



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

DATE: April 21, 2021

RE: LD 1496 — An Act to Establish the Board of Canvassers for Certifying Election Results

My name is Will Hayward. I am here today as the Advocacy Program Coordinator for the League of Women Voters of Maine. The League opposes LD 1496.

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

LD 1496 would add an unnecessary and potentially troublesome new step to the process of certifying elections. A Board of Canvassers would be created to certify election results and submit them to the Governor, a duty that is presently performed by the Secretary of State. Board members would be nominated by members of the Democratic and Republican caucuses. Inevitably, a primary role of board members would be to watch out for the interests of their respective parties. With two members nominated by each party, the four-person board could end up in stalemate on controversial questions. There is no provision in the bill for resolving a tie vote.

Historically, certification of an election has been a mere formality, barely worthy of a mention on the evening news. Yet following the 2020 presidential election, some partisan adherents tried to use the certification process as a means to delay or reverse the outcome. Two members of the Board of Canvassers in Wayne County, Michigan, blocked certification of the presidential vote, despite a clear win by one candidate. They later reversed themselves.¹ Allies of the losing candidate deployed lawsuits and political pressure to block or delay certification at the state and local level around the country. This failed in the end, but it's possible that certification may continue to be a partisan battleground in future elections.

LD 1496 would create a bipartisan body of officials with the power to approve or block the certification of election results tabulated by the Secretary of State. The Board would also have the power to order

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<https://apnews.com/article/election-2020-joe-biden-donald-trump-local-elections-michigan-64c18e12e0d409d9629871cda3c07293>; Accessed 18 April, 2021

recounts. The current certification process is overseen by nonpartisan civil servants. Election results are submitted — and attested to — by 500 local town clerks, among the most trusted public officials in the state. The Secretary of State compiles and certifies the vote tabulations, and prints them for public review.

The interests of the parties and candidates are already protected by various rights, including the right to have observers at the polls or demand a recount. The League has been closely watching Maine's elections for decades, and we can testify that they are well conducted and fair. A Board of Canvassers is unnecessary at best. We urge the Committee to vote Ought Not to Pass.

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

