and three sites were found to be inactive (that is, the web domain names had been abandoned). The current list of 11 sites was confirmed on Metric Media, LLC’s website, with no additional sites listed for Maine.¹⁶

FURTHER RESEARCH:

Conducting a more thorough audit of Maine’s news ecosystem to understand how citizens are obtaining information is critical to understanding areas without access to local news or regions in danger of losing access. Researching policies and incentives to address disparity and availability of news in these communities is also needed. Investigating sources of venture and philanthropic funding toward news organizations that seek to deliver reliable and comprehensive local news and information to residents in news deserts would help incentivize communities to address their information needs. News outlets are a public good; they are not just another business or industry. And the problem they are experiencing is not just a journalism problem—it’s a democracy problem.

Moreover, 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.

As Mainers get more and more of their news from social media, the quality and accuracy of the information on social media platforms becomes increasingly important. While traditional publications are regulated by journalistic norms and ultimately by media law, content on social media is mostly regulated by policies and staff at the platforms’ parent companies.

The current state of social media content moderation is highly concerning. Since its acquisition by Elon Musk, Twitter has dramatically rolled back its content moderation policies and cut staff.¹⁸ This favors right-wing extremism, and has already impacted election integrity in Brazil.^{19,20} TikTok also has poor content moderation, especially when it comes to election misinformation and conspiracy theories.^{21,22} A recent study found that election disinformation regularly makes it through Facebook’s screening process; only YouTube successfully blocked disinformation.²³

Weak content moderation is especially problematic when readers lack digital literacy skills that would enable them to identify misinformation. For more

information on digital literacy in Maine, see the following chapter.

Finally, as this report goes to press, reports are circulating that Reade Brower, owner of 30 Maine newspapers, is exploring alternative business models and ownership structures for his papers.²⁴ This bears watching.

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Continued on next page.

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Chapter Ten

THE DIGITAL DIVIDE



KEY INDICATORS



Indicator #1 | *Broadband Coverage*

18% of Maine’s “broadband serviceable locations” are unserved. Maine has made progress in building broadband infrastructure, but it has a long way to go. The Maine Connectivity Authority maps connection speed for approximately 650,000 addresses throughout the state. According to their data, 120,000 locations are unserved, meaning their connectivity speeds are inadequate (below 100/200—100 megabits per second download speed/20 megabits per second upload speed). This represents 18% of Maine’s broadband serviceable locations.



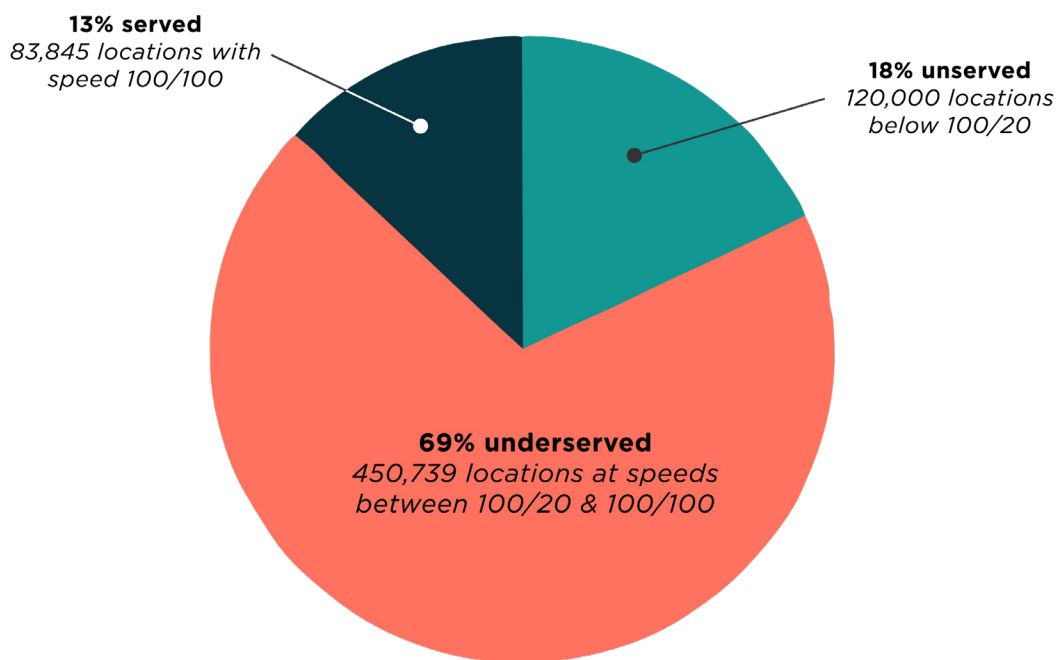
Indicator #2 | *Remote Access to Public Meetings*

