



REPORT: Maine's July 14 Primary

LWV LEAGUE OF WOMEN VOTERS*
OF MAINE

INTRODUCTION

On July 14, Maine held its first COVID-era election. This election, a state primary election and bond referendum, was the first test of Maine's election system in this new and challenging time. This election offers an opportunity to observe how Maine's election system adapted to the COVID pandemic and identify any areas for improvement. This report offers a summary of the successes and challenges of the July 14 election in Maine, drawing on observations and reports from around the state as well as preliminary data from the Secretary of State released in early August.

SUMMARY

Maine's July 14 election generally went smoothly, with few Election Day lines, high rates of absentee voting, and low rejection rates of absentee ballots. Maine was able to avoid many of the problems that have affected some states' elections for reasons including accessibility of no-excuse absentee balloting, sufficient preparation time for the election, and manageable turnout associated with non-presidential primaries.

Steps undertaken by the state and towns, such as procuring personal protective equipment (PPE), authorizing drop boxes, and adjusting some statutory deadlines were all proactive steps which helped make the election more safe and accessible. Difficulties faced in this election included voter confusion about postage costs, unequal access to different forms of absentee voting among towns, and challenges processing the volume of absentee ballots. The successes and challenges of Maine's July primary offer opportunities for the state and towns to adjust and prepare for a November election that will have a much higher turnout and face much more serious scrutiny.

ELECTION PREPARATIONS

Following Governor Janet Mills' proclamation of a State of Civil Emergency on March 15, the state immediately began working to determine how to adapt the state primary and special referendum election, scheduled by law for June 9. On April 10, Governor Mills issued Executive Order 39, which moved the primary to July 14, extended several candidate deadlines to reflect these new dates, and eliminated the closed period for no-excuse absentee voting in the three days prior to Election Day. Additionally, the Secretary of State's office and towns began to plan for how to safely conduct an election during COVID. The Secretary of State's office surveyed towns to assess their PPE needs and helped acquire masks, face shields, plexiglass barriers, pens, and other forms of PPE. Federal election funds made available under the federal CARES Act, passed in late March, helped the state make these purchases.

On June 4, the Governor issued Executive Order 56, which made additional changes to the July election. Changes included: modifications to facilitate municipal elections and town meetings; changing the mail registration deadline from 21 days before the election to 7 days; allowing towns additional time to change or consolidate polling places; providing guidance to towns allowing them to provide absentee ballot drop boxes; and other technical changes. Some municipalities such as Augusta and Lewiston chose to consolidate to one polling location citing staffing and logistics issues; on the other hand, in Portland all 11 polling places were kept open following local opposition to consolidation and a public effort to recruit poll workers. Some towns were also able to install absentee ballot drop boxes following EO 56.

ABSENTEE VOTING DATA

According to the Secretary of State's office, 205,638 absentee ballots were requested for the state primary. Of these ballots, 185,365 were returned, with 183,055 accepted. The total turnout for July was 316,210, meaning 57.89% of votes were cast with an absentee ballot. This represented a marked increase from the 30-35% seen in recent elections. The approximately 20,000 unreturned ballots totalled nearly 10% of requests; among Green and Unenrolled voters the rate of unreturned ballots was closer to 20%, likely due to many of these voters only receiving ballots including the bond questions and local races and choosing not to return them. 65% of absentee ballots were requested in the more densely populated CD1, and 35% were requested in CD2. A significant majority of absentee ballots were requested by registered Democrats; the partisan breakdown of all ballots requested was 65.5% Democratic, 19.2% Republican, 1.9% Green, and 13.4% unenrolled.

2,066 ballots were reported as rejected, a rate of 1%. 913 of these ballots were rejected due to the envelope not being signed. Some number of these voters were able to eventually cast a valid ballot (see "Low Absentee Rejection Rate" subsection). An additional 296 ballots were rejected for being received after the election night deadline; however, since the absentee file is reported as being "as of the close of polls" we are unable to verify how many absentee ballots were actually rejected for arriving after the deadline. The 296 ballots, reported across a limited subset of towns, were logged as arriving between July 15 and July 20, suggesting that there is incomplete reporting of ballots arriving after Election Day.

SUCSESSES

The July election was a generally successful election for several reasons:

Maine Election Laws: Maine's existing election laws and procedures made it easier for the state to hold a safe and absentee-heavy election. By allowing for no-excuse absentee voting by mail and in-person at town offices and offering online absentee ballot requests, over 50% of Maine voters were able to cast their ballots without voting in-person on election.

Useful Executive Orders: The executive orders issued by Governor Mills were vital for ensuring a smooth election process. Moving the election date and other technical adjustments gave the state and towns needed additional time to prepare for the first pandemic-era election. The addition of drop boxes gave voters in some towns an additional contact-free way to vote.

Promotion of Absentee Voting: The state, towns, and advocacy groups consistently encouraged voters to use absentee voting. This uniform promotion of absentee voting undoubtedly contributed to a surge in the practice, which in turn led to very light Election Day turnout at many polling places. This light turnout meant there were very few lines and easier practicing of social distancing.

