



TO: The Honorable Louis Luchini
The Honorable Chris Caiazo, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: April 5, 2021

RE: LD 1155 - An Act to Require Election Transparency and Audits

My name is Debra McDonough, and I'm a resident of Scarborough. I'm here as a volunteer with the League of Women Voters of Maine to testify *in support of* LD 1155, an initiative designed to improve the security of Maine Elections. We would like to thank Representative Grohoski and Secretary Bellows for working with us on this important legislation.

The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. For 100 years, Leagues here in Maine and across the country have worked to educate and register voters, eliminate obstacles to voting, and make government at all levels more accessible and responsive to citizens. The League supports full voter participation by all eligible American citizens, and we oppose efforts to create new barriers that block citizens' constitutional right to vote. At the same time, the League believes that elections should be secure, accurate, recountable, accessible, and transparent.

The stability of our democracy relies on the objective integrity of the election process, but as conflicts surrounding the 2020 Presidential Election have made clear, a stable democracy also requires public confidence that the reported outcomes are correct. The provisions in this bill address both of these issues.

First, we are grateful that Maine has a history of well run elections. Numerous recounts have supported the election outcomes as reported by both the electronic scanners used in larger communities and by the hand count protocols used in smaller jurisdictions. Even so, it would be naive to believe that this means our elections are impervious to future disruption. Cybersecurity experts have identified numerous technical vulnerabilities to malicious intrusion¹, with Andrew Appel, Professor of Computer Science at Princeton and a leading expert on election hardware going so far as to say that all computer election systems can be hacked to

¹ <https://www.chicagotribune.com/business/ct-biz-voting-machine-security-20181029-story.html>

transfer votes from one candidate to another.² It is just as important to remember that election results can also be compromised by inadvertent, human error - either by programmers who write the code used to interpret ballot markings, by local election officials who handle large numbers of absentee ballots (and also hand-count ballots in smaller towns), or by others in the extended chain of responsibility for conducting elections.

In response to numerous process concerns identified during the 2000 presidential election, the League of Women Voters of the United States established a task force to conduct a yearlong study of election audits. The report of the task force³ emphasizes the critical role of post-election audits in identifying and correcting errors in election outcomes, whatever the source, and so Section 4 of LD 1155 calls on the Secretary of State to conduct a pilot post-election audit in the next general election, with the goal of developing legislation to implement an audit during every election moving forward.

In 2018, the National Academy of Sciences released their own report on risks to American elections.⁴ While the task force did identify numerous opportunities to improve and secure our election system, they were surprised to conclude, even in advance of the 2020 election, that the most significant threats we face are active “efforts to undermine the credibility of election results” by both domestic and foreign actors.

The other provisions in this bill more directly address voter confidence by empowering all of us to participate in ensuring that elections are conducted properly in each of 500 jurisdictions across the state of Maine. I know that my own experience helping to process absentee ballots has led me to reject claims that it would be possible to flood the system with fraudulent ballots and allowed me to better explain the process to friends and neighbors when they express their own concerns. It is also true that citizens, whether present as official observers, election workers, or as voters, are in a position to notice problems that might compromise the integrity of the election — but they have to know what to look for, and they have to know how to report any concerns. Section 1 of LD 1155 provides for a “Citizen’s Guide to Election Procedures,” as well as a process to collect and record observations, such that state election officials can both address concerns in real-time and also identify opportunities for iterative improvement of election management in Maine.

In supporting this bill, the League of Women Voters of Maine does NOT argue that elections in Maine have been compromised nor that the persons responsible for our elections are dishonest. Instead, we argue that confidence in the outcome of our elections should not have to rest on trusting whomever happens to hold these positions. Confidence in the outcome of our

² <https://freedom-to-tinker.com/2016/09/20/which-voting-machines-can-be-hacked-through-the-internet/>

³ <https://sites.google.com/a/leagueofwomensvoters.org/clearinghouse/rep/election-administration/lwvus-report-on-election-auditing>

⁴ www.nap.edu/catalog/25120/securing-the-vote-protecting-american-democracy

elections should not have to rest on trusting the programmers who write the proprietary code that interprets the marks on our ballots. Confidence in the outcome of our elections should not require trusting that paper feeds never skew such that the scanner misinterprets markings on the ballot.

Confidence in our elections can comfortably rest on informed citizen oversight and a robust post-election audit and can provide a powerful counter-narrative to claims of tampering and fraud. We urge your support for LD 1155.