



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

DATE: March 18, 2019

RE: LD 1026 - An Act to Require Election Transparency

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Good morning. My name is Ann Luther. I'm the Advocacy Chair of the League of Women Voters of Maine, a volunteer, and a resident of Trenton. The League of Women Voters of Maine submits the following testimony *in support of* LD 1026. We would like to thank Representative Hubbell for working with us on this important legislation.

Our democracy rests not just on the integrity of our election process, but also on the confidence that we, as citizens, have in our elections. Unfortunately, a Pew poll conducted in the weeks leading up to the 2018 midterms found a majority of Americans concerned that our elections could be hacked.<sup>1</sup> While security experts have identified technical vulnerabilities to malicious intrusion<sup>2</sup>, it's important to remember that election results can also be compromised by inadvertent 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 others in the extended chain of responsibility for conducting elections.

In 2017, the National Academy of Sciences established a committee to study risks to American elections. Their recently released report<sup>3</sup> does identify numerous opportunities to improve and secure our election system but found that the most significant threats we face are active "efforts to undermine the credibility of election results" by both domestic and foreign actors.

In response to numerous process concerns identified during the 2000 presidential election, the League of Women Voters of the United States established an Election Audits Task Force to conduct a yearlong study of election audits. The report of the task force<sup>4</sup> emphasizes the importance of transparency in election procedures and the role of post-election audits in

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<sup>1</sup><http://www.people-press.org/2018/10/29/elections-in-america-concerns-over-security-divisions-over-expanding-access-to-voting/?fbclid=IwAR0kX23TUBJtk8DS8-gRGaWC7HA5RIqaiRvh0PNfdOT-NkxW8iWTm-Muu6tl>

<sup>2</sup> <https://www.chicagotribune.com/business/ct-biz-voting-machine-security-20181029-story.html>

<sup>3</sup> [www.nap.edu/catalog/25120/securing-the-vote-protecting-american-democracy](http://www.nap.edu/catalog/25120/securing-the-vote-protecting-american-democracy)

<sup>4</sup><https://sites.google.com/a/leagueofwomensvoters.org/clearinghouse/rep/election-administration/lwvus-report-on-election-auditing>

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identifying errors, whether those errors stem from deliberate manipulation or from inadvertent mistakes. LD 1026 includes several of the recommendations found in this report.

The first section of this bill provides a basic process audit by helping the public better understand election security protocols and providing a streamlined process to record reported concerns. Local election officials are asked to submit checklists and ballot reconciliation forms designed to support existing rules. Finally, the Secretary of State is directed to report to the legislature and the public after each election, providing data to drive iterative improvement in our election processes.

Section 3 calls for a study of post-election audits and recounts, rather than implementation of such audits because an audit of Maine elections needs to reflect Maine election and recount laws. The academic research and experiences of other states can certainly inform our work, but the details will need to be adapted to reflect the realities of our elections. The study and pilots in this bill will pave the way for Maine to develop in integrated program of audits and recounts to insure the integrity of our election results.

The only provision in this bill that does not appear the League's Election Audit Report is the Section 4 requirement that the Secretary of State join the Electronic Registration Information Center (ERIC). ERIC is a data sharing consortium owned by the member states designed to "improve the accuracy and efficiency of state voter registration systems."<sup>5</sup> This requirement is referenced in lines 32-34, but the reference to "automatic voter registration" should be dropped.

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 suggest that a well-designed post-election audit can identify and correct any errors in ballot counting, whatever the source. A transparent audit that is open to the public and the media, can provide a powerful counter-narrative to claims of tampering and fraud. We believe that LD 1026 represents a strong first step toward a robust election audit that can increase the transparency and reliability of our election process.

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<sup>5</sup><https://www.pewtrusts.org/en/projects/archived-projects/election-initiatives/about/upgrading-voter-registration/eric>