



February 27, 2018

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

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

148 State House Station
Augusta, Maine 04333-0148

Dear Matt and Julie:

The League of Women Voters of Maine, through its project, Implement RCV, is preparing for the implementation of ranked choice voting following the anticipated certification of the people's veto of LD 1646. We recognize that a ranked choice voting June primary poses challenges for Maine's election administration officials, and we share your office's concern for ensuring the quality and security of Maine's elections during the implementation. We are launching our Implement RCV Project with over \$300,000 in grant funding to offer our support and assistance for the administrative implementation of RCV and also to provide public education and stakeholder outreach.

The League shares your desire to seek out and support improvements to election quality and security. We are prepared to mobilize whatever support we can to ensure that such improvements are implemented as soon as possible. While it does not seem likely that much can be done in advance of the June primary, we will always stand behind any initiative to ensure that the election administration system is not starved of needed resources.

We believe that the best outcomes for Maine during a period of significant change will be achieved through open and respectful discussion with public officials and other stakeholders. Accordingly, we are taking this opportunity to provide you with our thoughts about some of the core election principles for which the League of Women Voters of the United States, as well as the LWVME, have long been advocates. We have reviewed these guiding principles in light of the transition to RCV necessitated by Maine law, and we communicate these thoughts to you mindful that the state greatly relies on the authority and expertise of your office in all election matters.

Throughout this transition, we hope that you will regard the League and Implement RCV as sources of insight and support.

Sincerely yours,

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

Ann Luther
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Maine June 2018 Primary Election Guiding Principles

The following core election principles derive from a statement adopted by the League of Women Voters of the United States. The League believes that all elections should be

- Accessible
- Secure
- Accurate
- Transparent
- Timely
- Recountable
- Audited

We believe these principles should guide Maine election officials in the administration of the June primary election – our first statewide election using ranked choice voting. Here's how these principles might apply to the June RCV election and provide guidance for future RCV practices:

- 1. Election Accessibility.** This means that the voter registration and voting processes are free from unreasonable obstacles; that all voting procedures and instructions, including the ballot itself, are widely available, clear, and understandable to voters; that voters with voting questions receive appropriate assistance from clerks, wardens, and volunteers at the polling place; and that voters experiencing cognitive or physical disabilities have the same opportunity as other voters to vote their ranked-choice ballot privately and independently.
- 2. Election Security.** This means that absentee ballot applications, ballots, voter rolls, and all related paper and electronic records are created, distributed, stored, and maintained so that no unauthorized person can tamper or interfere in any way, and that no records are inadvertently damaged, misplaced, delayed, or altered during the election process and through any recounts or audits.
- 3. Election Accuracy.** This means that the voters' marks on ballots are read to correctly reflect the intention of the voter, that the mechanisms for tabulation and aggregation of separate ballots into an election result conform to the approach set forth in law and regulations, and that protocols are in place to detect and limit the effect of any human or mechanical errors, flaws, irregularities, loss of information, or discrepancies that diminish confidence in the process or affect the outcome of the election.
- 4. Election Transparency** Every step in the election process from the design of election procedures through the completion of recounts or audits must be visible to the public to the greatest extent possible, and any portions of the process not open to public inspection must be protected by appropriate security measures to ensure the integrity of election systems and materials. Any software, digital files, or electronic processing and transmission of election information shall be open to inspection, verification, and replication by the public using appropriate means including third-party software tools. Transparency shall be provided without delay.
- 5. Timely Election Results.** The public should have sufficient and immediate information about the process of tabulating and aggregating ballots as the process is unfolding, including immediate progress reports, intermediate status, and publication of statewide first-rank vote recipients. Election administrators should create and implement a plan for tabulating and announcing the results recognizing that time is of the essence, and that any needless delay would be detrimental to public confidence in the results. Final election results must be certified within the time frame established under current law.
- 6. Recountable Elections.** Consistent with existing recount principles, election officials should institute a plan that allows for complete, prompt, transparent, and accurate recounts -- including review of paper ballots -- in any race where the tabulated results show that small anomalies in the count could affect the ultimate outcome.
- 7. Election Audits.** Ideally, within a short time after unofficial results are finalized, election administrators should perform a random audit of appropriate design and sufficient scope to verify Election Day tabulations and confirm public confidence in all aspects of the election administration including review of

paper ballots. Although it does not appear likely in time for the 2018 primary and general elections, Maine should move toward implementing election audits as soon as possible.

We gratefully recognize the vital role played by election officials and the burden they carry of satisfying the public trust in this fundamental component of our democratic system.