25% of sampled cities and towns allow remote participation in public meetings. Before 2020, no local government regularly provided Zoom access to public meetings. In our February 2023 survey of 80 cities and towns, we found that 20—that is, 25%—were conducting hybrid town/city council or select board meetings.

WHY IT MATTERS:

Using modern voter services such as online voter registration and absentee ballot tracking requires, at a minimum, a computer and an internet connection, as does accessing election information on a town website or commenting at a public hearing over Zoom. Some residents are less able to participate in our democracy because they are on the wrong side of the “digital divide.” In its narrowest sense, the digital divide separates residents who have adequate broadband service available in their community from those who do not.¹ Other factors are harder to map: inability to afford a computer or internet service, lack of computer proficiency, hard-to-navigate or non-ADA-compliant websites, or lack of awareness of or interest in what is offered.² The concept of digital equity addresses these barriers: “To achieve digital equity, all individuals must have access to reliable broadband, internet-capable devices, digital literacy training, and adequate funding.”³

There is a digital divide among governments, too. Many state and local government websites provide easy-to-find—and use—election information, online voter services, and remote access to public meetings. On the other side of the divide, some small towns have no official website at all. Or, if available online, voter information may be hidden multiple clicks away from the home page, be out of date, or be downright inaccurate. For example, our survey of 100 Maine municipal websites prior to the July 14, 2020 primary election found that 30 had incomplete or incorrect information about the deadline for absentee voting.



GRAPH 15 | Broadband Serviceable Locations

Our data on broadband coverage comes from the Maine Connectivity Authority, a quasi-governmental agency established in 2021 that is charged with “achieving the universal access of affordable high-speed broadband in Maine” (see Graph 15). According to the MCA, only 13% of Maine’s locations are served by “true 21st-century internet service,” meaning that they have access to fiber-optic connections. The majority of locations—69%—are underserved. These are typically locations with broadband access through DSL or cable, but where performance speeds are lower than those possible with fiber networks. The 18% of locations that are deemed unserved either lack service altogether, or only have access to service below the 100/20 standard (100 megabits download, 20 megabits upload speeds).

SITUATION IN MAINE 2023:

Since the publication of our 2021 report,⁴ Maine has made strides in building coalitions and infrastructure for statewide broadband access. The 2020 passage of a \$15 million broadband bond funded 20 projects in 11 counties serving 8,571 locations.⁵ By December 2022, Maine was ranked as one of the five best states for forward-looking digital access, according to the keynote address at the 2022 Maine Broadband Summit.⁶ A full Maine Broadband Action Plan that is being put together now includes a Digital Equity Initiative designed to expand broadband access to all, ensure that digital devices are made available across all communities, and provide the education needed to use them. However, there is a four-to-five year timeline for approvals and implementation, and future funding is dependent on political will.⁷

