

STATE OF MAINE

BEFORE THE JUSTICES OF THE  
SUPREME JUDICIAL COURT

DOCKET NO. OJ-17-1

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IN THE MATTER OF REQUEST FOR OPINION OF THE JUSTICES

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BRIEF OF SECRETARY OF STATE SUBMITTED IN CONJUNCTION WITH  
QUESTIONS PROPOUNDED TO THE JUSTICES OF THE SUPREME JUDICIAL  
COURT BY THE MAINE STATE SENATE ON FEBRUARY 7, 2017

JANET T. MILLS  
ATTORNEY GENERAL  
MAINE STATE BAR # 1677

SUSAN P. HERMAN  
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MAINE STATE BAR # 2077

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The Secretary of State concurs with the legal analysis presented by the Attorney General. To assist the Justices in resolving the questions presented by the Senate, the Secretary offers additional background information on the conduct of elections in Maine, and the logistics of ranked-choice voting. *See* attached Affidavit of Deputy Secretary of State Julie L. Flynn, along with Exhibits A through L.

Dated: March 3, 2017

Respectfully submitted,

JANET T. MILLS  
ATTORNEY GENERAL

SUSAN P. HERMAN  
Deputy Attorney General  
Me. Bar No. 2077

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PHYLLIS GARDINER  
Assistant Attorney General  
Me. Bar No. 2809

**CERTIFICATE OF SERVICE**

I, Phyllis Gardiner, Assistant Attorney General, do hereby certify that I caused to be served the Brief of Attorney General Submitted in Conjunction with Questions Propounded to the Justices of the Supreme Judicial Court by the Maine State Senate on February 7, 2017 on the following by first class may prepaid to:

Timothy C. Woodcock, Esq.  
Eaton Peabody  
80 Exchange Street  
P.O. Box 1210  
Bangor, Maine 04402-1210

Date: March 3, 2017

\_\_\_\_\_  
PHYLLIS GARDINER  
Assistant Attorney General

**AFFIDAVIT OF JULIE L. FLYNN,  
DEPUTY SECRETARY OF STATE**

I, Julie L. Flynn, being duly sworn, hereby depose and state as follows:

1. I am the Deputy Secretary of State in charge of the Bureau of Corporations, Elections and Commissions and have held this appointed position since February of 1999. I served as Director of the same Bureau, which includes the Elections Division, from March of 1995, until I was appointed Deputy.

2. The Secretary of State's Office, through the Elections Division of the Bureau of Corporations, Elections and Commissions, oversees statewide elections and administers the Maine election laws set forth in Title 21-A of the Maine Revised Statutes. In my capacity as Deputy Secretary of State for the Bureau, I have supervisory responsibility for all of these activities. I have personal knowledge of the matters set forth in this affidavit.

**Current Election Procedures**

3. Statewide elections in Maine for all federal, state, and county offices are conducted at the local level by municipal election officials. To the best of my knowledge and belief, Maine is one of approximately eight states – the six New England states plus Michigan and Wisconsin – that conduct state and federal elections at the municipal (as opposed to county) level.

4. The role of the Secretary of State (“Secretary”), acting through the Elections Division, is to provide guidance, training, administrative oversight, and election materials to those municipal officials. The Secretary also is responsible for preparing a tabulation from the election returns submitted by local officials, and for providing that to the Governor and the Legislature pursuant to 21-A M.R.S.A. § 722 and the Maine Constitution. Me. Const. art. IV, pt. 1, § 5, pt. 2, § 3 and art. V, pt. 1, § 3.

5. The ballots used in statewide elections are prepared by the Elections Division and distributed to the municipalities. All ballots are in paper form and are currently designed to enable voters to vote for one candidate for each office by filling in a single, oval-shaped voting indicator next to that candidate’s name.

6. There are 500 separate voting jurisdictions in Maine, including cities, towns, townships and plantations (referred to hereafter as “towns” or “municipalities”). Of that total, 237 towns currently count their ballots by hand, while the remaining 263 use a digital scan tabulator machine known as the “DS-200.” The DS-200 machine uses optical scanning capability to “read” the oval voting indicators marked by the voters, and it generates a machine tally tape showing the number of votes recorded for each candidate.

7. Approximately 90% of the 771,892 ballots cast in the November 2016 statewide election were from towns using DS-200 machines. The remaining 10% (77,189) were from the 237 smaller towns that count ballots by hand.<sup>1</sup>

8. Because of the different combinations of federal, state and county offices, there are over 350 different ballot lay-outs or “ballot styles” that have to be designed, produced and distributed to the 500 voting jurisdictions for each statewide election. For the DS-200 machines, the ballots have to be laid out precisely, with timing marks along the edge, to ensure that the scanning device in the machine correctly “reads” the ovals marked by the voter for the candidate whose name appears on that line. *See* sample ballot (Ex. A).

9. In order to assure uniformity in the counting process, the Secretary is directed by statute, 21-A M.R.S.A. § 695(5), to design and print “uniform tabulation sheets” for use at the polls on election night. These are customized for each jurisdiction to reflect the correct listing of candidates and offices. The forms and instructions differ somewhat for machine versus hand-count towns.

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<sup>1</sup> Data on enrolled and registered voters for November 2016 shows that one of these hand-count towns has over 3,000 registered voters; while four others have approximately 1,000 voters. The remaining hand-count towns have fewer than 1,000 voters each.

10. In hand-count towns, election clerks count the votes under the supervision of a warden. *Id.* § 695. They form counting teams of two people, with different party affiliations. *Id.* § 695(2). The team first separates the ballots into lots of 50, plus one odd-numbered lot. *Id.* Each team member concurrently reviews the ballots and marks the votes cast on a separate “Paper Ballot Tally Sheet” for that lot of ballots. *See* Ex. B. The team members compare the completed tallies to make sure they agree, and then sign the two sheets reflecting the agreed-upon results. One tally sheet is wrapped with the lot of ballots, while the second one goes to the warden.

11. From the Paper Ballot Tally Sheets, the warden prepares the “Warden’s Total Tally Sheet,” listing the total votes for each candidate and for each lot of ballots, and aggregating them to produce a total for the municipality. *See* Ex. C. These totals are recorded on the “Warden’s Return of Votes Cast” (Ex. D), which the clerk later reviews for accuracy. *See also* Ex. E (instructions for hand-count towns).

12. In machine-count towns, the DS-200 machines produce a tally tape showing the number of votes read by the machine for each candidate. Ballots that the machine is unable to read are separated into an auxiliary bin and must be hand-counted. Ballots on which the voter has filled in the voting indicator for a write-in candidate also have to be reviewed to determine if the

vote was cast for a declared write-in candidate. The election clerks record on a customized “Tabulating Machine Tally Sheet” (Ex. F) the numbers on the machine tally tapes, as well as the hand-count tally of ballots placed in the auxiliary bin, and the votes cast for declared write-in candidates. The clerks are instructed to sign those tally sheets, certifying the results of each machine tally and each auxiliary bin count. The warden lists and aggregates those results on the “Warden’s Total Tally Sheet” (Ex. G) and records them on the Warden’s Return of Votes Cast (Ex. H). *See also* Ex. I (instructions for machine-count towns).

13. The clerk in each municipality is responsible for preparing the official election return on the form provided by the Elections Division, entitled “State of Maine Return of Votes Cast” (Ex. J). This involves entering the totals from the Warden’s Return of Votes Cast, and checking those totals against the paper or machine tally sheets to assure accuracy. If the clerk finds discrepancies, they have to be resolved before the results are submitted. The election return lists the number of votes for each candidate (including declared write-in candidates) for each elective office, and the number of “blank” votes for that office (i.e., for which the voter indicated no choice).

21-A M.R.S. A. § 711.

