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# **State of Maine**

## **Preliminary State Plan**

**for the Implementation of the  
Help America Vote Act of 2002**

*(Public Law 107-252)*

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Dear Election Assistance Commission and Citizens of Maine,

I am pleased to submit to you the State of Maine Preliminary State Plan for the Implementation of the Help America Vote Act of 2002. The Help America Vote Act of 2002 (HAVA), enacted by Congress on October 29, 2002, is the most significant piece of federal election reform legislation in the past 30 years. The federal law seeks to enhance the accessibility and integrity of elections across the country and authorizes federal funding to assist states in meeting the law's requirements. HAVA presents Maine with an exciting opportunity to enhance our elections with an unprecedented level of resources. This Preliminary State Plan outlines Maine's strategy for complying with the federal requirements and refining our elections process.

Maine has a long and proud tradition of implementing election laws, procedures and practices to encourage a high level of voter access and participation and to instill confidence in the integrity and accuracy of election results. As a result, Maine is well positioned to meet many of the HAVA's requirements. However, the State's compliance with all requirements will necessitate substantial efforts at the State and municipal level and full funding by Congress.

I want to take this opportunity to thank the State Plan Advisory Committee, comprised of a variety of stakeholders, who worked with me to craft our plan. In Maine, the successful conduct of elections is a cooperative effort of State and municipal election officials. The success of our elections process also relies on the confidence and participation of all Maine citizens. The State Plan Advisory Committee has set out a framework for continued cooperation as we implement HAVA. They have worked to create a plan that will help ensure that every vote counts as intended and that no voter is excluded from the process.

This plan sets out an ambitious agenda for implementing HAVA and enhancing Maine's elections process. With the continued dedication of election officials, civic organizations and Maine's citizens, I am confident we will meet our goals and continue to lead the nation with citizen participation and voter confidence in our elections. I hope you will share your thoughts with us about this Preliminary State Plan, and Maine's election process.

Sincerely,

Dan A. Gwadosky  
Maine Secretary of State

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## BACKGROUND AND OVERVIEW

The Help America Vote Act of 2002 (HAVA) is a landmark piece of election reform legislation that seeks to enhance the integrity of our elections process by establishing certain minimum standards for the conduct of federal elections. HAVA also authorizes the federal government to make funds available to states for the purposes of implementing the requirements of the law and making other election improvements.

In Maine, our election laws and practices are strong and we are already in compliance with several of the federal requirements contained in the Help America Vote Act, including the provisional voting requirements, most voting information requirements, and all voting system requirements except for the disability access provisions.

We will, however, need to obtain all possible funds to execute the requirements of HAVA that we do not meet. The single biggest challenge Maine faces in complying with HAVA is the development and implementation of a statewide computerized central voter registration list. Due to the current decentralized process of maintaining the voter registration lists in each municipality, implementation of the central voter registration list will require the greatest use of HAVA resources. Another significant challenge will be compliance with the disability accessibility requirements for voting systems. The planning, technology, and training necessary to implement these provisions require most of the resources available through HAVA. Without full funding, Maine will not achieve full compliance.

### **Maine's Current Election Process**

State and Federal elections in Maine are conducted in a manner used mostly in the New England States, which dates back to our country's earliest traditions of government. Maine's election process is a partnership between the State and the municipalities.

The Secretary of State is the chief state election official, and has central authority to oversee the application of the State's election laws and procedures; approve voting machines for use by municipalities; train and advise municipal election officials in the proper conduct of statewide elections; design, prepare and distribute ballots and other election forms in a consistent format for all municipalities; collect and compile statewide reports of election results and voter registration figures; and conduct recounts centrally following uniform procedures. The staff of the Division of Elections carries out these election activities on behalf of the Secretary of State.

The conduct of elections and voter registration is decentralized, occurring in 503 separate voting jurisdictions. These jurisdictions include municipalities, plantations and a small number of unorganized townships that administer their own elections, and range in the number of registered voters from 2 to 50,799. Each jurisdiction has a Clerk, who is responsible for conducting elections, and a Registrar of Voters, who is responsible for voter registration activities. In many jurisdictions, one person holds both of these positions.

The local jurisdictions are responsible for determining the location of voting places; securing accessible buildings and arranging the voting area for each election; obtaining voting booths and other equipment necessary for the election; and electing or appointing election officials and



ensuring their training. In addition, municipalities that do not wish to use hand-counted paper ballots must purchase State-approved voting machines.

There are a total of 627 precincts statewide. The majority of jurisdictions have a single voting precinct, while the larger municipalities have up to 20 precincts. As of the November 2002 General Election there were 950,059 registered voters in Maine. About 92% of the voting jurisdictions have fewer than 5,000 registered voters, and over 50% of the jurisdictions have fewer than 900 registered voters.

Maine is a leader in adopting laws and procedures that remove barriers to registration and voting, encourage full citizen participation in the electoral process, and provide uniform and consistent voting procedures for all voters across the State. Since 1973, Maine has permitted new residents to register to vote in person up to and during Election Day, and has eliminated the length of residency requirement. Voters have also been allowed to register to vote by mail since 1973, and signature notarization requirements were eliminated in the late 1980's. Maine provided voter registration at motor vehicle branches five years before it was required under the National Voter Registration Act (NVRA), and added opportunities for voter registration at a variety of social service and public agencies when NVRA was adopted.

For decades, Maine has allowed absentee voting under certain circumstances both by mail and in the presence of the municipal clerk. In 1999, the election law was amended to allow any voter to cast an absentee ballot for any reason. In recent years, Maine has also expanded access to absentee voting by allowing voters to obtain a ballot via a telephone request, an immediate family member, a designated third person, or voting in the presence of the municipal clerk in certain licensed residential facilities.

Maine law also includes a fail-safe voting system, in the form of the challenged ballot. Qualified voters whose names do not appear on the voting list, or who are unable to show satisfactory proof of identity and residency upon registering to vote on Election Day, must be allowed to vote a challenged ballot. The challenge process protects the voter's right to vote. It also protects the integrity of the system by marking challenged ballots for later retrieval and a determination of validity if the results of the election could be affected by those ballots.

In the 1980's and 1990's, the Maine municipalities that used older voting technologies (e.g. mechanical lever machines and punch card voting systems) replaced those systems with newer optical scan precinct tabulators. Although only 22% of Maine's voting jurisdictions use optical scan systems, over 65% of the voters in Maine vote using one of these systems. All others vote using paper ballots that are counted by hand.

The Office of the Secretary of State has pioneered the use of its website to provide a wealth of election information to the public. From information on upcoming elections, including the Citizen's Guide to the Referendum Election and candidate listings, to information on registering to vote and absentee voting, to the results of prior elections over the past decade, Maine has used the web to create a vital link between the citizens of Maine and their democracy.



In an effort to ensure that municipal election officials have the tools they need to conduct election and voter registration duties according to current laws and procedures, the Secretary of State has created educational and instructional materials and has conducted voluntary training sessions for municipal clerks and registrars in partnership with the Maine Town and City Clerk's Association over the past decade. The Secretary of State also hosts a 2-day annual elections conference to combine specific training on election duties with other professional development sessions. In addition, Maine now requires that all municipal clerks and registrars attend at least one of these training programs during each two-year election cycle.