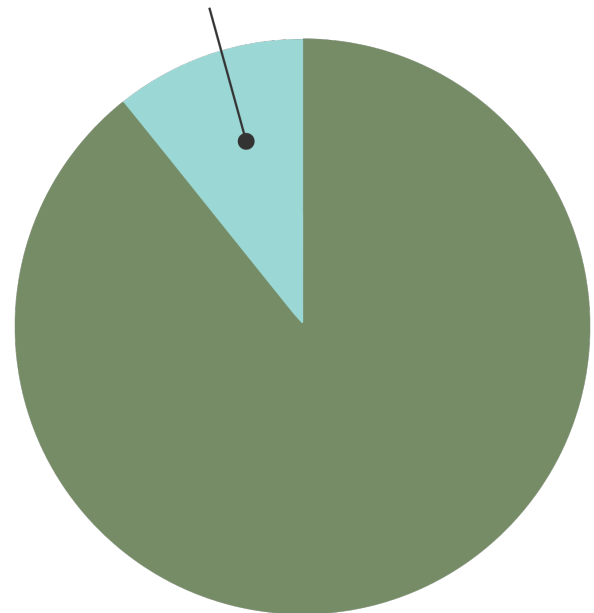
In January 2022, the Maine Advisory Committee to the U.S. Commission on Civil Rights issued a report calling digital equity an “urgent civil rights issue” in Maine. According to the report, “current access to reliable broadband is insufficient in both urban and rural areas.” The report cited a need for devices for “immigrants, communities of color, individuals with disabilities, older adults ... and low-income households.”⁸

For those who have the means to participate in digital democracy, Maine has modernized its online voter services with the implementation of absentee ballot tracking in 2020 and the forthcoming implementation of online voter registration. Another innovation in online civic services arrived in 2020, when the COVID-19 emergency forced rapid adoption of remote videoconferencing for public meetings. The state Legislature and larger cities and towns held hearings and government meetings over Zoom, which allowed residents to participate from home. Even after the state Legislature resumed in-person public hearings, it continued to provide Zoom access using the “hybrid” meeting style. In October 2022, the Maine Municipal Association reported to the Legislature’s Right to Know Advisory Committee about remote participation at the local government level. The MMA cited several benefits of remote participation—anecdotal evidence of higher attendance, improved transparency, and cost savings for consultants to attend—but also noted barriers such as broadband availability, cost, familiarity with technology by constituents, and the potential for hacking.⁹ For this report, we surveyed the websites of 80 towns in February

2023 and found that 20 were providing hybrid city/town council or select board meetings.

Maine has made documented efforts to expand digital literacy education in grades pre-K to 12 and extended learning opportunities along with basic skills training for adults. The Maine Department of Education (DOE) offers a web-based social emotional learning resource called SEL4ME¹⁰ free to Maine schools, families, and community partners, with learning modules by grade level about how young people can safely navigate online. Maine DOE also added two digital learning specialists who work with pre-K to 12 educators to support technology integration, instructional design, and general digital learning. Digital literacy resources for Maine adults include partnerships with the University of Maine,¹¹ community colleges, Maine state¹² and public libraries, Maine adult education, local government resources, and the National Digital Equity Center’s Maine Digital Inclusion Initiative.¹³ Finding free or low-cost classes on basic online navigation and safety appears to be relatively easy both on-site and online.

