



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Shenna Bellows
Secretary of State

Julie L. Flynn
Deputy Secretary of State

Memorandum

To: Municipal Clerks and Registrars
From: Melissa K. Packard, Director of Elections
Date: February 3, 2022
Re: Changes to CVR Data Request Laws and Updated Data Request Forms

The purpose of this Memorandum is to explain changes that were made to the law regarding obtaining data from CVR, and to provide instructions for a data request scenario that has occurred recently.

CVR data request law change: Title 21-A §196-A(1)(J)

The law regarding CVR data eligibility was amended in 2021 (PL 2021, c. 310, copy attached) to include a new subsection (J) under Title 21-A §196-A(1) that allows individuals or entities evaluating the State's compliance with its voter list maintenance obligations under the National Voter Registration Act of 1993, 52 USC § 20507 (2021) – to purchase a statewide voter file. The voter file contains the same data as the Party/Campaign Use Voter File, but its use is for evaluating statewide voter list maintenance, not campaigning.

The new law specifies that requests for the voter file to evaluate voter list maintenance must be directed to the Secretary of State. As such, all inquiries about, or requests for, a voter file for the purpose of evaluating the State's compliance with its voter list maintenance obligations must be directed to, and provided by, the Secretary of State's Office, Division of Elections. The cost of the statewide voter file as set out in statute is \$2,200.

Other changes to Title 21-A §196-A made by PL 2021, c. 310

- In addition to adding the new subsection (J), the law added language to emphasize restrictions on the use and distribution of voter data in both subsection (B) – the Party/Campaign Use Voter File – and the new subsection (J).
- A new section 4 has been added prohibiting discrimination by individuals and organizations that obtain voter information from CVR.
- A new section 5 has been added that describes the penalties for violating the restrictions on use and distribution.

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Updated CVR Data Request Form and Fact Sheet/Instructions

The CVR Data Request Form, and the Fact Sheet and Instructions, have been updated to reflect these law changes. The new versions are being provided with this memorandum, and are available to the public Elections website: <https://www.maine.gov/sos/cec/elec/data/index.html>.

Copies of these updated forms are available to Municipal Clerks and Registrars on the Elections Temp Page: <https://www.maine.gov/sos/cec/elec/temp/>. Although you will not be producing a voter file for the purpose of monitoring statewide voter list maintenance, **these forms replace the former forms and must be used for all data requests now**. If you receive a data request form from anyone who has used the old form, **you must ask the requestor to complete the new form**. The new forms contain important information regarding misuse of data, as well as violations and penalties for misuse of the data.

The reference chart regarding eligibility for voter data and the available formats has been updated, and is also being provided with this memorandum.

Special note about requests from “volunteers” of candidate campaigns

A unique type of data request has surfaced which we are bringing to your attention. Requests for voter files are being submitted to municipalities by people identifying themselves as “volunteers” for a candidate’s campaign. Candidates must meet the definition of “candidate” in the law (which is included in the Fact Sheet and Instructions document) – the candidate must be registered with Maine Governmental Ethics for the office indicated on the request form, or the candidate must have turned in nomination petitions to the Division of Elections. However, there is no definition of “volunteer” in the law regarding CVR data requests, and there is no specific way for you to determine if the person has been authorized by the candidate as a volunteer or has been authorized by the candidate to purchase a voter file.

At least one statewide candidate’s campaign has told us that their volunteers were not instructed to get voter files, only to collect signatures on the candidate’s nomination petitions. **If you receive CVR data requests from people indicating that they are “volunteers” for a party candidate, you should direct the “volunteer” to contact State Party Headquarters for any lists that they need**. If the candidate is non-party, you should tell the “volunteer” that the request should be made by the candidate or an officer of the candidate’s campaign.

The Incoming Voting List (IVL) becomes a **public document** after the election

“Volunteers” – or any member of the public – are able to view IVLs from previous elections because the IVLs become public documents after the election. They may also obtain copies of IVLs at the municipality’s regular photocopying fee. Because the IVLs are public documents after the election, a CVR Data Request form is not submitted to obtain a copy. **Please note: If your municipality has ACP voters, you must remove the last page of the IVL before allowing public inspection and before providing photocopies.**

- **Title 21-A §698(3)** governs the sealing of the IVL on Election Night and the unsealing of it 5 business days after the election or after any requested recount is completed. The IVLs must be retained in the Clerk’s Office as public documents.
- **Title 21-A §23(7-A)** specifies the length of time the IVLs must be retained, which is 5 years.