All of Maine's efforts to improve the accessibility and consistency of the State's voter registration and election processes have increased voter confidence in Maine's electoral process and likewise have increased voter participation dramatically in the last 30 years. In the Presidential Election of 1972, Maine's turnout was twenty-first in the nation. In the Presidential Elections of 1992 and 1996, Maine led the nation in voter turnout, and in 2000, Maine's turnout was second in the nation.

### **The Future of Maine's Elections**

Maine, through the efforts of the Secretary of State, the Legislature, advocacy groups and other concerned citizens, has consistently updated its laws and procedures to enhance the integrity of the election process and increase citizen participation in democracy, and will continue to do so. HAVA bolsters those efforts by providing Maine with an unprecedented level of federal resources to make substantial election infrastructure improvements and technological advances. HAVA also mandates Maine to meet certain requirements. Full funding of HAVA will ensure that Maine meets these requirements.

This State Plan outlines Maine's approach to implementing HAVA. It does not attempt to address every detail of implementation, but provides a basic framework and budget for achieving compliance. Importantly, Maine recognizes that the requirements contained in HAVA are minimum requirements. This plan is not intended to prevent Maine from exceeding these minimum requirements.



State Plan Required Elements (HAVA §254)

### 1. Title III Requirements and Other Activities

How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections. -- HAVA §254 (a)(1)

#### 1.A §301(a), Voting Systems Standards Requirements

Deadline for Compliance: January 1, 2006; no waiver permitted.

Maine has 503 municipal jurisdictions and 627 precincts where voting is conducted for federal and state elections. The State approves the voting systems that may be purchased by municipalities and prepares all ballots in a consistent format for these voting systems. Two categories of voting systems are currently used in Maine. Hand counted paper ballots are used by 394 municipalities, and optical scan ballots are used by 109 municipalities. (Optical scan ballots are also paper based, but are machine counted using precinct tabulators.)

##### Hand Counted Paper Ballots

Paper Ballot	394 municipalities*	401 voting precincts
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\*includes unorganized townships that conduct their own voting

##### Optical Scan Ballot

Accu-Vote ES-2000	36 municipalities	72 voting precincts
Optech IIP	47 municipalities	69 voting precincts
Optech IIP Eagle	24 municipalities	83 voting precincts
ES&S Model 100	2 municipalities	2 voting precincts

##### Verification and Correction of Ballots before Casting

Since all voting systems in Maine currently use a paper ballot, voters can verify their vote selections in a private and independent manner before their ballots are cast and counted. Voters are permitted to change a selection or otherwise correct any error on their ballots by returning their spoiled ballot to the election clerk and requesting a replacement ballot. (Voters may obtain up to 2 replacement ballots, or a total of 3 ballots.)

All optical scan voting systems in use in Maine are capable of being programmed to notify voters of overvotes (multiple votes cast for a candidate or question) and return those ballots to the voter for an opportunity to correct the error using a replacement ballot. The Secretary of State (in conjunction with municipal election officials and the vendors charged with programming or maintaining these systems) will implement this programming change by January 1, 2006.

The Secretary of State already has an extensive voter education program for each voting system currently in use. The Secretary of State provides instructions on how a voter can correct an error through the use of a replacement ballot and will enhance these instructions to describe the effect of an overvote.



### **Audit**

The paper ballots and paper based optical scan ballots used in Maine elections serve as the paper record required for manual audits. Maine already utilizes a manual recount system for all types of ballots, satisfying the manual audit capacity requirement.

### **Disability Access**

Maine will not have enough resources, even with the federal funding, to replace all the existing voting systems with accessible units. However, Maine will improve its accessibility and satisfy this requirement by purchasing at least one direct recording electronic voting system (DRE), or other system equipped for individuals with disabilities, per voting precinct. Although past practice by the State of Maine has been for the Secretary of State to approve voting systems that may be purchased by municipalities, the Secretary of State will go through a process to select the DRE's, or other compliant systems, and undertake a statewide purchase of those systems by January 1, 2006. The Secretary of State will explore joint purchasing agreements with other states. The purchase may include ongoing programming and maintenance costs associated with the selected systems.

The process for selecting any systems will include input from municipal election officials, members of various disability communities, senior citizen representatives, and other interested parties. The Secretary of State will consider, among other functionalities, the requirements of Maine's challenged ballot procedure, alternative language capabilities, and flexibility in programming for various election formats. The Secretary of State will ensure that the systems to be purchased meet all federal requirements.

The Secretary of State will incorporate extensive voter education and poll worker training for the new systems into its existing education and outreach programs prior to the first election in which they are used.

### **Alternative Language Accessibility**

Although no jurisdiction in Maine is subject to the alternative language accessibility requirements of Section 203 of the Voting Rights Act of 1965, voting systems approved in the future will be required to be capable of providing alternative language accessibility should it become necessary. In addition, the Secretary of State will monitor language trends throughout its various voting jurisdictions and will consider voluntary and targeted measures to increase citizen participation and access in those jurisdictions with significant populations of citizens who use languages other than English as their primary language.

### **Error Rates**

Current voting systems used in Maine comply with the error rate standards established under section 3.2.1 of the voting system standards issued by the Federal Election Commission and in effect at the time that HAVA was enacted.

The following standard will apply to any new voting systems purchased by the State or approved by the Secretary of State for municipal purchase, including DRE's: For each processing function, the voting system shall achieve a target error rate of no more than 1 in 10 million ballot positions, with a maximum acceptable error rate in the test process of 1 in 500,000 ballot positions.



All systems submitted for certification in Maine will be required to provide documentation by the Independent Testing Authority, indicating that their systems comply with these error rates.

### **Uniform Definition of what Constitutes a Vote**

Maine has a uniform state law requiring a determination of voter intent and has a uniform central recount procedure.

Maine statute requires that election officials must count each vote based on voter intent, even when the ballot is marked in a way that differs from the instructions. Before every election, the Secretary of State provides each municipality with uniform instructions for counting ballots, including instructions on counting specific types of ballots such as challenged ballots, invalid vote ballots, defective ballots and void ballots. In addition, the Secretary of State provides municipal election officials with training on how to determine voter intent. This training is based on case law and includes examples of common ballot mis-markings that still show voter intent.

Further enhancing the uniform application of voter intent at the municipal level is the Secretary of State's exclusive, central authority to conduct recounts. All recounts follow a well-established, uniform recount procedure, which includes instructions on counting certain types of ballots and determining voter intent.

Although the framework for determining voter intent is uniform, the Secretary of State will work in consultation with municipal election officials and other stakeholders to further clarify and define voter intent for each category of voting system used in Maine. The Secretary of State will work to incorporate these definitions into either statute or rule by January 1, 2006.