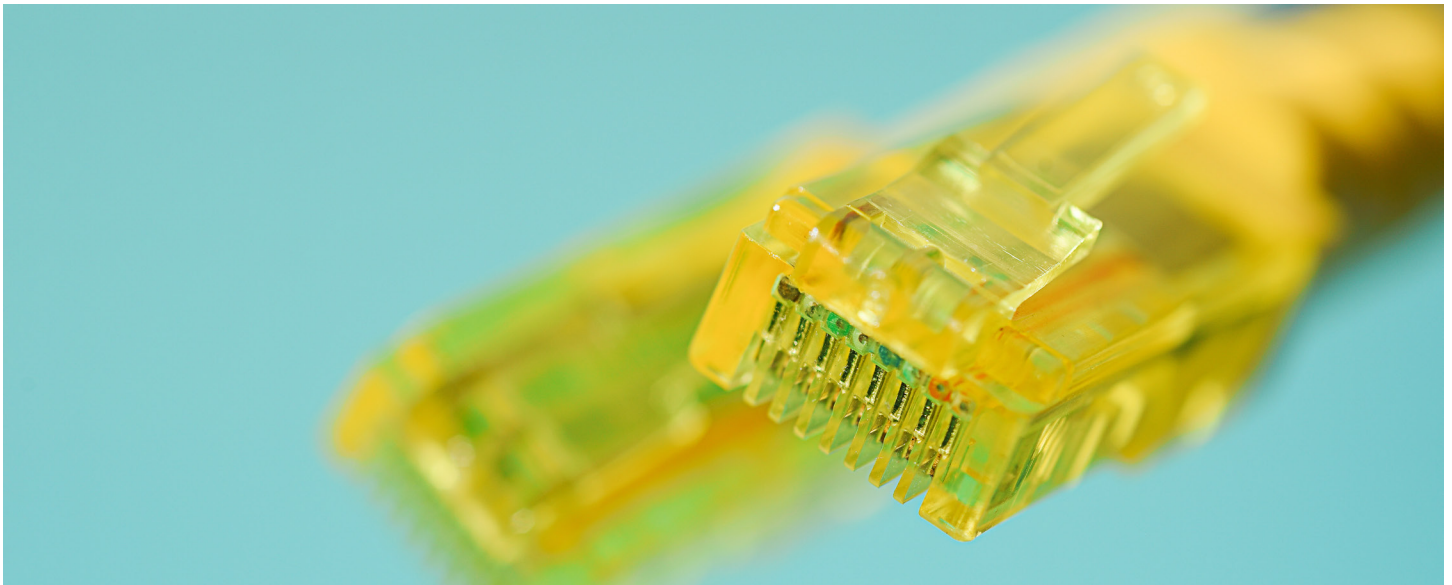
55 towns do not have an official website



454 Total Towns*

*Total does not include plantations.
Data collected by LWVME researchers.*

GRAPH 16 | Number of Towns in Maine Without an Official Website



CONCLUSIONS:

The 2020-2022 COVID pandemic brought home, swiftly and brutally, the reality that the internet is essential for “participation in our society, democracy, and economy.”³ Broadband initiatives at the state and local level are slowly working to bridge the divide in physical access to the internet. The Maine Digital Inclusion Initiative is advancing digital equity by providing computer skills training and referrals for financial broadband subsidies.¹

In Maine, one factor of the digital divide is the gaping disparity in the level of online civic services provided by larger vs. smaller communities. We found that 55 small towns have no official website (see Graph 16). Some other towns that do have websites provide only incomplete or hard-to-find information about elections and voting. Hybrid public meetings also tend to be offered only by larger cities and towns. There is a need for more research on the accessibility of hybrid public meetings. While the availability of remote meetings benefits some residents, it’s not clear whether governments are doing enough to make them more inclusive.

In late 2021 the Maine Department of Education released Literacy for ME v2.0,⁹ a statewide literacy development plan built on the September 2012 Literacy for ME initiative. This updated plan specifies: “... digital literacy is no longer treated as a distinct learning activity, but standard practice.” Included here is “the need to also develop digital citizenship, which is addressed in the standards with a call to engage in

conversation, in person and in digital forums, with integrity and respect, to understand opposing views, and to support thinking with evidence.”¹⁴ This plan lays the groundwork for Maine’s state and local government, civic and educational leaders, and community members to continue to work together to move the realization of strong digital citizenship for youth and adults forward. What will be needed is the type of assessment and outcomes reporting required for meaningful progress.

In addition, equity issues such as access to affordable, dependable connectivity and reliable personal digital devices, and access to reliable transportation for travel—to classes, to vote, to attend public meetings—and metrics to track impacts will play significant roles in meeting the explicit call made in this plan.

As previously noted in Chapter 9 of this report, social media is increasingly being used to share information that can include disinformation and misinformation. Similarly, there is a growing network of pseudo-local news websites filling the void left with the decrease in local news outlets. In reality, these websites are owned primarily by one organization that offers virtually the same items and perspective no matter the location, leaving the reader to ask their own critical questions to determine if this news is verifiable and relevant. Increased digital literacy is essential with increased digital access for the health and safety of our democracy.