14. The official election return must be signed and certified by the municipal clerk and transmitted to the Secretary's office within three business days of the election. *Id.* §§ 711 & 712. It is critical that our office receive these returns, since we cannot prepare the statewide tabulation without them. The statute authorizes the Secretary to send a courier to the municipality (at the town's expense) to retrieve the returns if they are not submitted by 5 p.m. on the third business day after the election. *Id.* § 712.

15. The Secretary is required by law to tabulate the election returns from all 500 municipalities and to submit the tabulation to the Governor within 20 days after the election. *Id.* § 722. The tabulation is in the form of a spreadsheet that aggregates the vote totals for each candidate, and for each elective office, as shown on the election returns attested to and submitted by the municipal clerks. *See* examples of official tabulations on the Secretary's web site at <http://www.maine.gov/sos/cec/elec/results/index.html>. It also must include the tally of absentee ballots from military and overseas voters, in accordance with 21-A M.R.S.A. §§ 776-783. In preparing the tabulation, the Elections Division staff verifies that each municipality is included and that the vote totals match what each municipal clerk reported for each candidate.

16. Most House districts in Maine encompass two to five towns, while the largest district includes 27 different towns. Senate districts range in size from two to 56 municipalities per district.<sup>2</sup> The tabulation for Governor includes results from all 500 local jurisdictions. The Secretary’s tabulation aggregates the votes shown on the election returns from all the towns in each electoral district.

17. Based on a review of the tabulation provided by the Secretary, the Governor must issue a summons, seven days before the first Wednesday of December biennially, to all House and Senate members who “shall appear to have been elected by a plurality.” Me. Const. art. IV, pt. 1, § 5 and pt. 2, § 4

18. In accordance with the Maine Constitution, article V, part 1, section 3, the Secretary presents the tabulation of “the returns of votes cast for Governor” to the Senate and the House when they convene on the first Wednesday after the first Tuesday of January in the year following the general election. *See* Ex. K (excerpts from the Legislative Record for Jan. 7, 2015).

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<sup>2</sup> The number of towns per district is reflected on the official tabulations for the Senate and the House, which are posted on the Secretary’s web site. *See, e.g.*, tabulation for November 2016 elections: <http://www.maine.gov/sos/cec/elec/results/results16-17.html#tally>.

## **Effect of ranked-choice voting**

19. The Act to Establish Ranked-choice Voting ( “the Act”), directs the Secretary to “tabulate the votes according to the ranked-choice voting method described in [Title 21-A] section 723-A” for the offices of Governor, State Senator, and State Representative, as well as United States Senator and United States Representative to Congress (in both primary and general elections). I.B. 2015, c. 3, enacting 21-A M.R.S.A. § 1(27-C) and amending § 722(1). The Act did not amend any of the statutory provisions governing how municipal officials handle ballots, count votes, and prepare and submit election returns to the Secretary. *See* 21-A M.R.S. §§ 695 – 712.

20. The Act also did not amend the opening sentence of Title 21-A, section 722, which directs the Secretary to “tabulate the election returns,” nor did it change the opening sentence of subsection 1, which directs the Secretary to “tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot.” Under these provisions, it seems clear that the process of tabulating for ranked-choice voting would not begin until after the Elections Division has received all election returns from the municipal officials.

21. To “tabulate votes according to the ranked-choice voting method described in section 723-A,” the Elections Division would first have to

aggregate and report the first-choice votes shown on the election returns from municipal officials for each electoral district for the offices to which ranked-choice voting applies. Aggregating those municipal tallies would enable us to determine: 1) whether any candidate has won a majority of first-choice votes and has therefore won the election, 2) if no candidate has won a majority, then which candidate is in last place and is defeated, 3) whether it is “mathematically impossible” for any other candidate, or candidates, to be elected such that they also must be eliminated through “batch elimination,” and 4) which candidates will “continue” to round two. *Id.* § 723-A. Based on these determinations, round two of ranked-choice voting could begin.

22. The task gets more complicated at this point. To implement § 723-A(2), the ballots cast for all defeated candidates must be re-examined to determine whether the voters whose first-choice candidate was defeated expressed a second choice (or third-choice, if the voter failed to mark any second-choice) for one of the “continuing candidates.” If so, then those second (or third) choice votes must be counted and added to the first-choice vote totals for the continuing candidates. *Id.* §§ 723-A(1)(D) &(2).

23. It is not possible to perform the task of redistributing second or third choice votes to continuing candidates based on review of the election returns attested to and submitted by the municipal officials. Even if our office

were to modify the forms used for election returns (Ex. J) to enable municipal officials to list the total number of first, second, third, and subsequent choices for each candidate for every office on the ballot, such lists could not be aggregated to produce a second-round result under the method in section 723-A(2). Redistribution of voters' lower-ranked choices to continuing candidates can be performed only by examining the actual ballots or an electronic image of those ballots.

24. The DS-200 machines capture what is referred to as a "cast vote record" of each ballot that was run through the machine on election day. This is an electronic record -- a snapshot, in effect -- of each voter's ranked preferences in the order shown on that voter's ballot. The cast vote records are stored on a USB memory device, or thumb drive, for each DS-200 machine.

25. The memory devices from all the DS-200 machines could be delivered to the Elections Division, or to another secure, central location in the capitol area. The State currently leases 541 machines, which are in use by the 263 towns, some of which require several machines due to the number of registered voters in the town. In a gubernatorial race, therefore, we would need to collect 541 memory devices at a central location.

26. At the central location, each memory device would need to be uploaded to a computer program, known as "elections reporting and

management software,” which the Secretary would need to purchase. The Elections Division has been advised that this software program is capable of storing and managing all the different permutations of voter preferences on a ranked choice ballot. However, additional computers would need to be acquired by the Secretary in order to operate the program.

27. To “tabulate” votes using the ranked-choice voting method, the Secretary would need to acquire a second type of computer software that contains specific algorithms coded to apply the rules of ranked-choice voting. These algorithms would be applied to the data stored in the elections reporting and management program to perform the second and subsequent rounds of counting using the ranked-choice voting method in section 723-A.

28. To conduct the ranked-choice voting process in a statewide electoral contest (e.g., for Governor), or for a House or Senate district that encompasses hand-count as well as machine-count towns, presents some additional logistical challenges would require running the hand-counted ballots through a DS-200 or other digital tabulating machine, in order to create a cast vote record that could be uploaded to the same software program. Given the terms of the state’s current lease for the DS-200 machines, it may not be contractually possible or financially feasible for the Secretary to lease additional machines for each of the 237 hand-count towns,

some of which have fewer than 25 voters. A more feasible approach would be for the Secretary to acquire a single high-speed digital tabulating machine.

29. Ballots from the hand-count towns in an electoral district subject to a ranked-choice voting could be collected and delivered to a secure, central location in the capitol area, where state election officials could run them through the high speed tabulating machine. That would create “cast vote records” for all the ballots, which could then be uploaded into the elections reporting and management program.

30. If municipal officials in the hand-count towns attempted to create the equivalent of a “cast vote record” by hand, they would need to record every possible permutation of voter rankings based on the number of candidates in a particular race. A race with four candidates would involve 24 permutations, but a contest among five candidates would increase that to 120 permutations. To capture such a large number of permutations for each ballot in a written tally sheet would be unwieldy at best, and fraught with potential for human error.

31. The only practical way to implement ranked-choice voting under the Act appears to be to collect the ballots from hand-count towns and the memory devices from machine-count municipalities and bring them to a central location; upload the cast vote records from all the memory devices

into the elections reporting and management software program; run the hand-counted ballots through the high-speed tabulator and upload those cast vote records into the same software program. State election officials would then run the algorithms necessary to redistribute the second (or third) choice votes from the ballots that had ranked a defeated candidate as the voter's first choice, and obtain a result for round two in accordance with section 723-A(2). The same process would be utilized in subsequent rounds until only two continuing candidates remained, one of whom would receive a majority vote and be declared the winner.