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
<b>SEC. 301. VOTING SYSTEMS STANDARDS</b>			
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements			
(1) IN GENERAL-			
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall			
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;	Meets. <i>Maine uses paper ballots and optical scan ballots. Optical scan ballots are paper based and can be verified before casting.</i>		
(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and	Meets. <i>Maine utilizes a replacement ballot process. Voters may obtain up to 3 ballots.</i>		
(iii) if the voter selects votes for more than one candidate for a single office-- (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	Does not meet.	The State will ensure that machines are programmed to return any overvoted ballots to the voters; will instruct municipal election officials on how to handle these ballots; and, will prepare instructions for voters about overvotes and how to correct them.	
(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by			



State of Maine's Current Status		
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Partially meets. <i>Maine has a voter education program specific to each voting system, but must add information about casting multiple votes for an office.</i>	Maine will incorporate information on the mechanics of voting (such as the effect of overvoting) into our voter education program (voting brochures and posters) and the ballot instructions.
(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)	Partially Meets. <i>Maine posts one instruction poster in each voting booth and two are posted outside the guardrails at each polling precinct.</i>	Maine will add the specifics about an overvote to the instruction posters or create a separate poster.
(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.	Meets. <i>Voting systems notification is done either by verbal instruction or by tape diagnostics.</i>	
(2) AUDIT CAPACITY-		
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets. <i>All systems currently have a paper ballot.</i>	
(B) MANUAL AUDIT CAPACITY-		
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Meets. <i>All systems currently have a paper ballot.</i>	
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Meets. <i>Maine utilizes a replacement ballot process. Voters may obtain up to 3 ballots.</i>	
(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.	Meets. <i>By policy, all recounts, even of optical scan ballots, are manually hand-counted.</i>	
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall-		



		State of Maine's Current Status	
Requirement		(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
	(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;	Does not meet.	Maine will satisfy this requirement through the use of at least one DRE, or other voting system equipped for individuals with disabilities, per polling place as provided in paragraph (3)(B).
	(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	Does not meet.	Maine will use Title II funds to purchase one DRE, or other voting system equipped for individuals with disabilities, for each polling place by January 1, 2006.
	(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).	N/A	
	(4) ALTERNATIVE LANGUAGE ACCESSIBILITY- The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	N/A <i>No jurisdictions in Maine are subject to section 203 of the Voting Rights Act.</i>	
	(5) ERROR RATES- The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	Meets.	
	(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE- Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	Partially meets. <i>Maine has a uniform state law requiring a determination of voter intent and has a uniform central recount procedure.</i>	Maine will further clarify and define voter intent for each category of voting system and will incorporate these definitions into either statute or rule by January 1, 2006.



## **1.B §302, Provisional Voting and Voting Information Requirements**

*Deadline for Compliance: January 1, 2004; no waiver permitted.*

### **Provisional Voting Requirements**

Maine's challenged ballot law (21-A M.R.S.A. §673) in combination with its Election Day registration law (21-A M.R.S.A. §122), meet the provisional voting requirements of HAVA. Maine law permits in-person voter registration on Election Day, and there is no length of residency requirement to qualify as a voter. Under current Maine law, any person whose name is not on the voting list on Election Day may show proof of identity and residency to the registrar and must then be allowed to vote. A voter whose name was removed from the voting list in error, may reinstate the registration at the polls, and be permitted to vote. A new voter who declares residency on Election Day, but does not have satisfactory proof of such residency, must be allowed to vote a challenged ballot. Maine's challenged ballot process achieves the required results of provisional voting.

Under Maine's challenged ballot law, an election official or any voter of a municipality may challenge the right of another person to vote in that municipality. A challenge of an in-person voter must be made to the election warden before that voter enters a voting booth. A challenge of an absentee voter must be made at the time that absentee ballot is being processed by the municipal clerk or election official, and before the ballot is placed in the ballot box or tabulating machine.

There are certain requirements that must be met for a challenge to be processed by the warden. If these requirements are met, the warden completes a challenge certificate, containing: the challenged voter's affirmation of the voter's qualifications and registration status; the signature and identifying information from the challenger, including the reason that the voter is being challenged; and the signature of the warden. The warden writes a unique number on the ballot as well as on the challenge certificate. This number is known only to the warden and the voter. The warden returns the ballot to the voter and the voter proceeds to vote in the usual manner. The warden seals the challenge certificate in an envelope, which is secured with the voted ballots and other materials at the end of Election Day. The warden also creates a public list containing the challenged voter's name, the name of the challenger and the reason for the challenge.

Challenged ballots are counted in the same manner as regular ballots on election night. The validity of a challenge is not reviewed unless a recount occurs, it is determined that there are a sufficient number of challenged ballots to affect the outcome of the election, and the recount remains disputed. In that event, the appropriate appeal authority promptly reviews any challenged ballots as well as ballots that were disputed during the recount, and makes a determination as to whether these ballots will be removed from the count.

### **Instructions for municipal election officials**

The Secretary of State will provide municipal election officials with an informational sheet on the challenged ballot process that the election officials at each voting place can give to each challenged voter. The information sheet will detail how an individual can determine the status of a challenged vote. The Secretary of State will provide generic information on its web site



that confirms that all challenged ballots have been counted, and provide an email address or other electronic system where individual voters can request additional information. If there is a disputed recount, and any challenged voters are deemed not to be eligible, the Secretary of State will give notice to the individual voters affected.

### **Voting Information Requirements**

For many years, Maine has had laws requiring the posting of voting information at the polls. In recent years, the Secretary of State has worked with adult literacy experts to produce all election information in a format that is most easily understood by voters. In addition, the Secretary of State is continually providing new and improved information and instructions for voters and election officials.

The Secretary of State provides certain instructional materials to each municipality for posting in each voting place. These materials include:

- A Notice of Election that is posted in a conspicuous place in each voting district, announcing the date and polling hours of the election, the location of the polling place in that district, and the offices and questions that will appear on the ballot. This notice must be posted at least 7 days prior to the election along with a sample ballot of each official ballot being used at that voting place.
- Instruction posters inform voters how to properly mark their ballot, how to cast a write-in vote, how to obtain assistance and what to do if they make an error. These posters are placed in each voting booth, and two additional instruction posters are located at the entrance to the voting place on Election Day. An enlarged instruction poster is placed in one of the voting booths in each precinct, that is further equipped with a magnifying device and an adjustable light.
- Two sample ballots of each official ballot being used at a voting place are posted at the entrance to that voting place on Election Day.
- A penalty poster that describes certain election law violations is posted at the entrance to each voting place on Election Day. In addition, this poster must be permanently posted at each voter registration location.
- A voting rights poster (“Your Right to Vote in Maine”) is posted at the entrance to each voting place on Election Day. In addition, this poster must be permanently posted at each voter registration location.

Maine requires the posting of other election materials at the polls, including a certified copy of the voter registration list, a list of the persons appointed to be election clerks and information pertaining to the issues on the referendum ballot.

The Secretary of State will develop instructions on casting a challenged ballot and the requirements for mail-in registrants and first time voters described in section 303(b).



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
<b>SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.</b>	Maine law permits in-person voter registration on Election Day, and there is no length of residency requirement to qualify as a voter. Under current Maine law, any person whose name is not on the voting list on Election Day may show proof of identity and residency to register and must then be allowed to vote. A voter whose name was removed from the voting list in error may reinstate the registration at the polls, and be permitted to vote. A new voter who declares residency on Election Day, but does not have satisfactory proof of such residency, must be allowed to vote a challenged ballot. Maine's challenged ballot process achieves the required results of provisional voting.		
(a) PROVISIONAL VOTING REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:			
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Meets.		
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--			
(A) a registered voter in the jurisdiction in which the individual desires to vote; and	Meets.		
(B) eligible to vote in that election.	Meets.		