METHODS:

Indicator #1: We used data from 2022 Broadband Access in Maine. Data shows 18% unserved [120,000 broadband serviceable locations below 100/20 (100 megabits per second download speed/20 megabits per second upload speed)]; 69% underserved [450,739 locations at speeds between 100/20 and 100/100]; 13% served [83,845 locations with speed 100/100].¹⁵

Indicator #2: We used data on 454 Maine cities and towns gathered by researchers on LWVME's Local Government team. Of these, 55 have no official website. We visited the websites of the five largest (by population) towns in each county to determine whether they supported remote participation in city/town council or select board meetings.

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Chapter Eleven

THE JUDICIARY



KEY INDICATORS



Indicator #1 | *Appointed vs. Elected Judges*

Judicial selection by appointment through a public process 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 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*, which it should be noted was published with gender distribution data as of 2018. While an improvement over the situation in our 2021 report, still only 34% of Maine's state court judges are women. The Chief Justice of the Maine Supreme Judicial Court is again a woman.



Indicator #4 | *Gender on the Judicial Nominating Committee*

Of the 10 members who serve on the Judicial Nominating Committee, three (30%) are women. The percentage of women on the Committee has declined slightly since that reported in 2021, because an additional member has been added who is male.

**Indicator #5 | Gender of Local Prosecutors**

As noted above, women comprise 51% of Maine's general population. Representative of the gender distribution among the general population, Maine's district attorneys are evenly split between men and women.

**Indicator #6 | Legal Services for Indigent Parties**

News reports of comments and data provided by leaders of Maine's court system and providers of legal services to indigent parties during 2022 and into 2023 have highlighted the ways in which the system has failed to provide adequate representation to those parties. For example, in comments to a meeting of the Maine State Bar Association reported by Maine Monitor on November 9, 2002, the Chief Justice of the Maine Supreme Judicial Court specifically characterized the state's provision of legal services to indigent parties as a failing of our judicial system. Further indicative of the situation is the filing of a class action lawsuit by the Maine chapter of the American Civil Liberties Union claiming that Maine has failed to meet its constitutional obligation to ensure indigent defendants have access to proper legal representation.

WHY IT MATTERS:

Fair and impartial justice and access to adequate representation in the judicial system are cornerstones of our democracy. Decisions by state court judges and local prosecutors have an impact on the lives and livelihoods of citizens in their states. The administration of justice by judges and prosecutors who are representative of citizens whose cases come before them is fundamental to their understanding of the potential impact of a decision. Representative judges and prosecutors, and fair and equal access to representation, are keys in fostering respect for the judicial system.

SITUATION IN MAINE 2023:

Although Maine's state court judiciary remains much more "male" than the population of Maine as a whole, the percentage of female judges has increased since our 2021 report. 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. Much more representative of the male-female distribution of the population in Maine is the male-female distribution of prosecutors. An aspect of Maine's judicial system that has been shown to be severely lacking, however, is the availability of legal representation for indigent parties in the judicial system.

CONCLUSIONS:

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.¹

Although the current makeup of the state judiciary is overwhelmingly male^{2,3} and disproportionate to the percentage of women in both the general population and in the Bar (although the latter proportion is coming more in line according to the most recent data available from the Board of Overseers of the Bar),⁴ demographic trends suggest this imbalance could improve over time. Nationally, the makeup of first year law school classes in 2021 was 55.3% women,⁵ and at 55%, the University of Maine Law School's first-year class is consistent with this trend.⁶ Conventional wisdom and anecdotal evidence, however, suggest that women "drop out" at a relatively high rate during their careers; if this trend holds true over time, this will slow the progress in making the judiciary more representative. Surveys/data provided by the ABA concentrate on large firms and thus may not be directly applicable to Maine.

Continued on next page.