32. The \$1.5 million projected cost of implementing ranked-choice voting, referenced in the Senate Order requesting an Opinion of the Justices, is based on the fiscal impact statement that was prepared by the Legislature's Office of Fiscal and Program Review, pursuant to 1 M.R.S.A. § 353. A copy is attached here as Ex. L. It was also included in the *Maine Citizen's Guide to the Referendum Election* (November 8, 2016), at 51. This estimate does not include any costs for voter education, nor does it cover the cost of renting space at a central location to house the activities outlined above.

33. The Elections Division reviewed official election results in legislative races for the period from 1990 through 2016, in an effort to determine the relative frequency of general or special elections in which more

than two candidates have qualified to get their names on the ballot, and thus how frequently ranked-choice voting might apply. The range appears to be from 10 to 25 legislative races each election cycle.

34. The tabulations for gubernatorial elections during the period from 1974 through 2014 reveal that there were between three and six candidates on the ballot in every cycle. *See* Addendum to Attorney General’s Brief.

Dated: March 3, 2017

\_\_\_\_\_  
JULIE L. FLYNN

STATE OF MAINE  
KENNEBEC, ss.

March 3, 2017

Personally appeared before me the above-named Julie L. Flynn, and made oath that the foregoing statements made by her are true and correct to her own personal knowledge.

\_\_\_\_\_  
Notary Public  
Print Name: Amy J. Oliver  
My Commission Expires: September 19, 2023



State of Maine Official Ballot  
General Election, November 4, 2014  
for

Bowdoinham

**FILE COPY**

**Instructions to Voters**

To vote for the candidate of your choice, fill in the oval to the left, like this:

To vote for a Write-in candidate, fill in the oval to the left of the Write-in space and write in the person's name.

To have your vote count, do not erase or cross out your choice. If you make a mistake, ask for a new ballot.

**United States Senator**  
Vote for ONE (1)

- Bellows, Shenna  
Manchester *Democratic*
- Collins, Susan M.  
Bangor *Republican*

**Write-in:**

**Governor**  
Vote for ONE (1)

- Cutler, Eliot R.  
Cape Elizabeth *Independent*
- LePage, Paul R.  
Augusta *Republican*
- Michaud, Michael H.  
East Millinocket *Democratic*

**Write-in:**

**Representative to Congress**  
District 1  
Vote for ONE (1)

- Misjuk, Isaac J.  
Gorham *Republican*
- Murphy, Richard P.  
Sanford *Independent*
- Pingree, Chellie  
North Haven *Democratic*

**Write-in:**

**State Senator**  
District 23  
Vote for ONE (1)

- Baker, Linda L.  
Topsham *Republican*
- Knapp, Alice E.  
Richmond *Green Independent*
- Vitelli, Eloise A.  
Arrowsic *Democratic*

**Write-in:**

**Representative to the Legislature**  
District 55  
Vote for ONE (1)

- Elliott, Alice D.  
Richmond *Democratic*
- Hobart, Brian D.  
Bowdoinham *Republican*

**Write-in:**

**County Treasurer**  
Sagadahoc County  
Vote for ONE (1)

- Scease, Jane  
Topsham *Democratic*

**Write-in:**

**Register of Deeds**  
Sagadahoc County  
Vote for ONE (1)

- Moore, Lynn C.  
Woolwich *Republican*

**Write-in:**

**District Attorney**  
District 6  
Vote for ONE (1)

- Rushlau, Geoffrey A.  
Dresden *Republican*
- Sinclair, David A.  
Bath *Democratic*

**Write-in:**

**County Commissioner**  
Sagadahoc District 2  
Vote for ONE (1)

- Dawson, Lawrence M.  
Bath *Republican*

**Write-in:**

**FILE COPY**

Turn Over  
Questions on Back

**PAPER BALLOT TALLY SHEET**  
November 04, 2014 - GENERAL ELECTION  
Municipality: ASHLAND W-P: 1 (1-1)

BALLOT LOT #	TOTAL BALLOTS CAST AND COUNTED IN THIS LOT: _____
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**CERTIFICATION**

We, the undersigned election officials duly sworn, do declare that, in accordance with 21-A MRSA §695 & §698, we have publicly sorted, counted, declared, recorded and packaged the ballots contained in this lot cast at the GENERAL ELECTION held on November 04, 2014.

\_\_\_\_\_  
Election Clerk Counting Ballots

**THIS STATEMENT MUST BE WRAPPED AROUND THE OUTSIDE OF THIS LOT OF BALLOTS**





**WARDEN'S TOTAL TALLY SHEET**

November 04, 2014 - GENERAL ELECTION    Municipality: ASHLAND W-P: 1 (1-1)

Use spaces beside each candidate's name to record number of votes for that candidate from each lot												
Ballot Lot (Letter & Number, example A-1, B-1)	A-1											GRAND/PAGE TOTAL
# of ballots counted in this lot												Total Ballots Cast
<b>Office &amp; Candidate Names</b>												
United States Senator												
Bellows, Shenna												
Collins, Susan M.												
Declared Write-in: Lyons, Christopher A.												
Declared Write-in: Stubenrod, Deril V.												
BLANKS (include undeclared write-ins)												
Governor												
Cutler, Eliot R.												
LePage, Paul R.												
Michaud, Michael H.												
Declared Write-in: Vachon, J. Martin												
BLANKS (include undeclared write-ins)												
Representative To Congress - District 2												
Cain, Emily Ann												
Poliquin, Bruce												
Richardson, Blaine												
Declared Write-in: Hawes, Leigh M.												



11/04/2014--GENERAL ELECTION  
WARDEN'S RETURN OF VOTES CAST

MUNICIPALITY: ASHLAND - 1 (1-1)

TOTAL BALLOTS CAST: Record the total number of State ballots cast (if no votes were cast, write "none" or "0").

Total Number of Ballots Cast: 516

UNITED STATES SENATOR

83 BELLOWS, SHENNA  
420 COLLINS, SUSAN M.  
LYONS, CHRISTOPHER A. (Declared Write-In)  
STUBENROD, DERIL V. (Declared Write-In)  
13 BLANK

REGISTER OF DEEDS

442 CLARK, TYLER  
74 BLANK

SHERIFF

451 CRANDALL, DARRELL O., JR.  
65 BLANK

GOVERNOR

73 CUTLER, ELIOT R.  
230 LEPAGE, PAUL R.  
203 MICHAUD, MICHAEL H.  
VACHON, J. MARTIN (Declared Write-In)  
10 BLANK

DISTRICT ATTORNEY (District 8)

434 COLLINS, TODD ROLAND  
82 BLANK

AROOSTOOK COUNTY FINANCE COMMITTEE (District 24)

516 BLANK

REPRESENTATIVE TO CONGRESS (District 2)

174 CAIN, EMILY ANN  
249 POLIQUIN, BRUCE  
63 RICHARDSON, BLAINE  
HAWES, LEIGH M. (Declared Write-In)  
30 BLANK

STATE SENATOR (District 1)

309 EDGECOMB, PETER  
175 THERLAULT, CHARLES KENNETH  
32 BLANK

REPRESENTATIVE TO THE LEGISLATURE (District 151)

279 MARTIN, JOHN L.  
222 NADEAU, ALLEN MICHAEL  
15 BLANK

REGISTER OF PROBATE

436 GUY, DARLEEN S.  
80 BLANK

COUNTY TREASURER

437 MCCRUM, BARRY DANA  
79 BLANK

1. Debrah A. Curney  
Warden's Signature

2. Kathleen Beaulieu  
Election Official's Signature

The Warden must immediately deliver the completed and signed RETURN to the MUNICIPAL CLERK.

**Instructions for Completing the Hand-Count Ballot Tally Sheets**  
**(Title 21-A Sections 695-697)**

The Secretary of State is required by law to design and provide uniform tally sheets to be used at the polls and to require the use of a uniform system of counting and tabulation. This document summarizes the uniform system of hand-tallying ballots.

