

Hi, Ms. Bourg. I have spoken to my supervisor, and we have provided all of the information that we can. Your request is for voter data for one municipality, and in regard to a municipal issue, over which we do not have jurisdiction.

At the state level, persons or entities that want to start a statewide petition must apply for to do that with this office. They provide the legislation that they seek to add to the law or the change in law that they seek to make, which is reviewed by a legislative office. We approve or deny the petition based on whether the proposed legislation meets established criteria. We create the petition and issue it to the proponents, and they may then request a voter file for the purpose of circulating petitions.

We do not oversee municipal government or municipal law, and we cannot advise on the process that must be followed to circulate local petitions. Our advice to Municipal Clerks and Registrars is that a person or entity cannot simply say they are going to be circulating a petition. Whatever the established process is for circulating local petitions, it must be done before the proponents qualify to receive a voter list.

It is up to the Municipal Clerk in Unity to determine whether a petition process is considered the appropriate step for the circumstances, and if so, if the required process has been met. If your understanding of municipal law indicates that the petition process is the appropriate step and that the process for circulating local petitions has been met, then you can present the Municipal Clerk with your statutory references or ask an attorney to intervene.

A copy of the Incoming Voting List which I have discussed includes voter names and residence addresses, you just do not have the ability to sort by street and generate mailing labels. A checkmark by the person's name indicates that they participated in the election. There is no voter file that includes phone numbers – phone numbers are not required to register to vote, and we do not track them.

I'm sorry we cannot be of further assistance, but we do not have the authority to intervene in municipal matters or provide advice on municipal law.

Tina M. Means

CVR Manager

Division of Elections

(207) 624-7650

CVR Helpdesk: 1-877-428-2457

From: Jean Bourg <jean@picayunity.com>
Sent: Wednesday, February 24, 2021 8:26 AM
To: Means, Tina <Tina.Means@maine.gov>
Subject: Re: Request for voter file from Town of Unity

Good Morning,

Thanks for your quick reply to my inquiry. I left a message on a voicemail; I did not have a conversation with Diana or anyone.

I hope you can help me clarify the meaning of "campaign." A group of us in Unity is collecting signatures on a petition to put an article on the warrant for the town meeting that would allocate some TIF funds for our newly forming public library. I think of it as a campaign and collecting signatures is not easy in a pandemic, hence the helpfulness of having a list of registered voters. "Town-approved petition" is an interesting term because if a town approved an appropriation request, you wouldn't need to do a petition. Our petition is a municipal level referendum. To my understanding, there are two independent paths to get an article on a warrant. One is that the selectmen agree to do so and the other way is to submit a petition with the required number of signatures.

The next selectman meeting is March 2; the deadline for turning in our signatures in time to get the article on the warrant for the March 27th town meeting is March 1. If we don't get on the warrant for the town meeting, it could be months before a special town meeting is called.

So our first campaign is gathering signatures. When we turn our required number of signatures in and they are verified, our article will be included in the warrant. Then our second campaign begins: get our voters to attend town meeting and vote for our article.

More about our library project here: <https://unitypubliclibrary.org>

So do either of these two campaigns qualify me to get a data set (pipe delimited text file) of Unity voters?

Thank you for your help. I know you are busy with other things.

Jean Bourg
207-680-5819

On 2/23/2021 5:41 PM, Means, Tina wrote:

Hi, Ms. Bourg. I have been informed that you submitted a Request for Voter Data from the Town of Unity, that it was denied, and that you called this office and spoke with Diana. Diana said that she explained to you that there are eligibility requirements; however, Diana does not provide specifics on the qualifications, and she has referred this to me. I am responding by email so that I can provide you with the attached Fact Sheet on Obtaining Voter Data in Maine.

In Maine, voter data is not public (and it is not subject to Freedom of Access requests). By statute, it is available to specific individuals and entities, and for specific purposes. The statutory reference is Title 20-A, Section 196-A. Designated party workers are eligible, as well as candidates for a current election cycle, and individuals or entities involved in issue campaigns. "Issue campaign" is defined in statute as (excerpted from the attached document):

1. For purposes of this law, "campaign" is defined in 21-A MRSA §1052 (1), to include activities relating to the promotion or defeat of a citizen's initiative or people's veto referendum, a constitutional amendment, legislation expressly conditioned upon ratification by a referendum vote under the Constitution, the ratification of bonds, and any county or municipal referendum.

If you were currently circulating a town-approved petition, or there were an issue already on the ballot of an upcoming town election for which you are campaigning, then you would be eligible to receive a voter file. As the situation was explained to me by the Town Clerk, you (or a group formed as the Unity Public Library) are seeking TIF money from the town for a public library which has been brought before the Selectmen, and a decision by the Selectmen is pending. Until a decision is made by the Selectmen, it would be premature to start a petition process – a petition process would not be needed if the Selectmen approve the TIF. We would not approve a voter data request based on a presumption that a petition effort may be needed. There currently is not a referendum on a town ballot for an upcoming election that involves the establishment of the library or TIF funding for the establishment of a library.

At this time, you are eligible to receive a copy of an Incoming Voting List from a previous election. The Incoming Voting Lists from each election are kept in the Clerk's Office for 5 years as public documents. You can get a paper copy, or the Clerk can scan it and save it to a CD or thumb drive, but that is not considered an electronic voter file.

I did not ask the Town Clerk how long your request for the TIF funding has been pending. In my limited knowledge of municipal government, I believe that the Selectmen would need 4 to 6 weeks (whatever their current meeting schedule is). If your request has been pending longer than that, you may want to seek out some legal counsel on what a reasonable amount of time would be for such a decision.

If you have additional questions about voter data eligibility, you can email me back, or call the Elections Division's main number, 624-7650, and ask for me (you most likely will need to leave a message for me to call you back, as we are just wrapping up the certification of one statewide petition effort and are expecting a second one to be turned in on Friday).

Tina M. Means

CVR Manager

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