Conclusion Continued:

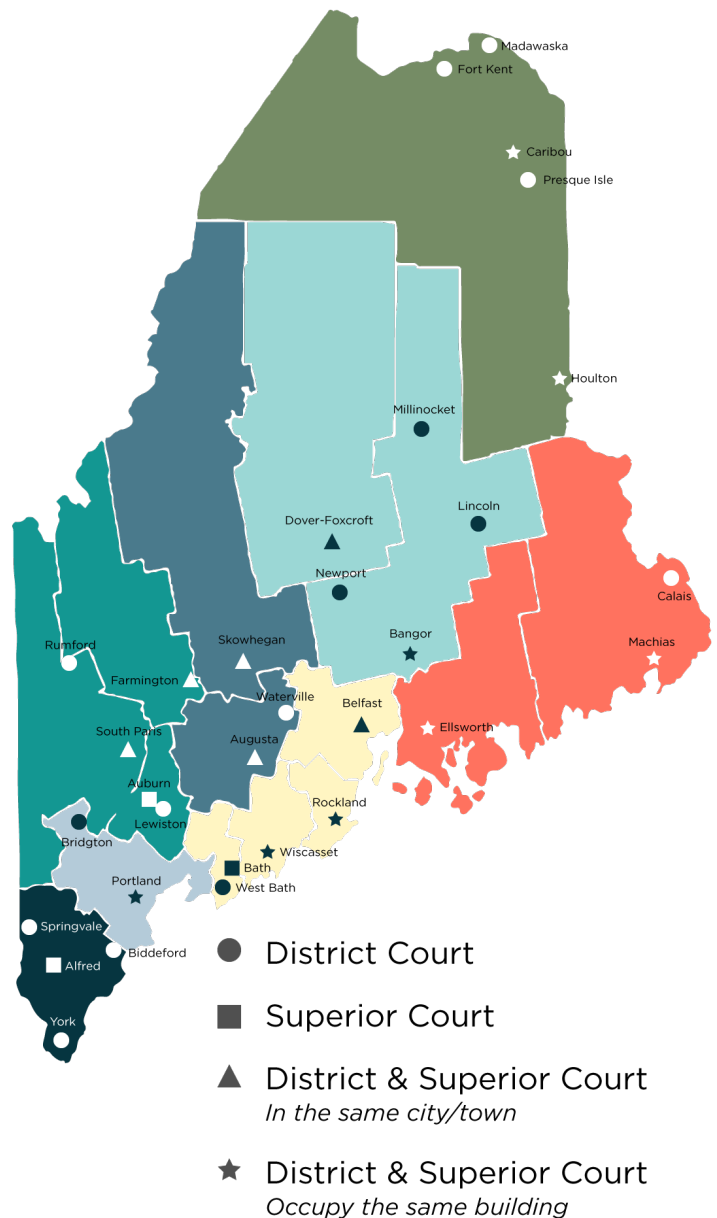
At the local level of the judicial system, Maine's eight district attorneys are popularly elected by the residents of the counties they serve. Although Maine has 16 counties, several counties are grouped together for representation by district attorneys to reflect population disparities among counties. After the 2022 election, four district attorneys were male and four were female, closely reflecting the general population.⁷

It has been frequently noted that until recently Maine was the only state that did not have a public defender system to represent indigent defendants. Although not adequate to serve the need, a small public defender office consisting of five attorneys was created in 2022.⁸ Before the creation of this office, Maine relied entirely upon private attorneys voluntarily agreeing to serve indigent defendants. The Maine Commission on Indigent Legal Services was established by the Legislature in 2009 to provide oversight, support, and training to those private attorneys, among other things.⁹ According to news reports, the roster of private attorneys willing to take on such cases dropped from over 400 in 2020 to 163 as of November 2022.⁸ In an address to the Maine State Bar Association, Maine's Chief Justice stated, "[We] are failing in this state in our justice systems," in reference to legal representation of indigent citizens.¹⁰ Justin Andrus, then Executive Director of the Maine Commission on Indigent Legal Services, was quoted as stating that the system needs approximately 280 more full-time defense lawyers to meet the state's indigent caseload.¹⁰ The Maine chapter of the American Civil Liberties Union has filed a class action lawsuit claiming that Maine has failed to meet its constitutional obligation to ensure indigent defendants have access to proper legal representation.¹¹ In response to this crisis, the governor's 2023 budget proposal would increase the commission's funding by \$17 million to increase compensation for private attorneys willing to represent indigent citizens and to add 10 new public defenders.⁸

METHODS:

Indicators #1-4: 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.¹² We examined the gender distribution of Maine's state court judges as of December 31, 2022 based on data on the court system's website, and from the Maine

MAP OF MAINE'S COURT SYSTEM



Bar as of December 31, 2018, which was 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. Gender identification should be based upon self-identification when that information is available. In this case, however, we could not find that information from readily available public sources. Still, it is important to measure. For that reason, to determine the gender distribution of judges, we relied upon assumptions about names being an indication of gender, and in some cases upon photographs or personal knowledge about a particular person.