After the polls close and all absentee ballots have been processed and placed in the ballot box, the warden will follow the *Instructions for Closing the Polls – Paper Ballots*, as well as these instructions for completing the hand-count and the instructions for packaging ballots and other materials. **A corrected version of the Instructions for Closing the Polls – Paper Ballots is included in this mailing. Please discard the checklist that was provided in the Jiffy Bag.**

\_\_\_ 1. Set up and maintain a guardrail enclosure around the ballot processing/counting area, so that observers outside the guardrail are at least 6 feet from any ballots. Election clerks count the ballots under the supervision of the warden within the guardrail enclosure. The public must remain outside the guardrail and may observe but not participate.

\_\_\_ 2. Select teams of election clerks with one Democrat and one Republican member per team. Assign a letter designation to each team, such as "A", "B", "C" etc. Each team designates each lot of ballots and corresponding tally sheets with their letter, along with a consecutive number for each lot counted (e.g. A-1, A-2, B-1, etc.).

\_\_\_ 3. Follow the *Instructions for Packaging Election Materials* (provided in this mailing) for packaging and sealing the IVL, the absentee materials and the unused ballots before preparing to tally voted ballots.

\_\_\_ 4. Unlock the ballot box and empty all ballots onto a table for sorting. Teams of election clerks sort the ballots of each type (i.e. State candidate ballots – by party or ballot style if applicable, State referenda ballots, municipal ballots, etc.) into lots of 50, with one lot of each type which may have fewer than 50 ballots.

\_\_\_ 5. Give each counting team several blank candidate and/or referendum tally sheets; red ink pens or red lead pencils; and one or more lots of ballots. **Reminder:** By law, the order in which the ballots must be tallied is: (1) State candidate ballots; (2) State referenda ballots (if separate from State candidate ballots); (3) County ballots (if any); and (4) Municipal or School ballots.

\_\_\_ 6. Each team takes one lot of ballots and puts it on the table in between the 2 team members. The team writes their letter and a consecutive number on the certification portion of the 2 tally sheets to be completed, and on the upper right corner of the top ballot in the lot. The team also writes the number of ballots contained in that lot on the certification portion of the 2 tally sheets.

\_\_\_ 7. **Each team counts each assigned lot using the ONE (1) approved method of counting ballots - the Verbal Concurrent method, described as follows:**

The 2 members of the team count the same lot together; each completing their copy of the tally sheet. Team members concurrently review each ballot; state the question and choice verbally (i.e. 1 Yes, 2 Blank, 3 No, etc.) to ensure they agree on the count; and place a hash mark in the appropriate block on their own tally sheet. When the team finishes tallying the lot, they compare the 2 tallies. If the tallies agree, that lot is completed. If there is a discrepancy, the team must recount the race or races where the count was off, and correct both tally sheets.

For more information on this counting method, please review Chapter 9, page 3 of the *Voter Registration and Elections – The Guide for Maine Election Administrators* training manual.

\_\_\_ **8. COUNTING CERTAIN TYPES OF BALLOTS:** Please refer to the *“Rules for Determining Voter Intent”*. These rules are available in Chapter 9, pages 15-20, of the *Voter Registration and Elections – The Guide for Maine Election Administrators*.

\_\_\_ **9.** Each block beside a candidate or question choice is used to tally 5 votes. There are also blocks to record blanks. Record blanks for each office and referendum question. In the last column, total the tally marks and putting the numeric equivalent for that total. (For a candidate election: election clerks must tally votes for **declared write-in candidates** on the tally sheet for the office where the candidate is declared. Votes for **undeclared write-in candidates** must be tallied as **blank votes**.)

\_\_\_ **10.** After determining an accurate tally for a lot of ballots, complete and sign the certification on the back of the 2 tally sheets. Fold the 50 ballots as a group, and wrap one tally sheet around the corresponding lot of 50 ballots, with the Certification side facing out. Use a rubber band to keep the tally sheet wrapped around the lot.

**Note: DO NOT USE TAMPER-PROOF TAPE TO SECURE THE TALLY SHEETS TO THE BALLOT LOTS.** Also, **do not roll** the lots of ballots, simply wrap the tallies around the folded ballots and apply the rubber band to secure the tally sheet to the ballots.

\_\_\_ **11.** The Warden collects the second tally sheet for each lot and writes the totals in one column of 2 copies of the Warden’s Total Tally Sheet (i.e., put the totals from lot A-1 in the first column, the totals from lot A-2 in the second column, the totals for lot B-1 in the third column, etc.) until all lot totals are recorded on both copies of the Warden’s Total Tally Sheet.

\_\_\_ **12.** The Warden calculates the “Grand/Page Total” for each candidate/question on both copies of the Warden’s Total Tally Sheet. If more than one Warden’s total Tally Sheet is needed, the Warden adds all page totals to get a grand total for each candidate/question. Another election official must verify that the lot totals are recorded correctly on the Warden’s Total Tally Sheet and that the Grand Totals are correct.

\_\_\_ **13.** The Warden calculates the “**Total State Ballots Cast**” figure by adding the total number of lots of 50 ballots, plus any odd lots. For example, if there were 8 lots of 50, plus one lot of 35, the Total State Ballots Cast would be 435 (8x50+35).

\_\_\_ **14.** The Warden and one other election official complete and sign the Return of Votes Cast, using the figures from the “Grand/Page Total” column of the Warden’s Total Tally Sheet (or sheets), and the Total State Ballots Cast figure.

\_\_\_ **15.** One copy of the Warden’s Total Tally Sheet is sealed in the tamper-proof box with the lots of ballots and the other copy, along with the second copy of each of the tally sheets for each lot of ballots and the Return of Votes Cast, are returned to the Clerk.

**TABULATING MACHINE TALLY SHEET**  
November 04, 2014 - GENERAL ELECTION  
Municipality: WESTBROOK W-P: 1 (1-1)

**TOTAL BALLOTS CAST**

TOTAL BALLOTS COUNTED BY MACHINE	
TOTAL AUXILIARY BALLOTS	
TOTAL BALLOTS CAST	

**CERTIFICATION**

We, the undersigned election officials duly sworn, do declare that, in accordance with 21-A MRSA §695 & §698, we have publicly sorted, counted, declared, recorded, and packaged all Ballots cast at the GENERAL ELECTION held on November 04, 2014.

\_\_\_\_\_  
Election Clerk Counting Ballots

\_\_\_\_\_  
Election Clerk Counting Ballots

**THIS FORM MUST BE IMMEDIATELY DELIVERED TO THE MUNICIPAL CLERK**

# TABULATING MACHINE TALLY SHEET

November 04, 2014 - GENERAL ELECTION

Municipality: WESTBROOK W-P: 1 (1-1)

Offices, Candidates & Questions	Total Votes From Tape	Tally Write-ins Ballots (Hand Tally# )	Tally Auxiliary Ballots (Hand Tally# )	GRAND TOTAL (add across each row)
<b>United States Senator</b>				
Bellows, Shenna	T1		A1	GT1
Collins, Susan M.	T2		A2	GT2
Write-in Tape Total	TW			
Declared Write-in: Lyons, Christopher A.		W1	A3	GT3
Declared Write-in: Stubenrod, Deril V.		W2	A4	GT4
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T2, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A4 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT4 + GTB AND it also equals box TM plus box AT			GT

<b>Governor</b>				
Cutler, Eliot R.	T1		A1	GT1
LePage, Paul R.	T2		A2	GT2
Michaud, Michael H.	T3		A3	GT3
Write-in Tape Total	TW			
Declared Write-in: Vachon, J. Martin		W1	A4	GT4
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T3, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A4 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT4 + GTB AND it also equals box TM plus box AT			GT

## TABULATING MACHINE TALLY SHEET

November 04, 2014 - GENERAL ELECTION

Municipality: WESTBROOK W-P: 1 (1-1)