Maine June 2018 Primary Election Analysis of Estimated Implementation Costs

Summary:

We find that the \$1.5 million estimate provided by the Office of the Secretary of State last October for the cost of implementing ranked choice voting in 2018 may be significantly higher than necessary. While this estimate may well have represented an ideal implementation configuration from the Secretary of State's perspective, all of the costs may not be strictly necessary as a practical reality. This estimate covered the June 2018 primary (fiscal year 2017-2018) and the November 2018 general election (fiscal year 2018-2019). In particular, we conclude that significant costs might be saved without sacrificing election integrity or efficiency by (1) eliminating the proposed additional ballot sheet(s), (2) foregoing costly leases of additional DS200, and (3) reducing manual ballot transport costs. In sum, we suggest that the additional costs necessitated by RCV are likely to be comparable to the costs of recounts or other difficult-to-predict expenses which the Office usually absorbs in any budget cycle.

Analysis of Estimated Costs:

On October 17, 2017, the Deputy Secretary of State presented SOS's \$1,524,978 cost estimate for implementing Ranked Choice Voting in testimony to the legislature.¹ The estimate specified \$833,664 for fiscal year 2017/18 and \$691,314 for fiscal year 2018/19. Among the itemized costs were these:

- A second ballot sheet, accounting for \$488,000 of the total cost
- \$61,710 for extra portable memory devices (a one-time cost)
- \$297,748 for physical transportation of ballots and electronic voter records
- \$420,000 for lease of additional DS200 ballot tabulation machines.

Of these costs, we believe the additional ballot sheet and the additional memory devices have not been shown to be necessary. These costs might be eliminated altogether (\$488,000 and \$61,710, respectively). The transportation costs might be reduced by about \$150,000 by utilizing USPS or other tracked delivery, rather than state police transport, for memory sticks. And the cost of leasing additional tabulators may be reduced by \$375,000 by accepting a more cost-effective, short-term alternative of central ballot processing. This amounts to a total savings of around \$1,075,000. In all, our analysis indicates that the cost could be reduced to around \$450,000 for both primary and general elections, without loss of election quality. Detailed discussion follows.

The additional ballot sheet was presented as a measure of protection against the threat of voter confusion, and also to avoid excessive administrative burdens. However, the remedy proposed by SOS is not obviously superior to that of printing the RCV candidate contests separately on either side of the ballot and fitting non-RCV contests together with citizen initiatives on the opposite side, thus saving \$420,000.

Regarding the administrative burden, SOS cites a scenario in which a recount is held for a non-RCV race at the same time as the RCV count is being conducted, thereby potentially requiring a ballot or voter record to be in two places at once. But SOS testimony also suggests how this need not be a cause for concern. As SOS mentions, recounts are slow events. Ballot deliveries can be staggered. Moreover, in accordance with the SOS testimony, machine counting towns will be sending *memory devices* to the RCV central counting facility, *not ballots*. Therefore, in the event of a recount, the machine count towns could be scheduled for the first ballot deliveries while the ballots for handcount towns would be scanned in a central location and then immediately moved to the recount facility. In the event that the recount involves only a small number (or no) machine counted ballots the difficulty is resolved simply by holding the recount at the same facility as the RCV count. Electronic Vote records will be created quickly at the central facility for RCV aggregation purposes, and then the ballots will be available for the recount.

Much of the \$61,710 budgeted for additional memory devices may be unnecessary. Memory devices currently used by towns employing the DS200 tabulators would be suitable for this purpose.

¹ JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS, LD 1646 "An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance" Testimony Provided by Julie L. Flynn, Deputy Secretary of State, October 16, 2017.

The SOS assigns costs of \$297,748 to pay for safe transport of ballots (handcount towns) and memory devices (machine count towns) to a central facility from all 500 towns. Given this, the proposed transportation cost might be drastically reduced by requiring the machine count towns (about 275 towns) to send their memory devices through the USPS overnight or the equivalent. Such services are widely available throughout Maine with tracking provided. USPS is currently used for delivery of pre-election materials to the towns. Delivery by mail would reduce the transportation cost by about half, saving \$150,000. This includes the added cost of about 275 mail deliveries @ \$100 each. State Police pickup would then be used for the other 225 handcount towns and special pickups/deliveries only.

Our approach also realizes additional cost savings by avoiding the unnecessary lease of additional machines. The Secretary of State's proposal to lease an additional 75 DS200 machines for handcount towns with 500 or more voters adds another \$420,000 to the cost estimate. This cost is much greater per town than the cost of physically transporting ballots to be scanned in a central counting facility, which seems to be in the neighborhood of \$600 per town. Given such a significant cost saving potential, it makes fiscal sense to continue hand-counting in those 75 towns and transport paper ballots to the central scanning facility in Augusta. The capability for central scanning is necessary in any case since there are many towns that do not have scanners even if we obtained the additional 75 machines. We agree with the potential value of a ballot-scanning system that meets the requirements of all towns, but would defer that for a future statewide plan and RFP process.

While the original cost estimate included many items which would have a place in administration of future elections, we believe the cost savings described above would allow the Office to implement ranked choice voting in 2018 for a sum that is comparable to the amount typically available within existing resources for election contingencies such as recounts.