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	Meets. <i>Information regarding challenged voters is verified promptly, as necessary, as part of the appeal of a disputed recount.</i>		
(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	Meets. <i>A challenged ballot is counted on Election Day and at any recount, unless the number of challenges is sufficient to affect the outcome of the election, when the recount becomes disputed. During an appeal of a disputed recount, if a challenged voter is determined not to be eligible by the appeal authority, then the challenged ballot is removed from the count.</i>		
(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.		Beginning January 1, 2004, Maine will provide an informational sheet on the challenged ballot process that the election officials at each voting place can give to each challenged voter.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.		Beginning January 1, 2004, Maine will provide generic information on the Secretary of State's web site that confirms that all challenged ballots have been counted, and will provide an email address where individual voters can request additional information. If there is a disputed recount, and any challenged voters are deemed not to be eligible, Maine will give notice to individual voters affected.



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.		
(b) VOTING INFORMATION REQUIREMENTS-		
(1) PUBLIC POSTING ON ELECTION DAY- The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.	Meets. <i>Maine law currently requires the posting of certain voting information at each polling place on Election Day.</i>	
(2) VOTING INFORMATION DEFINED- In this section, the term 'voting information' means--		
(A) a sample version of the ballot that will be used for that election;	Meets. <i>21-A MRSA §651 requires the posting of 2 sets of sample ballots of each type being used at each voting place to be posted in that voting place.</i>	
(B) information regarding the date of the election and the hours during which polling places will be open;	Meets. <i>21-A MRSA §622-A requires the posting of a Notice of Election in each voting district, that provides the date of the election and the polling hours as well as other information specific to that election.</i>	
(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	Partially meets. <i>21-A MRSA §605 and §651 requires the posting of one Instruction Poster inside each voting booth and two additional Instruction Posters at each voting place (along with the Sample Ballots above).</i>	Maine will either add instructions on casting a challenged ballot to the Instruction Poster, or will develop separate instructions on this issue to be posted at each voting place.



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
	(D) instructions for mail-in registrants and first-time voters under section 303(b);	Does not meet.	Maine will develop instructional material regarding mail-in registrants and first-time voters to be posted at each voting place.
	(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Meets. <i>21-A MRSA §605 requires the posting of a Voter Rights Poster, that informs voters of their rights, including the right to vote a challenged ballot, at the entrances to each polling place and voter registration place.</i>	
	(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Meets. <i>21-A MRSA §605 requires the posting of a Penalty Poster, that informs voters of the penalties for election law violations, at the entrances to each polling place and voter registration place.</i>	
	(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE- Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.	Meets. <i>Maine has adopted of P.L. 2003 c.407 – “An Act to Comply With Federal Election Laws Including the Help America Vote Act of 2002”, effective June 3, 2003. The law brings Maine into compliance with this requirement.</i>	



### **1.C §303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail**

*Deadline for Compliance: January 1, 2004; State can submit a certification stating “good cause” that will move the deadline for §303(a) compliance to January 1, 2006.*

The most significant challenge Maine faces in meeting the requirements of the Help America Vote Act is the development, implementation and management of a computerized statewide voter registration list as described in HAVA §303(a). Due to the decentralized nature of Maine’s registration process, an enormous collaborative effort of the State and municipalities will be necessary to come into compliance with this particular requirement. The State will also need to invest the most significant portion of the funds made available under HAVA to ensure the success of this effort.

The State of Maine, like most other states, has at the foundation of its elections process a system for registering those citizens who are eligible to vote in local, state, and federal elections. As referenced earlier in this plan, Maine has consistently sought to ensure that the registration process is open, easy, and accessible to all eligible citizens, while maintaining the integrity of our elections. To prevent voter registration from becoming a barrier to citizen participation in our democracy, Maine has, for the past thirty years, allowed mail-in voter registration and in-person Election Day voter registration. Maine implemented voter registration at motor vehicle branches five years prior to implementation of the National Voter Registration Act. Maine law also permits voters, whose registration qualifications are questioned, to cast a challenged ballot.

Although Maine registration laws are uniform throughout the State, individual jurisdictions are responsible for the actual collection of registration data and maintenance of official voter registration lists. The Help America Vote Act provides Maine with a challenging mandate and an opportunity to enhance the citizen access, integrity, and administrative efficiency of our registration process by developing a computerized statewide voter registration list.

Currently, each municipality’s registrar of voters is responsible for maintaining a list of residents who are eligible and registered to vote in elections. These official voter registration lists are maintained separately by 503 municipal jurisdictions, in a variety of disparate formats, including handwritten, typed, and computerized lists. The number of citizens registered to vote ranges from 2 in Maine’s smallest jurisdiction to 50,799 in Maine’s largest city. Nearly 400 municipalities have fewer than 2,000 registered voters.

The development of a computerized statewide voter registration list as described in HAVA will be a significant undertaking in Maine due to the State’s current decentralized, municipal level voter registration process, and the rural nature of our state. This project will involve the acquisition of the technological capabilities for the State to administer the system, the integration of existing and varying municipal data, the development of the necessary infrastructural capabilities throughout the State, and extensive training for state and local election officials. A substantial portion of federal



funds made available to the State of Maine under HAVA will be necessary for Maine to develop a computerized statewide voter registration system.

### **Development and Implementation of List**

In anticipation of the federal requirement to develop a computerized statewide voter registration list, and in recognition of the benefits of developing such a system, Maine enacted enabling legislation to facilitate the list's development. Maine Public Laws 2001, Chapter 637 - *An Act to Establish a Centralized Voter Registration System for the State* (21-A MRSA §§191-195), sets forth the general process Maine will use to implement this requirement. The state law established a Centralized Voter Registration Advisory Committee, consisting of various stakeholders, to advise the Secretary of State with respect to planning for the centralized voter registration system. The law also creates a pilot program and calls for a staged implementation plan to bring the entire state online.

The Secretary of State has convened the Advisory Committee and is in the process of conducting a comprehensive needs assessment, defining the system parameters, and drafting a request for proposals (RFP). During this process, in addition to consulting with the members of the Advisory Committee, the Secretary of State may also consult with municipal election officials, state agencies, and other states to define the functional requirements of a computerized statewide voter registration list. The Secretary of State will also take necessary steps to ensure that the list will be coordinated with other agency data, specifically including data from the Bureau of Motor Vehicles and the Office of Vital Statistics.

The State may also consider hiring an outside consultant to assist with the needs assessment and drafting of a request for proposals (RFP) to build and implement the system. The RFP will incorporate each of the voter registration list requirements set out in HAVA. Maine's successful implementation of a computerized statewide voter registration list will require the combined efforts of state election officials, municipal election officials, other state agencies and any contracted vendor or vendors. The Secretary of State will coordinate these efforts and manage the implementation.