Offices, Candidates & Questions	Total Votes From Tape	Tally Write-ins Ballots (Hand Tally# )	Tally Auxiliary Ballots (Hand Tally# )	GRAND TOTAL (add across each row)
<b>Representative To Congress:- District 1</b>				
Misiuk, Isaac J.	T1		A1	GT1
Murphy, Richard P.	T2		A2	GT2
Pingree, Chellie	T3		A3	GT3
Write-in Tape Total	TW			
Declared Write-in: Stephens, Barry D.		W1	A4	GT4
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T3, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A4 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT4 + GTB AND it also equals box TM plus box AT			GT

<b>State Senator - District 25</b>				
Breen, Catherine	T1		A1	GT1
Manchester, Cathleen A.	T2		A2	GT2
Write-in Tape Total	TW			
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T2, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A2 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT2 + GTB AND it also equals box TM plus box AT			GT

# TABULATING MACHINE TALLY SHEET

November 04, 2014 - GENERAL ELECTION

Municipality: WESTBROOK W-P: 1 (1-1)

Offices, Candidates & Questions	Total Votes From Tape	Tally Write-ins Ballots (Hand Tally# )	Tally Auxiliary Ballots (Hand Tally# )	GRAND TOTAL (add across each row)
<b>State Senator - District 28</b>				
Haskell, Anne M.	T1		A1	GT1
Hill, Owen	T2		A2	GT2
Write-in Tape Total	TW			
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T2, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A2 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT2 + GTB AND it also equals box TM plus box AT			GT

<b>Representative To The Legislature - District 34</b>				
Gattine, Andrew M.	T1		A1	GT1
Russell, Rose Marie	T2		A2	GT2
Write-in Tape Total	TW			
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T2, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A2 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT2 + GTB AND it also equals box TM plus box AT			GT

## TABULATING MACHINE TALLY SHEET

November 04, 2014 - GENERAL ELECTION

Municipality: WESTBROOK W-P: 1 (1-1)

Offices, Candidates & Questions	Total Votes From Tape	Tally Write-ins Ballots (Hand Tally# )	Tally Auxiliary Ballots (Hand Tally# )	GRAND TOTAL (add across each row)
<b>Representative: To The Legislature - District 35</b>				
Bates, Dillon	T1		A1	GT1
Downing, Emily Sarah	T2		A2	GT2
Write-in Tape Total	TW			
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T2, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A2 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT2 + GTB AND it also equals box TM plus box AT			GT

<b>Judge of Probate</b>				
Mazziotti, Joseph R.	T1		A1	GT1
Write-in Tape Total	TW			
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 , TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 + GTB AND it also equals box TM plus box AT			GT

**WARDEN'S TOTAL TALLY SHEET**

November 04, 2014 - GENERAL ELECTION      Municipality: WESTBROOK W-P: 1 (1-1)

Use spaces beside each candidate's name to record number of votes for that candidate from each lot										
Ballot Lot (Letter & Number, example A-1, B-1)	A-1									GRAND/PAGE TOTAL
# of ballots counted in this lot										Total Ballots Cast
<b>Office &amp; Candidate Names</b>										
United States Senator:										
Bellows, Shenna										
Collins, Susan M.										
Declared Write-in: Lyons, Christopher A.										
Declared Write-in: Stubenrod, Deril V.										
BLANKS (include undeclared write-ins)										
Governor:										
Cutler, Elliot R.										
LePage, Paul R.										
Michaud, Michael H.										
Declared Write-in: Vachon, J. Martin										
BLANKS (include undeclared write-ins)										
Representative To Congress - District 1:										
Misiuk, Isaac J.										
Murphy, Richard P.										
Pingree, Chellie										
Declared Write-in: Stephens, Barry D.										



11/04/2014--GENERAL ELECTION  
WARDEN'S RETURN OF VOTES CAST

MUNICIPALITY: WESTBROOK - 1 (1-1)

TO TAL BALLOTS CAST: Record the total number of State ballots cast (if no votes were cast, write "none" or "0").

Total Number of Ballots Cast: 1269

UNITED STATES SENATOR

410 BELLOWS, SHENNA  
838 COLLINS, SUSAN M.  
2 LYONS, CHRISTOPHER A. (Declared Write-In)  
0 STUBENROD, DERIL V. (Declared Write-In)  
19 BLANK

GOVERNOR

85 CUTLER, ELIOT R.  
518 LEPAGE, PAUL R.  
652 MICHAUD, MICHAEL H.  
0 VACHON, J. MARTIN (Declared Write-In)  
14 BLANK

REPRESENTATIVE TO CONGRESS (District 1)

347 MISIUK, ISAAC J.  
109 MURPHY, RICHARD P.  
772 PINGREE, CHELLIE  
2 STEPHENS, BARRY D. (Declared Write-In)  
39 BLANK

STATE SENATOR (District 25)

170 BREEN, CATHERINE  
153 MANCHESTER, CATHLEEN A.  
17 BLANK

STATE SENATOR (District 28)

562 HASKELL, ANNE M.  
243 HILL, OWEN  
124 BLANK

REPRESENTATIVE TO THE LEGISLATURE (District 34)

368 GATTINE, ANDREW M.  
197 RUSSELL, ROSE MARIE  
39 BLANK

REPRESENTATIVE TO THE LEGISLATURE (District 35)

359 BATES, DILLON  
275 DOWNING, EMILY SARAH  
31 BLANK

JUDGE OF PROBATE

1003 MAZZIOTTI, JOSEPH R.  
266 BLANK

SHERIFF

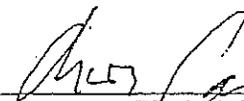
1027 JOYCE, KEVIN JAY  
242 BLANK

DISTRICT ATTORNEY (District 2)

991 ANDERSON, STEPHANIE  
278 BLANK

COUNTY COMMISSIONER (District 4)

965 COWARD, THOMAS S.  
304 BLANK

1.   
Warden's Signature

2.   
Election Official's Signature

The Warden must immediately deliver the completed and signed RETURN to the MUNICIPAL CLERK.

**Instructions for Completing the Tabulator Tally Sheet**  
*Prepared by the Division of Elections, October 2014*

Please review the following instructions regarding completion of the Tabulator Tally Sheet.

**Step 1: Running Tapes and Recording Totals**

After the polls close and all absentee ballots have been processed through the tabulator, the warden must run at least 2 copies of the machine tape of vote totals.

The total votes for each candidate, as well as blanks and write-ins, must be copied from the tape and entered into 2 blank tally sheets in the first column labeled "Total Votes from Tape" (i.e. in boxes T1, T2, T3, etc).

For each office, there is a space for the number of write-ins from the tape (TW), the number of blanks from the tape (TB) and the total number of ballots (votes) counted by the machine (TM). If there is no declared write-in for a race, the tape will state "No Declared Write-in" – put a zero in box TW. If there is a declared write-in, the tape will indicate the number of ballots with a write-in for that race – write that number in box TW.

Record this information from the tape on two (2) tally sheets and proof both tally sheets before you proceed to the next steps.

Complete a tally sheet for each tabulator and/or memory stick that is used at the election.

Offices, Candidates & Questions	Total Votes From Tape	Tally Write-ins Ballots (Hand Tally##)	Tally Auxiliary Ballots (Hand Tally ##)	GRAND TOTAL (add across each row)
<b>United States Senator</b>				
Bellows, Shenna	T1		A1	GT1
Collins, Susan M.	T2		A2	GT2
Write-in Tape Total	TW			
Declared Write-in: Lyons, Christopher A.		W1	A3	GT3
Declared Write-in: Stubenrod, Deril V.		W2	A4	GT4
Blanks (from tapes)	TB	WB	AB	GTB
TOTAL BALLOTS COUNTED BY MACHINE	TM	- Box TM equals total of T1 to T2, TW, TB		
NUMBER OF BALLOTS IN AUXILIARY BIN	Box AT equals the number of actual ballots in auxiliary bin AND it also equals the total of A1 to A4 + AB		AT	
TOTAL BALLOTS CAST	Box GT equals the total of GT1 to GT4 + GTB AND it also equals box TM plus box AT			GT

**Step 2: Review Ballots With Votes for Declared Write-ins**

The DS200 tabulator only diverts ballots with a write-in indicator marked for an office with a declared write-in. All declared write-in candidates applicable to your municipality were provided to you in an earlier mailing and are printed on the tally sheet.

