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**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

**LD 294 “An Act To Require the Fiscal Impact of a Direct Initiative of Legislation To Be Included on the Ballot”**

*Testimony Provided by Melissa Packard, Director of Elections, February 25, 2019*

**Senator Luchini, Representative Schneck and Members of the Committee:**

The Secretary of State is neither for nor against this legislation which would require the Secretary of State to print a summary of the fiscal impact statement prepared by the Office of Fiscal and Program Review for that direct initiative on the ballot. The Secretary of State would like to share information regarding the process that the Division of Elections follows to prepare ballots and issues related to printing the fiscal impact statement of an initiative on the ballot.

The Secretary of State prepares ballots for all federal, state and county offices as well as statewide referenda questions. Although ballots will vary from year to year based on the offices and questions to be voted on, the Division tries to keep the layout as uniform as possible. When a general election is held at the same time as a referendum election, it has been our practice to print candidates on the front side of the ballot and referendum questions on the reverse side. In November of 2018, due to ranked-choice voting, we were unable to print the referendum ballot on the reverse side of the candidate ballots as ranked-choice voting offices were printed on one side and plurality races were printed on the other. This change in format required the Secretary of State to print a separate referendum ballot. The per ballot cost for the referendum only ballot was \$.24 with a total cost of \$268,173 to print and deliver this ballot to the municipalities.

We will continue to print the referendum and candidate ballots two-sided whenever possible to avoid extra printing and shipping costs. We attempt to use a 14-inch ballot as that size has allowed us to combine the ballots effectively. Attached to my testimony are two examples of what a referendum ballot that includes the fiscal impact statement might look like. The first ballot is the November 2016 ballot – it contains the actual six questions that appeared on the ballot as well as the applicable fiscal statements. The second example is the ballot from 2018 which included one citizen initiative and four bond issues. Although the actual referendum ballots printed in 2016 and 2108 were printed on a single side of a ballot, the sample ballots provided here are significantly longer – the 2016 ballot is now three pages while the 2018 ballot is two pages. For a referendum only election, we would have both sides of the ballot available for use, but in a year with a combined general and referendum election, printing the fiscal impact statements on the ballot would most likely necessitate the need to print separate candidate and referendum ballots.

Additionally, these sample ballots were produced using Microsoft Word while actual ballots must be prepared using the proprietary software associated with our voting system. Due to printing requirements, such as placing the oval or voting indicator adjacent to a timing mark, the actual ballot would probably turn out to be even longer than the samples provided. Adding the fiscal impact statement also creates a larger gap between the ballot question and the voting indicators (i.e. Yes or No) which might cause some voters to inadvertently skip marking a response. In the 2016 sample, the ballot question appears on page 1 of the ballot, while the voting indicators are on page 2.

The fiscal impact for a citizen initiative, prepared by the Office of Fiscal and Program Review (OFPR), is printed on the petition that is issued to the initiative applicants for circulation. Pursuant to statute, the fiscal impact statement must summarize the aggregate impact that the referendum will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the State to local units of government.

This bill indicates that a summary of the fiscal impact estimate prepared by OFPR must appear on the ballot, but does not specify who would be responsible for preparing the summary or indicate how long of a summary is intended. Most fiscal impact statements are already brief, although some have been somewhat lengthy – such as the statement for the York County racino in 2017 which included the full cascade of who would receive funds.

In addition to the fiscal impact statement being printed on the citizen initiative petition, it is also widely available to voters once an initiative is placed on the ballot. The fiscal impact statement is printed as part of the Citizen's Guide to the Referendum Election, which is posted on the Secretary of State's web site as soon as possible before each election, provided to each public library and municipal office in printed form and will be provided to any voter upon request. Maine election law, Title 21-A, section 651, subsection 2-B, requires that the Municipal Clerk post the fiscal statement outside the guardrail enclosure at each voting place.

In addition to increased ballot printing costs, there are other factors that should be considered when deciding whether to include the fiscal impact statement on the ballot. If a separate referendum ballot is required, each voter will now be inserting multiple pages into the ballot tabulator which could lead to lines at the voting place. Multiple ballot pages could also create extra postage costs for Municipal Clerks mailing out absentee ballots if the number of ballots could not be mailed for the price of one first-class stamp.

I would be happy to answer any questions of the Committee, either now or at the work session.