Indicator #5: We obtained information as to the gender of county district attorneys based on the results of the 2022 election posted on the Secretary of State's website. Since this is a new topic for this report, we did not compare this data to that for prior years. The determinations as to the gender of county district attorneys were made in the same manner as for the determinations of the gender of state court judges with the same limitations.

Indicator #6: We reviewed extensive news coverage of the State of Maine's system for the provision of legal representation of indigent parties, including quotes from and data provided by the Chief Justice of the Maine Supreme Judicial Court and the Executive Director of the Maine Commission on Indigent Legal Services as reported in this coverage.

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. Efforts to find that data have not been successful to this point. 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 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. This is a problem.

It would be useful to examine other metrics with respect to the judiciary and local prosecutors as and when data is available, such as ethnicity, gender/sexuality, and economic origin, compared with that of the general population and the legal profession in Maine. It is noteworthy, for example, that 4% of the incoming class at the University of Maine School of Law is not identified by gender.

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Conclusions

The purpose of this report is 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, free and unbiased reporting by local press and other media, equitable access to information, and an independent, representative and accessible judicial system. Future editions of this report might look at additional factors, such as governmental ethics and 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.

Appendix A (see page 54) provides an overview of the indicators 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 2023 Legislature again has a higher percentage of women at 44% than has been true historically, almost 17% higher compared to 20 years ago. In addition, women held 60% of cabinet-level positions in Maine at the end of 2022.
- 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 last year is removing 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 second in 2022 with 61.5% of the electorate voting in the general election. While voting among younger people has historically been low, Maine ranked in the top 10 states for youth electoral significance in 2022.
- Although we are still working for full implementation of ranked choice voting (RCV), Maine has led the nation in the use of 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 20 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 has a high rate of valid cast ballots absentee voting, despite a continuing increase in the number of absentee ballots cast. A post-election ballot audit system is under development that will help ensure that systemic tabulation and process errors are detected and corrected.
- 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 a new law that takes effect this year will limit the influence of big, commercial interests in candidate fundraising.
- Maine has a strong Freedom of Access Act (FOAA), and more than half of the FOAA request were responded to within five days, an improvement over the prior year.
- 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 has made progress in closing the digital divide by increasing both broadband coverage and remote access to public meetings.
- 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 (55%) 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 2022 election, many more are threatening additional restrictive measures. Some of these measures are being introduced in Maine.

VOTER PARTICIPATION:

Although Maine is among the highest turnout states, a significant percentage of registered voters still do not participate in each election, and this has historically been especially true in the districts with the highest poverty rates or lowest rates of owner-occupied housing.

CONDUCT OF ELECTIONS:

The lack of centralized reporting to the chief election official in Maine hampers efforts to modernize and standardize our system. 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 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 and join the National Popular Vote Interstate Compact. 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 2022 election cycle, MCEA participation among all candidates declined from 64% to 53%. 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 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. 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 11 sites in Maine that portray themselves as "local" news outlets, all of which are owned and operated by the digital firm, Metric Media, LLC.

THE DIGITAL DIVIDE:

Eighteen percent of Maine's "serviceable locations" are underserved (i.e. without 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. Only 25% of towns allow remote access to public meetings.

THE JUDICIAL SYSTEM:

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. Indigent legal services are failing to provide adequate representation to clients who need it.