For ballots with the write-in indicator marked for an office with a declared write-in, you must tally the ballot for either (a) the declared write-in candidate or (b) tally as a blank. Record the number of votes tallied for each declared write-in candidate in the appropriate box (i.e. W1) or tally the blanks in the WB box. The number of votes tallied for the declared write-in candidate (W1) and the number of votes tallied in WB must equal the write-in tape total (TW).

**DO NOT TALLY** any votes for other offices on the write-in ballots; the machine has already tallied everything else.

Once you are done recording the **declared write-ins**, put all ballots with write-ins into a manila envelope with the label provided in your Jiffy Bag and put the envelope in a tamper proof container. **There is nothing else to do on these ballots.**

### **Step 3: Review and Tally Ballots in the Auxiliary Bin (if any)**

If the auxiliary compartment contains any AVS ballots or any other ballots that could not be processed through the tabulator, these ballots must be hand-tallied and the tally must be recorded in the column labeled "Tally Auxiliary Ballots" (i.e. A1, A2, A3, etc.). Enter the numeral for the total number of ballots in the Auxiliary bin in box AT of the tally sheet. Calculate the Total Ballots Cast figure by adding box AT to TM. The Total Number of Ballots Cast must be the same for each ballot question.

When you are done tallying the ballots from the auxiliary bin, put them in the envelope with the write-in ballots. This envelope will be put in a tamper proof container when you are packaging election materials.

### **Step 4: Complete Your Grand Total (far right column)**

Total across each row and record the numeral for grand total of the votes cast for each candidate and Blanks (in GTB).

**NOTE:** The Total Ballots Cast (GT) must be the same for each question.

### **Step 4: Complete Your Certification**

Finally, the 2 election clerks need to complete the certification sheet by filling in the total ballots counted by the machine, total auxiliary ballots counted, and then the sum of these two figures which make up the total ballots cast. The certification is then signed by these 2 election clerks.

## STATE OF MAINE RETURN OF VOTES CAST

MUNICIPALITY: ASHLAND - 1 (1-1)

## UNITED STATES SENATOR

83 BELLOWS, SHENNA  
420 COLLINS, SUSAN M.  
0 LYONS, CHRISTOPHER A. (Declared Write-In)  
0 STUBENROD, DERIL V. (Declared Write-In)  
13 BLANK

## GOVERNOR

73 CUTLER, ELIOT R.  
230 LEPAGE, PAUL R.  
203 MICHAUD, MICHAEL H.  
0 VACHON, J. MARTIN (Declared Write-In)  
10 BLANK

## REPRESENTATIVE TO CONGRESS (District 2)

174 CAIN, EMILY ANN  
249 POLIQUIN, BRUCE  
63 RICHARDSON, BLAINE  
0 HAWES, LEIGH M. (Declared Write-In)  
30 BLANK

## STATE SENATOR (District 1)

309 EDGECOMB, PETER  
175 THERIAULT, CHARLES KENNETH  
32 BLANK

## REPRESENTATIVE TO THE LEGISLATURE (District 151)

279 MARTIN, JOHN L.  
222 NADEAU, ALLEN MICHAEL  
15 BLANK

## REGISTER OF PROBATE

436 GUY, DARLEEN S.  
80 BLANK

## COUNTY TREASURER

437 MCCRUM, BARRY DANA  
79 BLANK

## REGISTER OF DEEDS (SOUTHERN REGISTRY DISTRICT)

442 CLARK, TYLER  
74 BLANK

## SHERIFF

451 CRANDALL, DARRELL O., JR.  
65 BLANK

## DISTRICT ATTORNEY (District 8)

434 COLLINS, TODD ROLAND  
82 BLANK

## AROOSTOOK COUNTY FINANCE COMMITTEE (District 24)

516 BLANK

Certified by the Municipal Clerk:

Deborah A. Curney  
 Signature of Clerk  
11/5/19  
 Date

STATE OF MAINE RETURN OF VOTES CAST

MUNICIPALITY: WESTBROOK - 1 (1-1)

UNITED STATES SENATOR

410 BELLOWS, SHENNA  
838 COLLINS, SUSAN M.  
2 LYONS, CHRISTOPHER A. (Declared Write-In)  
0 STUBENROD, DERIL V. (Declared Write-In)  
19 BLANK

GOVERNOR

85 CUTLER, ELIOT R.  
518 LEPAGE, PAUL R.  
652 MICHAUD, MICHAEL H.  
0 VACHON, J. MARTIN (Declared Write-In)  
14 BLANK

REPRESENTATIVE TO CONGRESS (District 1)

347 MISIUK, ISAAC J.  
109 MURPHY, RICHARD P.  
772 PINGREE, CHELLIE  
2 STEPHENS, BARRY D. (Declared Write-In)  
39 BLANK

STATE SENATOR (District 25)

170 BREEN, CATHERINE  
153 MANCHESTER, CATHLEEN A.  
17 BLANK

STATE SENATOR (District 28)

562 HASKELL, ANNE M.  
243 HILL, OWEN  
124 BLANK

REPRESENTATIVE TO THE LEGISLATURE (District 34)

368 GATTINE, ANDREW M.  
197 RUSSELL, ROSE MARIE  
39 BLANK

REPRESENTATIVE TO THE LEGISLATURE (District 35)

359 BATES, DILLON  
275 DOWNING, EMILY SARAH  
31 BLANK

JUDGE OF PROBATE

1,003 MAZZIOTTI, JOSEPH R.  
266 BLANK

SHERIFF

1,027 JOYCE, KEVIN JAY  
242 BLANK

DISTRICT ATTORNEY (District 2)

991 ANDERSON, STEPHANIE  
278 BLANK

COUNTY COMMISSIONER (District 4)

965 COWARD, THOMAS S.  
304 BLANK

Certified by the Municipal Clerk:

Lynda Odum  
 Signature of Clerk

11/5/14  
 Date

Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 3, 2014

beginning at Page 1

Pursuant to 5 MRSA §12009, I am submitting to you the report of Board and Commission appointments or reappointments for the calendar year 2015. Additionally, I am providing a report that lists appointments or re-appointments that have not been made from previous years through December 31, 2014, and where vacancies actually exist on a board or commission that need a new appointment. If you need a breakdown by your appointments only, we can provide this to you as well.

If you have any questions concerning these reports or need additional information, please contact this office or Cathy Beaudoin in the Bureau of Corporations, Elections and Commissions at 624-7748

Sincerely,

S/Matthew Dunlap  
Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 23

CHILD WELFARE OMBUDSMAN  
P.O. BOX 2057  
HOPE, MAINE 04847

December 28, 2014

The Honorable Michael D. Thibodeau  
President of the Maine Senate  
3 State House Station  
Augusta, Maine 04333  
Dear President Thibodeau,

I am pleased to present the twelfth annual report of the Maine Child Welfare Ombudsman. Our office reports to the Governor, the Department, and the Legislature each year pursuant to 22 M.R.S.A. §4087-A. This report reflects the Fiscal Year from October 1, 2013 through September 30, 2014. I respectfully request that you distribute this report to the members of the Maine Senate.

The Child Welfare Services Ombudsman provides information to callers about Child Welfare Services, and also provides information and referrals to callers. For approximately one fifth of callers, the Ombudsman will open a case for review. The Ombudsman is glad to report that the Office of Child and Family Services and the Ombudsman continue to have an excellent working relationship as we strive for the common goal of keeping Maine's most vulnerable children safe and helping reunite families involved with Child Welfare.

