



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Garrett P. Mason
The Honorable Representative Louis J. Luchini, Co-chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: April 18, 2017

RE: LD 1284 - An Act to Require Election Transparency and Audits

Good afternoon, Senator Mason, Representative Luchini, and members of the Joint Standing Committee on Veterans and Legal Affairs. My name is Polly Ward. I am a resident of Freeport. I am here today as a volunteer member of the League of Women Voter's Advocacy Committee to testify in support of LD 1284 - An Act to Require Election Transparency and Audits.

We would like to thank Senator Bellows for presenting this bill, and we would like to thank representatives from the office of the Secretary of State and the Maine Town and City Clerks Association for their helpful comments in working with us to write and improve this important legislation. We would also like to thank the nine cosponsors, which include Democrats, Republicans, and an independent, including some from this committee. We support the amendments proposed by the sponsor.

The League of Women Voters supports voting systems that are secure, accurate, recountable, accessible, and transparent. Our democracy rests not only on the integrity of our election process, but also on the public confidence that we, as citizens, have in our elections. In supporting this bill, the League of Women Voters of Maine does NOT argue that elections in Maine have been compromised nor that the persons responsible for our elections are dishonest. In fact, the League believes that we have enjoyed a generations-long record of professional, nonpartisan, voter-friendly administration of elections at both the state and municipal level. Our town and city clerks are among the most recognized and trusted government officials in our communities. We support the provisions of this bill as an investment in the future to ensure the continuation of that legacy, countering cynicism and ensuring that the citizens of Maine have access to sufficient information to be confident in the integrity of our election process.

In response to numerous process concerns identified during and after the 2000 presidential election, the League of Women Voters of the United States established an Election Audits Task Force to conduct a yearlong study of election audits. The report of the task force emphasizes the importance of transparency in election procedures and the role of post-election audits in identifying errors, whether those errors stem from

deliberate manipulation or from inadvertent mistakes.¹ LD 1284 includes several of the recommendations found in this report.

In addition, this bill includes a requirement that the Secretary of State regularly monitor the central voter registration system for evidence of fraudulent voting. This provision responds to increasing public concern that voter fraud may be influencing our elections.² The League of Women Voters of Maine does not share this concern. Numerous studies have shown that incidence of voter fraud³ is miniscule, but we recognize that an accusation of fraud can easily gain traction without a process to detect and correct inappropriate voter registrations. We expect that this provision will limit concerns about voter fraud in Maine.

The final section of this bill directs the Secretary of State to develop and pilot a program of post-election audits to “limit the risk that election returns may produce an incorrect outcome.” We support both the concept of post-election audits and the risk-limiting approach to selecting audit units, and we plan to closely follow this study and pilot process.

Audits differ from recounts in that recounts are targeted only to close races and are never able to identify errors that don’t affect those particular races. The study and pilot in this bill will pave the way for Maine to develop a modern, integrated program of audits and recounts to insure the integrity of our election results.

Risk-limiting audits “have advantages over fixed-percentage or tiered audits, which often count fewer or more ballots than necessary to confirm the outcome.”⁴ While risk-limiting audits are likely to result in a full recount in races where the initial outcome is incorrect, implementation does not prevent candidates from requesting a recount through other mechanisms as allowed under statute.

We believe that the bill before you represents a strong first step toward a robust election audit that can increase the transparency and reliability of the election process. We urge you to support this bill and vote Ought to Pass as Amended on LD 1284.

Thank you for the opportunity to comment. We will be available for work session.

¹ League of Women Voters of the United States, “Report on Election Auditing” (2009).
<http://lww.org/content/report-election-audits-task-force>, accessed April 10, 2017.

² AP-NORC, “Views on the American Election Process and Perceptions of Voter Fraud” (2016)
<http://www.apnorc.org/projects/Pages/HTML%20Reports/views-on-the-american-election-process-and-perceptions-of-voter-fraud-issue-brief.aspx>, accessed April 10, 2017

³ Minnite, Lorraine C, *The Myth of Voter Fraud* (Cornell University Press, 2010). Also see “The Misleading Myth of Voter Fraud”,
http://www.scholarsstrategynetwork.org/sites/default/files/ssn_key_findings_minnite_on_the_myth_of_voter_fraud.pdf by the same author, a 2014 summary of more recent studies.

⁴ ElectionAudits.org, “Principles and Best Practices for Post-Election Audits” (2009).
<http://electionaudits.org/principles>, accessed April 10, 2017.