



April 6, 2018

Honorable Matthew Dunlap
Secretary of State
Matthew.Dunlap@maine.gov

Julie Flynn
Deputy Secretary of State
Julie.Flynn@maine.gov

148 State House Station
Augusta, Maine 04333-0148

Dear Matt and Julie:

Thank you for the opportunity to comment on the emergency rules for the ranked choice voting election this June. The publication of these rules is a crucial milestone on the road to making ranked choice voting a reality in Maine. We found the rules to be timely and constructive. Although the Secretary of State could have issued these emergency rules without public comment, the League salutes you for working to create an opportunity for public comment. We realize that you have gone beyond the requirements of the law to encourage public input into this process.

Our comments cover a range in level of detail and critical importance, but our highest priority concerns relate to timeliness and transparency. Specifically, we recommend the following:

- The Secretary of State should establish a default presumption that the ballots and memory sticks will be retrieved as soon as possible after Election Day, possibly beginning on the Wednesday after the election. For this election, we would have to see a majority winner in ALL the major contests to obviate the need for this step. Let's not wait.
- The Secretary of State should not wait to initiate processing of the ballots and memory devices until the majority of towns have returned their materials. We believe this is too high standard, and that it will delay processing even when as many as 97% of the actual ballots are ready and waiting to be processed.
- The Secretary of State should not wait to initiate the RCV Counting Utility until all towns have provided their memory sticks or ballots to the central facility. While there is value in waiting for a complete set of ballots before running this computation, there is a countervailing value in ensuring that the public (and the candidates) have information on the election even if that information is unofficial and not complete. After a few days, we believe the balance tips in favor of providing more information and that it is not necessary or good policy to wait a long period of time for a few straggler ballots that won't affect the outcome. Therefore we urge you to start processing the cast vote record and announcing partial results as soon as possible after Election Day. Ideally, this would be Friday or Monday after Election Day, and the Office would continue to release updated runs each subsequent day until the CVR is complete.
- Finally, once the RCV count is complete and final results have been announced, we urge you to publish a digital copy of the complete cast vote record for each contest. This allows campaigns and interested citizens to check the round-by-round results using public-domain counting utilities, and it is essential to candidates contemplating a recount request.

We are continuing to examine recount procedures and protocols and look forward to a discussion of those issues when the time is right.

We continue to believe that the best outcomes for Maine during a period of significant change will be achieved through open and respectful discussion with public officials and other stakeholders.

Throughout this transition, we hope that you will regard the League and our project, Maine Uses Ranked Choice Voting, as a source of insight and support.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Ann".

Ann Luther
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