Please let me know if you have any questions about the report or our program and I would be happy to meet and discuss those or any other issues with you.

Respectfully submitted,

S/Christine Alberi  
Ombudsman

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 24

STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE

January 7, 2015

To the President of the Senate in the One Hundred and Twenty-seventh Legislature:

I, MATTHEW DUNLAP, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for Governor at the General Election held on the fourth day of November in the year two thousand and fourteen;

REPORT AS FOLLOWS; that Paul R. LePage, having received a plurality of the votes cast, appears to have been elected Governor of the State of Maine:

General Election – November 4, 2014

Governor

Elliot R. Cutler  
Cape Elizabeth  
Independent

Androscoggin	3,556
Aroostook	2,727
Cumberland	12,836
Franklin	1,241
Hancock	2,268
Kennebec	4,241
Knox	1,555
Lincoln	1,351
Oxford	2,226
Penobscot	4,712
Piscataquis	631
Sagadahoc	1,550
Somerset	1,586
Waldo	1,440
Washington	1,157
York	8,361
State UOCAVA	72
Emergency Utility Workers	5
<b>Total</b>	<b>51,515</b>

**Paul R. LePage**  
**Augusta**  
**Republican**

Androscoggin	25,987
Aroostook	13,725
Cumberland	55,932
Franklin	7,591
Hancock	12,016
Kennebec	28,336
Knox	8,425
Lincoln	9,157
Oxford	14,902
Penobscot	33,190
Piscataquis	4,736
Sagadahoc	8,760
Somerset	12,194
Waldo	8,862
Washington	7,390
York	43,055
State UOCAVA	196
Emergency Utility Workers	65
<b>Total</b>	<b>294,519</b>

**Michael H. Michaud**  
**East Millinocket**  
**Democrat**

Androscoggin	16,376
Aroostook	12,398
Cumberland	72,217
Franklin	5,426
Hancock	12,007
Kennebec	24,129
Knox	8,911
Lincoln	7,633
Oxford	9,269
Penobscot	26,210
Piscataquis	2,810
Sagadahoc	8,264
Somerset	8,422
Waldo	8,167
Washington	5,452
York	36,905
State UOCAVA	499
Emergency Utility Workers	19
<b>Total</b>	<b>265,114</b>

**Others**

Androscoggin	1
Aroostook	6
Cumberland	22
Franklin	7
Hancock	3
Kennebec	8
Knox	0
Lincoln	0
Oxford	3
Penobscot	0

Piscataquis	2
Sagadahoc	3
Somerset	1
Waldo	6
Washington	3
York	14
State UOCAVA	0
Emergency Utility Workers	0
<b>Total</b>	<b>79</b>

I, MATTHEW DUNLAP, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for Governor at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/Matthew Dunlap  
 Secretary of State

**READ and REFERRED** to the Committee on GUBERNATORIAL VOTE.

---

Senate at Ease.

Senate called to order by the President.

---

**ORDERS**

**Senate Order**

On motion by Senator KATZ of Kennebec, the following Senate Order:

S.O. 17

WHEREAS, the Standing Committee on the Senatorial Vote has met and, on the basis of the report of the committee, it is determined that Catherine Breen of Falmouth has been elected in Senate District 25 by a plurality of the votes in the election held on November 4, 2014; now, therefore, be it

**ORDERED**, that Catherine Breen of Falmouth be provisionally seated pending the administration of the oath of office.

**READ and PASSED.**

The Chair requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator BREEN to her seat on the Floor.

---

**Joint Orders**

On motion by Senator CUSHING of Penobscot, the following Joint Order:

S.P. 10

January 7, 2015

The Honorable Michael D. Thibodeau  
President of the Senate  
The Honorable Mark W. Eves  
Speaker of the House  
State House  
Augusta, ME 04333

Dear President Thibodeau and Speaker Eves:

The Joint Select Committee of the One Hundred and Twenty-Seventh Legislature on returns of votes for Governor given in the several cities, towns, and plantations of this State for the political years 2015, 2016, 2017, and 2018 has attended to its duty and asks leave to report that the tabulation of the return of votes cast for Governor at the General Election held on November 4, 2014 as reported by the Secretary of State Dunlap, is a true and accurate account.

Sincerely,

S/Senator Amy F. Volk  
Senate Chair

S/Representative Louis J. Luchini  
House Chair

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

**COMMUNICATIONS**

The Following Communication: S.C. 27

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

January 7, 2015

The Honorable Heather J.R. Priest  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Priest:

In compliance with Joint Order (S.P. 10), I am pleased to appoint the following members to inform the Honorable Paul R. LePage that he has been duly elected Governor of the State of Maine for the political years 2015, 2016, 2017 and 2018.

Senator Peter E. Edgecomb of Aroostook, Chair  
Senator Scott W. Cyrway of Kennebec  
Senator Nathan L. Libby of Androscoggin

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Michael D. Thibodeau  
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 28

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

January 7, 2015

The Honorable Heather J.R. Priest  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary Priest:

Pursuant to Joint Order S.P. 10, the Speaker appointed the following Representatives on the part of the House to the Committee to wait upon the Honorable Paul R. LePage, and inform him that he has been duly elected Governor of the State of Maine for the political years 2015, 2016, 2017 and 2018:

Representative Roland Danny Martin of Sinclair  
Representative Mark E. Bryant of Windham  
Representative Christopher W. Babbidge of Kennebunk  
Representative Elizabeth E. Dickerson of Rockland  
Representative Donna R. Doore of Augusta  
Representative Beth P. Turner of Burlington  
Representative Randall Adam Greenwood of Wales  
Representative Richard A. Pickett of Dixfield  
Representative William R. Tuell of East Machias  
Representative Jeffrey Evangelos of Friendship

Sincerely,

S/Robert B. Hunt  
Clerk of the House

READ and ORDERED PLACED ON FILE.

Off Record Remarks

**THE PRESIDENT:** Following the inauguration the Senate will reconvene at 3:30 for the purpose of adjournment.

Off Record Remarks

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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RECESSED until 11:30 in the morning  
to the Augusta Civic Center.

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At this point, the Senate retired to the Augusta Civic Center,  
where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

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On motion by Senator MASON of Androscoggin, ADJOURNED  
to Thursday, January 8, 2015, at 10:00 in the morning.

**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Seventh Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**  
beginning December 3, 2014  
beginning at page H-1

LEGISLATIVE RECORD - HOUSE, January 7, 2015

2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Joint Rule 354, I have made the following appointments to the Joint Select Committee on Joint Rules:

Senator Garrett P. Mason of Androscoggin, Chair  
Senator Andre E. Cushing III of Penobscot  
Senator Paul T. Davis, Sr. of Piscataquis  
Senator Stan J. Gerzofsky of Cumberland  
Senator Dawn Hill of York

If you have any questions regarding these appointments, please do not hesitate to contact my office.