### **Mail-in Registrations**

The Secretary of State and the State Plan Committee have reviewed Maine's registration procedures and have made modifications to those procedures, where necessary, to bring Maine into compliance with the requirements for voters who register by mail. Maine has established procedures to obtain the required ID for first time mail-in registrations received after January 1, 2003. The procedures include collecting required information prior to and on Election Day. The Secretary of State has also updated the voter registration card, mail-in voter registration acknowledgement procedures and forms to advise mail-in registrants of the HAVA requirements and to notify those with incomplete applications how they may complete their registrations. Maine's challenged ballot and Election Day voter registration laws will ensure that voters who fail to provide the required ID by the first federal election in which they vote will still be eligible for fail-safe voting in person or by mail.



Upon implementation of a computerized statewide voter registration list, Maine will be capable of matching the registrants' driver license numbers or the last 4 digits of their social security numbers with existing state identification records to confirm the ID of prospective registrants and to satisfy the ID requirements.

### **Voter Registration Goals**

Maine, through its implementation of a computerized statewide voter registration list and its implementation of the requirements for those who register by mail, will seek enhanced access and ease of registration for voters, accuracy and integrity of voter registration information, administrative efficiencies, uniformity, and ease of operation by municipalities.



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
<b>SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.</b>		
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS-		
(1) IMPLEMENTATION-		
(A) IN GENERAL- Except as provided in subparagraph (B), each State, acting through the chief state election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the computerized list), and includes the following:	Does Not Meet. <i>In 2002, the Secretary of State secured passage of state enabling legislation to implement a computerized statewide voter registration list (PL 2001, c.637). Pursuant to this law, an advisory committee was named, and has been convened in 2003 to begin to review system parameters and draft an RFP.</i>	The Secretary of State anticipates the need to request a waiver of the 1/1/2004 deadline, and to evidence progress toward completing implementation by 1/1/2006. The State will develop and issue an RFP. Maine will implement the system first as a pilot program, and then will deploy the system in stages.
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Does Not Meet.	The RFP will include this requirement.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Does Not Meet.	The RFP will include this requirement.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Does Not Meet.	The RFP will include this requirement.



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(iv) The computerized list shall be coordinated with other agency databases within the State.	Does not meet.		The RFP will include this requirement. The Secretary of State will coordinate the list with the databases of the Bureau of Motor Vehicles and the Office of Vital Statistics, and may draft rules governing this procedure.
(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	Does not meet.		The RFP will include this requirement.
(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	Does not meet.		Maine will address this requirement by policy or by rule.
(vii) The chief state election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).	Does not meet.		Maine will address this requirement by policy or by rule.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Does not meet.		Maine will address this requirement by policy or by rule.
(B) EXCEPTION- The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.			
(2) COMPUTERIZED LIST MAINTENANCE-			



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(A) IN GENERAL- The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:		
(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	Partially meets. <i>Maine currently meets the requirements of NVRA for voter list maintenance at the local level.</i>	The Secretary of State will explore statewide methods for list maintenance and will update procedures to be compatible with the new computerized list.
(ii) For purposes of removing names of ineligible voters from the official list of eligible voters-- (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.	Does not meet. <i>Maine does not prohibit felons from voting, so it will not be necessary to coordinate the computerized list with State agency records on felony status.</i>	The Secretary of State will coordinate the list with the Office of Vital Statistics and will require this functionality in the RFP.
(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.	N/A	
(B) CONDUCT- The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that--		
(i) the name of each registered voter appears in the computerized list;	Does not meet.	Maine will include this requirement in the RFP.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Partially meets. <i>Maine currently meets this requirement at the municipal level.</i>	Maine will include this requirement in the RFP and will address in policy or rules.
(iii) duplicate names are eliminated from the computerized list.	Does not meet.	Maine will include this requirement in the RFP.



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST- The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	Does not meet.	Maine will include this requirement in the RFP.
(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS- The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:		
(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.	Meets. <i>Maine currently meets this requirement at the municipal level.</i>	The Secretary of State will monitor implementation of the computerized list and ensure ongoing compliance.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Meets. <i>Maine currently meets this requirement at the municipal level. Maine's Election Day registration law is an additional safeguard for voters.</i>	The Secretary of State will monitor implementation of the computerized list and ensure ongoing compliance.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION-		
(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS-		
(i) IN GENERAL- Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes-- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.	Does not meet.	Maine will meet this requirement upon implementation of the computerized statewide voter registration system.



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER- If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	Does not meet.	Maine will meet this requirement upon implementation of the computerized statewide voter registration system.
(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED- The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.	Does not meet.	Maine will consider what verification of voter identification is necessary and will adopt rules as appropriate.
<b>(B) REQUIREMENTS FOR STATE OFFICIALS-</b>		
(i) SHARING INFORMATION IN DATABASES- The chief state election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.	N/A. <i>The Secretary of State is both the chief state election official and the chief motor vehicle authority, so no agreement is required.</i>	Maine will ensure that the intended information sharing occurs.
(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY- The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).	Meets.	
<b>(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-</b>		
(1) IN GENERAL- Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--		
(A) the individual registered to vote in a jurisdiction by mail; and		



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
<p>(B)(i) the individual has not previously voted in an election for Federal office in the State; or</p> <p>(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).</p>		
(2) REQUIREMENTS-		
(A) IN GENERAL- An individual meets the requirements of this paragraph if the individual--		
(i) in the case of an individual who votes in person-- (I) presents to the appropriate State or local election official a current and valid photo identification; or (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;	<p>Meets.</p> <p><i>Maine has established procedures to collect the required information prior to and on Election Day. Voters without this information will be eligible for fail safe voting.</i></p>	
(ii) in the case of an individual who votes by mail, submits with the ballot-- (I) a copy of a current and valid photo identification; or (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter	<p>Meets.</p> <p><i>Maine has established procedures to collect the required information prior to and on Election Day. Voters without this information will be eligible for fail safe voting.</i></p>	
(B) FAIL-SAFE VOTING-		
(i) IN PERSON- An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).	<p>Meets.</p> <p><i>An election official designates and counts that ballot as a challenged ballot, as established in Maine law, and as previously described in this plan.</i></p>	
(ii) BY MAIL- An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).	<p>Meets.</p> <p><i>An election official designates and counts that ballot as a challenged ballot, as established in Maine law, and as previously described in this plan.</i></p>	
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--		



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--			
(i) a copy of a current and valid photo identification; or	Meets. <i>Maine has updated mail-in voter registration acknowledgement procedures and forms, to advise mail-in registrants of HAVA requirements.</i>		
(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;	Meets. <i>Maine has updated mail-in voter registration acknowledgement procedures and forms, to advise mail-in registrants of HAVA requirements.</i>		
(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either-- (I) a driver's license number; or (II) at least the last 4 digits of the individual's social security number; and	Does not meet.	The State will meet this requirement upon implementation of a statewide centralized voter registration program.	
(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or	Does not meet.	The State will meet this requirement upon implementation of a statewide centralized voter registration program.	
(C) who is--			
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	N/A		
(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or	N/A		
(iii) entitled to vote otherwise than in person under any other Federal law.	N/A		
(4) CONTENTS OF MAIL-IN REGISTRATION FORM-			



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(A) IN GENERAL- The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:			
(i) The question 'Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.	Meets. <i>Maine has updated the voter registration application to comply with this requirement.</i>		
(ii) The question 'Will you be 18 years of age on or before Election Day?' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on Election Day.	Meets. <i>Maine has updated the voter registration application to comply with this requirement.</i>		
(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'	Meets. <i>Maine has updated the voter registration application to comply with this requirement.</i>		
(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.	Meets. <i>Maine has updated the voter registration application to comply with this requirement.</i>		
(B) INCOMPLETE FORMS- If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).	Meets. <i>Maine has established a notification system for incomplete registrations under NVRA to encompass information sought under 303(4)(A)(i).</i>		



#### **1.D §304, Minimum Requirements**

Maine understands that the requirements set forth in HAVA Title III are minimum requirements, and that the State may establish election technology and administration requirements that are more stringent. Any more stringent requirement that the State imposes will comply with all Title III requirements, as well as the laws described in HAVA §906.