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, 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 or Hard to Judge
Chapter One Representative Government	<ul style="list-style-type: none"> Percentage of Women in the Legislature in 2023 vs. in Earlier Years Percentage of Women in Executive Branch Leadership 	<ul style="list-style-type: none"> Percentage Aged 55-74 in the Legislature vs. Maine Population Percentage of Women in the Legislature vs. in Maine Population 	
Chapter Two Voter Participation and Individual Characteristics	<ul style="list-style-type: none"> Maine's Voter Turnout States with the Highest Voter Turnout Voter Turnout by Gender Voter Turnout by Age 		
Chapter Three Voter Participation and District Demographics		<ul style="list-style-type: none"> Correlation Between Poverty Rate and Voter Participation Correlation Between Racial Makeup and Voter Participation Correlation Between Owner-Occupied Housing Rates and Voter Participation 	
Chapter Four Voting Rights	<ul style="list-style-type: none"> Same-day Registration No Photo ID Requirement No Felony Disenfranchisement Automatic and Online Voter Registration Absentee Ballot Drop Boxes 		
Chapter Five Election Methods	<ul style="list-style-type: none"> Semi-Open Primaries Presidential Primaries 	<ul style="list-style-type: none"> National Popular Vote (NPV) Interstate Compact 	<ul style="list-style-type: none"> Ranked Choice Voting (RCV) Redistricting

SUMMARY OF REPORT INDICATORS *continued*

	 Positive Findings & Trends	 Negative Findings & Trends	 Mixed News or Hard to Judge
Chapter Six Conduct of Elections	<ul style="list-style-type: none"> • Use of Paper Ballots • Security of Ballots • Public Monitoring of Elections • Recount Protocols • Rejection Rate for Absentee Ballots • Wait Time to Vote • Modern Voter List Procedures 		<ul style="list-style-type: none"> • Training for Local Election Officials (?)
Chapter Seven Money in Politics	<ul style="list-style-type: none"> • Campaign Finance Transparency • Leadership PACs 	<ul style="list-style-type: none"> • Percentage of Eligible Candidates Who Use the Clean Elections • Add Corporate Contribution 	<ul style="list-style-type: none"> • Health of the Clean Election Fund
Chapter Eight Freedom of Information	<ul style="list-style-type: none"> • Percentage of Requests Answered within Five Days 	<ul style="list-style-type: none"> • Number of Complaints Received by Ombudsman 	<ul style="list-style-type: none"> • Transparency of State Budgetary Process
Chapter Nine Newspaper and Media Access	<ul style="list-style-type: none"> • Concentration of Ownership of Print and Broadcast Media 	<ul style="list-style-type: none"> • Number of Newspapers • News Deserts • Newspaper Circulation • Decline in Number of Independent Local Bylines 	
Chapter Ten The Digital Divide			<ul style="list-style-type: none"> • Broadband Coverage • Remote Access to Public Meetings
Chapter Eleven The Judiciary	<ul style="list-style-type: none"> • Appointed vs. Elected Judges • Gender of Local Prosecutors 	<ul style="list-style-type: none"> • Gender in the Judiciary • Gender on the Judicial Nominating Committee • Legal Services for Indigent Parties 	<ul style="list-style-type: none"> • Judicial Nominating Committee

We're living through a tumultuous time in American politics.

We're just now getting back to the new normal after our 2020 elections were rocked by the COVID-19 pandemic. The repercussions of an unprecedented insurrection at the U.S. Capitol in January 2021 are still playing out. Our legislative bodies reflect serious divisions in the body politic which remain potent and evident right here in Maine. New threats to the democratic process seem to emerge every day through mis- and disinformation.

Still, now more than ever, we believe in an inclusive democracy; and we believe that we, the people, can make democracy work. From election officials to ordinary voters, we're rising to these new 21st Century challenges. Maine's voter turnout in 2022 was the second highest in the nation.

But difficulties remain for our democracy. Even with high voter turnout, roughly 25% of eligible voters are not participating. That's in the neighborhood of 250,000 voters. 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 through mis- and disinformation.

While threats to democracy continue to loom on the horizon, we in Maine continue to make progress. We continue to find 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
MAINE STUDENTS VOTE



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