Safe In-Person Voting: Voters across the state reported feeling safe while casting in-person ballots. Polling places and town offices were able to adhere to best practices around social distancing, PPE, and capacity limits to safely facilitate in-person voting. Proactive procurement of PPE by the Secretary of State's office and additional lead time due to executive orders for towns to plan out polling place design were especially crucial for allowing Election Day voting to go smoothly and safely.

Low Absentee Rejection Rate: As previously mentioned, the absentee ballot rejection rate was 1%, which is generally considered low. Towns generally made an effort to alert voters to the need to sign their ballot envelopes in written instructions and by highlighting the signature line. The Secretary of State also issued guidance directing towns to make every effort to contact voters whose ballots had issues such as a missing or non-matching signature, to give the voter an opportunity to remedy the issue. Since the voter file has not yet been finalized we do not know how many

voters with rejected ballots eventually cast a valid ballot, but undoubtedly a percentage of voters who had rejected ballots ultimately were able to successfully vote, making the final rejection rate even lower.

Manageable Turnout Levels: State primary elections have significantly lower turnout than general elections, which made it easier for towns to accommodate both increased rates of absentee voting and the challenges of managing in-person voting during COVID. Many town officials indicated that they were able to manage the surge in absentee ballots in large part because the overall turnout was in line with a typical state primary, not a general election.

Voter Registration: Because Maine conducted its first-ever presidential primary in March, before COVID restrictions were required, many first-time voters registered to vote in March, reducing the demand for voter registration in the July election. The demand for voter registration and same-day voter registration will undoubtedly be higher, much higher, in November.

CHALLENGES

There were also several challenges observed in the administration of the state primary. These challenges do not diminish the overall success of the July election; however, identifying these challenges offers an opportunity for processes to be improved for the much larger November general election.

Absentee Ballot Instructions: The amount and accuracy of the instructions provided to voters about completing and returning their absentee ballots varied dramatically between towns. Some towns did not include any additional instructions with absentee ballots, while many included a slip of paper with some amount of information. A few towns provided extensive and detailed voter instructions. In surveys conducted by the League of Women Voters and Maine Conservation Voters, the most common election concern voters cited was uncertainty around the cost of postage. While ballots with insufficient postage are still delivered, the confusion over postage, often resulting from insufficient instructions, meant that some voters cast their ballots without certainty that they would be delivered and counted. Additionally, a few towns failed to include the town's return address on absentee ballot envelopes.

Varied Access to Absentee Voting: Voter accessibility to different options for casting an absentee ballot varied between towns. Office hours to cast in-person absentee ballots varied dramatically between towns, with at least one town not offering this option at all, and many town offices were appointment-only, making it more difficult for some voters to use this method of voting. Dropbox implementation was spotty; only a limited number of towns were able to install drop boxes, and not all of these drop boxes were available outside of town business hours. A very small number of towns included prestamped postage on their absentee ballots; it was easier for voters in these towns to cast absentee ballots than elsewhere.

Absentee Ballot Processing Volume: Many towns reported that the different components of absentee ballot processing pushed the limits of what was manageable. Processing ballot requests, returned ballots, in-person absentee voting, and running tabulations on election night all took up very significant amounts of time for town clerks and staff. While processing did not significantly delay reporting of results or impair other parts of the election process, several clerks noted that a similar rate of

absentee voting in a general election would be very likely to do so. Most towns felt that extending no-excuse and in-person absentee voting to include Election Day was a distraction for officials while providing no measurable benefit to voters. In at least one town, the Election Day line to cast an in-person absentee ballot was longer than the line to cast regular votes.

Polling Place Layouts: While in-person voting generally went smoothly, a few polling places were altered in ways that posed issues for voters. A few layouts resulted in very long walks that were challenging for limited-mobility voters, and capacity limits led to bottlenecks resulting in isolated instances of significant lines.

Adjusted Municipal Elections: While EO 56 helped towns replace town meetings with secret ballots, it was not issued until June. Some small towns had to hand count often lengthy municipal ballots which could not be developed until the order was issued. Some clerks believed an earlier executive order would have helped ensure these ballots could be machine counted, saving valuable staff time.

LOOKING FORWARD

The experience of the state primary offers valuable lessons in preparation for the November election. Most importantly, the smooth administration of Election Day voting illustrates the importance of emphasizing absentee voting. Because a majority of voters cast absentee ballots, Election Day turnout was manageable in spite of some polling place consolidations and staffing challenges. With increased absentee and in-person volume expected for November, along with demand for same-day voter registration, it will be important to increase staffing for the November election. Capacity to handle general election turnout should be the top priority for the state and towns.

Additionally, consistent and accessible voting options across towns should be a priority. The disparity in absentee voter information between towns is concerning, particularly when voters in some towns do not receive instructions on how much postage is required while others have their postage prepaid. Steps such as statewide prepaid postage or a uniform absentee instruction template could help resolve these issues. Additionally, the deployment of secure drop boxes across the state should be accelerated so voters who wish to vote in a contact-free manner without putting their ballots in the mail can do so in all towns, and towns should make an effort to offer predictable and extended hours for in-person absentee voting in the weeks before November 3.

These are not the only steps Maine should take in anticipation of the November election, but they represent critical areas where the state can learn from the state primary to best prepare for November. Maine is fortunate to have strongly pro-voter laws and a strong tradition of voter participation; it is vital that election administrators build off this foundation to run a November election that maximizes voter safety and participation.