#### **1.E §305, Methods of Implementation Left to Discretion of State**

Maine has chosen various means to comply with the requirements of HAVA Title III.

#### **1.F §311, Adoption of Voluntary Guidance by Commission**

Once the federal Election Assistance Commission (EAC) has issued its voluntary recommendations with respect to Title III, the State will consider that guidance in updating the State Plan. Maine will incorporate those recommendations deemed appropriate into any subsequent versions of its State Plan.

#### **1.G §312, Process for Adoption**

Maine will monitor the progress of the EAC on developing the Title III recommendations. If appropriate, the State will provide feedback during the public comment period after the recommendations are published in the Federal Register and participate in public hearings regarding the recommendations.

#### **1.H HAVA §251(b)(2) – Other Activities**

Maine does not currently plan to spend requirements payments for other activities as defined in HAVA §251(b)(2). However, Maine anticipates that it will not receive requirements payments in excess of the minimum payment amount applicable under HAVA §252(c), and thus any expenditure for such activities would be permissible.



## 2. Maine's Distribution of Requirements Payment

*How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of --*

- (A) *the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and*
- (B) *the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). -- HAVA §254 (a)(2)*

### 2.A Eligibility of local units to receive the payment

Since the Secretary of State will bear the primary responsibility for achieving the Title III requirements, the State's implementation costs will consume most or all of the requirements payments. Therefore, Maine does not anticipate being able to grant money to municipal jurisdictions at this time.

However, should it become necessary and possible to disburse funds to municipal jurisdictions to implement the Title III requirements, Maine will establish the eligibility criteria for local units to obtain the funds based on the level of funding available, and the extent of the requirements to be met at the municipal level.

Note: The State will provide such support as is feasible and appropriate to the municipalities if they seek HAVA grants outside the scope of requirements payments.

### 2.B Performance measures for local units

If it becomes possible to disburse funds to municipalities to meet the Title III requirements, the Secretary of State will ensure that municipal expenditures are subject to the controls and review outlined in this section. Local units will be responsible to account for all expenditures, funding levels, program controls, and outcomes. The Secretary of State will monitor the performance of local units in three areas: financial controls, compliance with standards, and program results.

Financial Controls: The Secretary of State will develop and use standard financial reporting for all local initiatives funded by requirements payments.

Compliance with Standards: The Secretary of State will develop and use standard program management reporting for all local initiatives that are funded by requirements payments.

Program Results: The Secretary of State will develop key performance indicators (KPI) for each local initiative funded by requirements payments.



### **3. Voter Education, Election Official Education and Training, and Poll Worker Training**

*How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. -- HAVA §254 (a)(3)*

The State of Maine recognizes that voter education, election official education and training, and poll worker training are vital for the successful conduct of elections and the implementation of election reform measures. To ensure that voters, election officials and poll workers are comfortable with the processes and technologies utilized, Maine has developed extensive outreach, education, and training materials and procedures. These include:

- A mandatory training requirement for municipal election officials (the municipal clerk and the municipal registrar of voters must attend training in their area of election administration at least once every two years) [21-A M.R.S.A. §505(7-A) and §101(9)]
- Posters (Voting Instruction Posters, Voters' Rights Poster, etc.)
- Pamphlets (How to Register/ Absentee Voting...)
- A Citizens Guide to the Referendum Election, describing the intent and content of citizen initiatives, referenda, and constitutional amendment questions
- Web site ([www.maine.gov/sos/cec/elec.htm](http://www.maine.gov/sos/cec/elec.htm))
- Voter outreach efforts (Promote the Vote/Mock Elections)
- Existing municipal training and education programs (i.e. annual elections conference, regional training seminars, and various presentations before civic groups)

The Secretary of State will incorporate new processes (e.g. ID provisions, administrative complaint procedure) and technologies (e.g. DRE's, computerized statewide voter registration system) into existing education and outreach programs. The Secretary of State will also review existing programs with input from various stakeholders (possibly including educators and marketing experts) and where appropriate expand or establish new programs. These programs will include training developed specifically for poll workers.

In Maine, the Secretary of State has initiated several efforts aimed at involving youth in our democratic process. Specifically, Maine has organized statewide Student/Parent Mock Election programs, has developed election websites targeting youth, has joined with MTV to send Birthday/Registration cards to those turning 18 years old, and has worked with Promote the Vote committees to target advertisements and other outreach messages to young citizens. To strengthen these efforts, and to increase the pool of qualified poll workers, the Secretary of State will explore education and outreach possibilities made available through the Help America Vote College Program (HAVA Title V) and the Help America Vote Foundation (HAVA Title VI).

The Secretary of State is committed to ensuring that all citizens have full and complete access to Maine elections. Outreach and education designed and targeted for various disability communities are critical to achieving this goal. The Secretary of State will work with advocacy groups for individuals with disabilities to educate voters about election accessibility issues.



The Secretary of State will also explore ways to incorporate accessibility training and cultural sensitivity training into its election official and poll worker training programs and materials.

The Secretary of State may also consider voter outreach and education programs or materials designed for citizens who use languages other than English as their primary language.



#### **4. Voting System Guidelines and Processes**

*How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301. -- HAVA §254 (a) (4)*

Voting systems currently utilized in the State of Maine are capable of being modified to comply with the provisions of Title III, except that disability accessibility requirements will require the addition of one DRE, or other voting system for individuals with disabilities, per voting precinct. Requirements in Title III will be met through a revision of Maine's election laws, rules, and procedures. In anticipation of some of the federal requirements, Maine has already adopted enabling legislation for the creation of a statewide centralized voter registration system and for mandatory training.



## 5. Maine's HAVA Fund Management

*How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. -- HAVA §254 (a) (5)*

The Secretary of State, in conjunction with the Legislature, has established an Election Fund as described in HAVA §254 (b). This fund is kept separate and distinct from all other program funds under the Department of the Secretary of State. The Election Fund consists of a federal account (for the receipt and expenditure of federal funds) and a state dedicated account (for the receipt of and expenditure of state match funds). Each account in the fund is non-lapsing and will accrue interest earned.

The Secretary of State will work with the Department of Administrative and Financial Services, the Maine State Treasurer, and the Department of Audit to follow and enforce all mandated fiscal controls and policies.



## 6. Maine’s HAVA Budget

The State’s proposed budget for activities under this part, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on –

- (A) the costs of the activities required to be carried out to meet the requirements of title III;
  - (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and
  - (C) the portion of the requirements payment, which will be used to carry out other activities.
- HAVA §254 (a)(6)

## Funding Assumptions

Maine used the following Federal and State funding assumptions, when developing its HAVA activities budget.

### Maine's HAVA Funding Eligibility

	Federal Funding	Required State Match*	Based On
2003 Title I	\$5,000,000	N/A	FY 2003 Federal Authorization
2003 Title II	\$7,000,000	\$368,421	FY 2003 Federal Authorization
2004 Title II	\$5,000,000	\$263,158	FY 2004 Federal Authorization
2005 Title II	\$3,000,000	\$157,895	FY 2005 Federal Authorization
<b>Total Funds</b>	<b>\$20,000,000</b>	<b>\$789,474</b>	

*\*The state match is equal to 5% of the total amount of federal and state funding made available for meeting the requirements of the law.*

The duration of the State’s budget is based on HAVA deadlines and funding. Full funding of the HAVA authorizations is crucial to Maine’s successful implementation of the law’s requirements. Maine also anticipates that the ongoing costs of operating and maintaining the new DRE (or other voting system for individuals with disabilities) and the statewide voter registration list will be considerably higher than the State’s maintenance of effort level. Therefore, Maine’s maintenance and operation of HAVA compliant systems in years 2006 and beyond will require ongoing federal and state funding.



## Proposed HAVA Activities Budget

Maine made the following additional assumptions in preparing the budget:

- Providing a precise estimate of the cost for the statewide voter registration list is not possible until Maine has completed its needs assessment and developed the RFP. Until that time the estimate is presented as a range.
- The State is planning to purchase a minimum of one DRE or other suitable voting system per voting precinct. Additional DRE's may be purchased if sufficient funds are available to meet all other HAVA requirements.

### The State of Maine's 2003-2005 Help America Vote Act Implementation Budget

HAVA Requirements	Title I Funds	Title II Funds	State Match	Estimated Total Cost
<b>Voting System Standards (sec. 301)</b> (Purchase, Implementation, Administration and Maintenance of DRE's or other compliant voting systems)	\$500,000	\$4,500,000 to \$9,500,000	\$236,842 to \$500,000	<b>\$5,236,842 to \$10,500,000</b>
<b>Computerized Statewide Voter Registration List (sec. 303)</b> (Purchase, Implementation, Administration and Maintenance)	\$2,700,000	\$5,500,000 to \$10,500,000	\$289,474 to \$552,632	<b>\$8,489,474 to \$13,752,632</b>
<b>Voter Education and Outreach and Election Official Training to Assist in Meeting Title III Requirements (sec. 254)</b>	\$750,000	\$0	\$0	<b>\$750,000</b>
<b>State Plan Creation and Management of HAVA Implementation (sec. 101 &amp; 254)</b>	\$450,000	\$0	\$0	<b>\$450,000</b>
<b>Additional Compliance and Election Improvement Activities (sec. 101, 251, 402)</b> (Enhancements to Election Management Systems and Processes, Administrative Complaint Procedures, Polling Place Accessibility)	\$600,000	\$0	\$0	<b>\$600,000</b>
<b>All Activities</b>	<b>\$5,000,000</b>	<b>\$15,000,000</b>	<b>\$789,474</b>	<b>\$20,789,474</b>

\* Unspent federal funds will be set aside in the state Election Fund for payment of long-term costs of complying with HAVA.



## 7. Maintenance of Effort

*How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. -- HAVA §254 (a)(7)*

In compliance with section 254 (a)(7) of HAVA, Maine will maintain the State's expenditures, on activities similar to those funded by the requirements payment, at the same level as expended on these activities in the State's Fiscal Year 2000, which covered the period from July 1, 1999, through June 30, 2000. Maine's total expenditures for these activities in FY00 were \$429,299.

State and federal elections are administered through a partnership between the Secretary of State's Office (Division of Elections) and 503 municipal jurisdictions. The State produces and distributes the ballots, forms and instructional materials necessary for local jurisdictions to conduct the state and federal elections; provides oversight and education for municipal election officials in their administration of voter registration and election duties; and conducts recounts and tabulates the election results. Municipal election officials provide the equipment and staff for the polling places in their jurisdiction, including voting machines or automatic tabulating devices (if they do not wish to hand-count their ballots); as well as the staff and equipment to prepare and maintain the list of voters for their jurisdiction.

The State does not have a separate budgetary line or account for election administration. State election expenditures include personnel costs for the elections staff; general operating costs to maintain the office and support election administration during the fiscal year; and costs that have been specifically attributed to each election held during the election year. The election specific costs include the printing and distribution of ballots for the election; and the preparation and distribution of forms and instructional materials for municipalities to conduct the election.

The two year election cycle always includes a State Primary Election in the even fiscal year and the General Election in the odd fiscal year. The election specific costs of the State Primary and General Elections are similar. The dollar amount calculated for the FY00 maintenance of effort only includes the specific election costs for the June 2000 State Primary Election. Although in Fiscal Year 2000, Maine also conducted a Presidential Preference Primary and a State Referendum Election, the specific costs attributed to these elections is not included in the baseline maintenance of effort figure. The March 2000 Presidential Preference Primary costs were not included because the current Legislature is in the process of repealing this election. Since there will be no future expenditures for a preference primary election, Maine did not add these costs to its maintenance of effort calculation. The November 1999 State Referendum Election costs were also not included, because this election does not occur in each fiscal year.

Although Maine did not add the dollar amount of expenditures for these two elections to its maintenance of effort baseline figure, Maine will continue to expend state funds to support the election-specific costs, as described above, for any state or federal election held during any fiscal year. Maine will not expend requirements payments on these election-specific activities. Moreover, Maine will not include the amount of state funds spent to cover the specific costs of conducting elections other than the State Primary or General Election when it calculates the expenditures that go toward the future maintenance of effort amount.



## 8. HAVA Performance Goals and Measures

*How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. -- HAVA §254 (a)(8)*

The Secretary of State will adopt performance goals and measures to determine the success of the State and municipalities in carrying out the elements of Maine’s State Plan. Each element of the plan that requires “Actions Planned” to ensure Maine’s compliance with HAVA, will be incorporated into the performance goals and measures. The Secretary of State will develop implementation schedules for each major project area outlined below, and will measure progress towards meeting the target dates established in each project schedule. Further, the Secretary of State will periodically monitor the implementation efforts by reviewing program results as measured through the use of key performance indicators (KPI) for each implementation step. The Secretary of State will also periodically review and update performance goals and measures as implementation steps are further developed.

### Performance Deadlines and Responsibilities

HAVA Requirements	Responsible Official(s)	Deadline for Implementation
<b>Voting System Standards (sec. 301)</b> (Purchase, Implementation, Administration and Maintenance of DRE’s or other compliant voting systems)	Secretary of State and municipal election officials	January 1, 2006
<b>Computerized Statewide Voter Registration List (sec. 303)</b> (Purchase, Implementation, Administration and Maintenance)	Secretary of State and municipal election officials	January 1, 2004 (January 1, 2006 with waiver)
<b>Voter Education and Outreach &amp; Election Official Training to Assist in Meeting Title III Requirements (sec. 254)</b>	Secretary of State and municipal election officials	January 1, 2003 – January 1, 2006
<b>State Plan Creation and Management of HAVA Implementation (sec. 101 &amp; 254)</b>	Secretary of State and State Plan Advisory Committee	September 30, 2003 – December 31, 2006
<b>Additional Compliance and Election Improvement Activities (sec. 101, 251, 402)</b> (Enhancements to Election Management Systems and Processes, Administrative Complaint Procedures, Polling Place Accessibility)	Secretary of State and municipal election officials	September 30, 2003 – December 31, 2006



## 9. State-Based Administrative Complaint Procedures

*A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. -- HAVA §254 (a)(9)*

*Deadline for Compliance: Prior to certification of State Plan, but no later than January 1, 2004; no waiver permitted.*

### **Maine's Current Election Complaint Procedure**

Maine currently has a simple, expeditious system for handling election questions and complaints. First, people can easily contact the clerk or registrar of voters in their municipality to either obtain election information or make a complaint about an election issue. Many questions or complaints are resolved at the local level, without the assistance of the Secretary of State's Office. However, local election officials frequently call the Secretary of State's Division of Elections for help with answering questions and resolving election complaints.

In addition, the Division of Elections receives hundreds of phone calls and e-mails in the weeks before each election, and typically receives hundreds of calls on Election Day itself. Most of these contacts involve questions about election law or procedure, or requests for information. The Division of Elections is able to quickly respond to these questions or informational requests.

A small number of contacts involve complaints about something that is occurring or has occurred on Election Day. The Division of Elections works to determine whether there is a violation of election law or procedure, and seeks an immediate resolution or remedy. A remedy may provide corrective action for the complainant, or may provide future corrective actions to prevent further violations of a similar nature during the current or future elections.

Some calls or written complaints are received after Election Day. The Division of Elections obtains information from the complainant in writing, and contacts the appropriate election officials for further information or rebuttal of the complaint. Once all the information is received, the Division of Elections determines whether there has been a violation of election law or procedure. If there has been no violation, the Division of Elections provides the information orally to the complainant and the respondent. If there has been a violation of law or an incorrect procedure was followed, the Division of Elections advises both parties about the corrective action verbally and in writing.

### **Maine's Proposed Administrative Complaint Procedure**

While the current process for resolving election complaints is effective, uniform and nondiscriminatory, it does not meet the specific requirements in section 402 of HAVA. Therefore, the Secretary of State has adopted a rule establishing an administrative complaint procedure to resolve alleged violations of Title III of HAVA. The rule was adopted after an opportunity for a public hearing and a public comment period, pursuant to Maine's Administrative Procedure Act. The new process established by rule is intended to supplement, not substitute for, the more expedient process of resolving election complaints described above. The rule, 29-250 CMR Chapter 510 - *Administrative Complaint Procedure for Title III of the Help America Vote Act of 2002 (HAVA)*, may be obtained by contacting the Office of the Secretary of State and is available online at [www.maine.gov/sos/cec/rcn/apa/29/chaps29.htm](http://www.maine.gov/sos/cec/rcn/apa/29/chaps29.htm).



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
<b>SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES</b>		
(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES		
(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS- If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2)	Meets.	
(2) REQUIREMENTS FOR PROCEDURES- The requirements of this paragraph are as follows:		
(A) The procedures shall be uniform and nondiscriminatory.	Meets.	
(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation, which has occurred, is occurring, or is about to occur) may file a complaint.	Meets.	
(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.	Meets.	
(D) The State may consolidate complaints filed under subparagraph (B).	Meets.	
(E) At the request of the complainant, there shall be a hearing on the record.	Meets.	



Requirement	State of Maine's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.	Meets.		
(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.	Meets.		
(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period, which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.	Meets.		
(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.	Meets.		



## 10. Effect of Title I Payments

*If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. -- HAVA §254 (a)(10)*

Maine has received \$5 million in Title I payments. These payments are critical to Maine’s implementation of HAVA. Funds will be used for:

HAVA Requirements	Title I Funds
<b>Voting System Standards (sec. 301)</b> (Purchase, Implementation, Administration and Maintenance of DRE’s or other compliant voting systems)	\$500,000
<b>Computerized Statewide Voter Registration List (sec. 303)</b> (Purchase, Implementation, Administration and Maintenance)	\$2,700,000
<b>Voter Education and Outreach &amp; Election Official Training to Assist in Meeting Title III Requirements (sec. 254)</b>	\$750,000
<b>State Plan Creation and Management of HAVA Implementation (sec. 101 &amp; 254)</b>	\$450,000
<b>Additional Compliance and Election Improvement Activities (sec. 101, 251, 402)</b> (Enhancements to Election Management Systems and Processes, Administrative Complaint Procedures, Polling Place Accessibility)	\$600,000
<b>All Activities</b>	<b>\$5,000,000</b>



## **11. Maine's HAVA State Plan Management and Changes to State Plan from Previous Fiscal Year**

*How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change –*

- (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;*
- (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and*
- (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). -- HAVA §254 (a)(11)*

*In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year. -- HAVA §254 (a) (12)*

### **State Plan Management**

The Secretary of State will be responsible for the ongoing management of this plan. The Secretary of State will review reports and performance measurements to track the success of implementation and will delegate tasks as necessary to ensure the State meets goals and objectives set forth in this plan, in a timely manner. Should it become necessary to make any material change in the administration of this plan, the State will pursue the state planning procedure, public notice and comment, and publication requirements described in Title II of HAVA.

### **Changes to State Plan from Previous Fiscal Year**

This FY 2003 State Plan is Maine's inaugural plan under HAVA. Should it become necessary to make changes to the plan, this section of the plan will be updated to reflect those changes, and to describe how the State has succeeded in implementing the plan.



## 12. State Plan Development and Committee

*A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section 255 and section 256. - HAVA §254 (a)(13)*

The State of Maine’s committee consists of individuals representing a cross-section of election stakeholders. The State Plan Committee was selected by Secretary of State Dan A. Gwadosky, the State of Maine’s chief election official.

Members of the State Plan Committee, and the primary qualification of each for inclusion on the committee, are as follows:

Dan A. Gwadosky	Secretary of State
Joseph E. Clark	State Representative, Maine House of Representatives
Linda C. Cohen	City Clerk, City of Portland
Julie Flynn	Deputy Secretary of State
Arthur F. Mayo III	State Senator, Maine State Senate
Kathleen M. Montejo	City Clerk, City of Lewiston
Kim Moody	Disability Rights Center
Kenneth F. Morgan	Maine AFL-CIO
Nancy G. Nichols	City Clerk, City of Presque Isle
Steve Obremski	The Iris Network
Alison Smith	League of Women Voters of Maine
Rebecca Sockbeson	University of Southern Maine, Multicultural Student Affairs
Rhonda L. Stark	Town Clerk, Town of Skowhegan
Charlene Thompson	Maine AARP

The committee will comply with filing, publication, and public notice and comment requirements established in HAVA §255 and §256.

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