Sincerely,

S/Michael D. Thibodeau

President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 16)

**STATE OF MAINE**

**Office of the Secretary of State**

January 7, 2015

To the Speaker of the House in the One Hundred and Twenty-seventh Legislature:

I, MATTHEW DUNLAP, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for Governor at the General Election held on the fourth day of November in the year two thousand and fourteen;

REPORT AS FOLLOWS; that Paul R. LePage, having received a plurality of the votes cast, appears to have been elected Governor of the State of Maine:

General Election – November 4, 2014

Governor

Elliot R. Cutler

Cape Elizabeth

Independent

Androscoggin	3,556
Aroostook	2,727
Cumberland	12,836
Franklin	1,241
Hancock	2,268
Kennebec	4,241
Knox	1,555
Lincoln	1,351
Oxford	2,226
Penobscot	4,712
Piscataquis	631
Sagadahoc	1,550
Somerset	1,586
Waldo	1,440
Washington	1,157
York	8,361
State UOCAVA	72
Emergency Utility Workers	5
<b>Total</b>	<b>51,515</b>

Paul R. LePage  
Augusta  
Republican

Androscoggin	25,987
Aroostook	13,725
Cumberland	55,932
Franklin	7,591
Hancock	12,016
Kennebec	28,336
Knox	8,425
Lincoln	9,157
Oxford	14,902
Penobscot	33,190
Piscataquis	4,736
Sagadahoc	8,760
Somerset	12,194
Waldo	8,862
Washington	7,390
York	43,055
State UOCAVA	196
Emergency Utility Workers	65
<b>Total</b>	<b>294,519</b>

Michael H. Michaud  
East Millinocket  
Democrat

Androscoggin	16,376
Aroostook	12,398
Cumberland	72,217
Franklin	5,426
Hancock	12,007
Kennebec	24,129
Knox	8,911
Lincoln	7,633
Oxford	9,269
Penobscot	26,210
Piscataquis	2,810
Sagadahoc	8,264
Somerset	8,422
Waldo	8,167
Washington	5,452
York	36,905
State UOCAVA	499
Emergency Utility Workers	19
<b>Total</b>	<b>265,114</b>

Others

Androscoggin	1
Aroostook	6
Cumberland	22
Franklin	7
Hancock	3
Kennebec	8
Knox	0
Lincoln	0
Oxford	3
Penobscot	0
Piscataquis	2
Sagadahoc	3

LEGISLATIVE RECORD - HOUSE, January 7, 2015

Somerset	1
Waldo	6
Washington	3
York	14
State UOCAVA	0
Emergency Utility Workers	0
Total	79

I, MATTHEW DUNLAP, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for Governor at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/Matthew Dunlap  
Secretary of State

READ and ORDERED PLACED ON FILE.

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The Following Communication: (H.C. 17)  
CHILD WELFARE OMBUDSMAN  
P.O. BOX 2057  
HOPE, MAINE 04847

December 28, 2014  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

I am pleased to present the twelfth annual report of the Maine Child Welfare Ombudsman. Our office reports to the Governor, the Department, and the Legislature each year pursuant to 22 M.R.S.A. §4097-A. This report reflects the Fiscal Year from October 1, 2013 through September 30, 2014. I respectfully request that you distribute this report to the members of the Maine House of Representatives.

The Child Welfare Services Ombudsman provides information to callers about Child Welfare Services, and also provides information and referrals to callers. For approximately one fifth of callers, the Ombudsman will open a case for review. The Ombudsman is glad to report that the Office of Child and Family Services and the Ombudsman continue to have an excellent working relationship as we strive for the common goal of keeping Maine's most vulnerable children safe and helping reunite families involved with Child Welfare.

Please let me know if you have any questions about the report or our program and I would be happy to meet and discuss those or any other issues with you.

Respectfully submitted,

Christine Alberi

Ombudsman

READ and ORDERED PLACED ON FILE.

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The Following Communication: (H.C. 18)  
STATE OF MAINE  
OFFICE OF THE  
SECRETARY OF STATE  
AUGUSTA, MAINE 04333-0148

December 30, 2014  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to 5 MRSA §12009, I am submitting to you the report of Board and Commission appointments or reappointments for calendar year 2015. Additionally, I am providing a report that lists appointments or reappointments that have not been made from previous years through December 31, 2014, and where vacancies actually exist on a board or commission that need a new appointment. If you need a breakdown by your appointments only, we can provide this for you as well.

If you have any question concerning these reports or need additional information, please contact this office or Cathy Beaudoin in the Bureau of Corporations, Elections and Commissions at 624-7748.

Sincerely,  
S/Matthew Dunlap  
Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

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The Following Communication: (H.C. 19)  
FINANCE AUTHORITY OF MAINE  
5 COMMUNITY DRIVE  
AUGUSTA, MAINE 04332-0949

December 22, 2014  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

Enclosed please find a copy of the Finance Authority of Maine's FY 14 annual report as required by 10 M.R.S.A. §974.

Sincerely,  
S/Bruce Wagner  
Chief Executive Officer

READ and with accompanying papers ORDERED PLACED ON FILE.

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At this point, a message came from the Senate borne by Senator MASON of Androscoggin of that Body, proposing a Joint Convention of both branches of the Legislature to be held at 11:30 in the morning at the Augusta Civic Center for the purpose of administering to the Honorable PAUL R. LePAGE, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties and to receive such communication as he may be pleased to make.

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Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:30 in the morning at the Augusta Civic Center and the Speaker appointed Representative McCABE of Skowhegan to convey this message to the Senate.

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Subsequently, Representative McCABE of Skowhegan reported that he had delivered the message with which he was charged.

**SENATE PAPERS**

The following Joint Order: (S.P. 9)

ORDERED, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for the political years 2015, 2016, 2017 and 2018, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

Came from the Senate, **READ and PASSED.**

**READ and PASSED** in concurrence.

At this point, the Speaker appointed the following members to the Joint Select Committee on Gubernatorial Vote on the part of the House:

Representative LUCHINI of Ellsworth  
Representative LONGSTAFF of Waterville  
Representative SAUCIER of Presque Isle  
Representative SCHNECK of Bangor  
Representative MONAGHAN of Cape Elizabeth  
Representative GOLDEN of Lewiston  
Representative KINNEY of Limington  
Representative TURNER of Burlington  
Representative DILLINGHAM of Oxford  
Representative HANINGTON of Lincoln  
Representative BEAR of the Houlton Band of Maliseet Indians

**COMMUNICATIONS**

The Following Communication: (H.C. 21)

**SENATE OF MAINE  
127TH LEGISLATURE  
OFFICE OF THE PRESIDENT**

January 7, 2015

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

In compliance with Joint Order (S.P. 9), I am pleased to appoint the following members to the Gubernatorial Vote Committee:

Senator Amy F. Volk of Cumberland, Chair  
Senator Ronald F. Collins of York  
Senator Kimberley C. Rosen of Hancock  
Senator Linda L. Baker of Sagadahoc  
Senator John L. Patrick of Oxford  
Senator Christopher K. Johnson of Lincoln  
Senator James F. Dill of Penobscot

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Michael D. Thibodeau

President of the Senate

**READ and ORDERED PLACED ON FILE.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

The following Joint Order: (S.P. 10)

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable Paul Richard LePage and

inform him that he has been duly elected Governor of the State of Maine for the political years 2015, 2016, 2017 and 2018.

Came from the Senate, **READ and PASSED.**

**READ and PASSED** in concurrence.

At this point, the Speaker appointed the following members on the part of the House to the Committee to wait upon the Honorable PAUL R. LePAGE, and inform him that he has been duly elected Governor of the State of Maine for the political years 2015, 2016, 2017 and 2018:

Representative MARTIN of Sinclair  
Representative BRYANT of Windham  
Representative BABBIDGE of Kennebunk  
Representative DICKERSON of Rockland  
Representative DOORE of Augusta  
Representative TURNER of Burlington  
Representative GREENWOOD of Wales  
Representative PICKETT of Dixfield  
Representative TUELL of East Machias  
Representative EVANGELOS of Friendship

**COMMUNICATIONS**

The Following Communication: (H.C. 22)

**SENATE OF MAINE  
127TH LEGISLATURE  
OFFICE OF THE PRESIDENT**

January 7, 2015

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

In compliance with Joint Order (S.P. 10), I am pleased to appoint the following members to inform the Honorable Paul R. LePage that he has been duly elected Governor of the State of Maine for the political years 2015, 2016, 2017 and 2018.

Senator Peter E. Edgcomb of Aroostook, Chair

Senator Scott W. Cyrway of Kennebec

Senator Nathan L. Libby of Androscoggin

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Michael D. Thibodeau

President of the Senate

**READ and ORDERED PLACED ON FILE.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

Subsequently, Representative MARTIN of Sinclair reported that the Committee had delivered the message with which it was charged.

**COMMUNICATIONS**

The Following Communication: (S.P. 11)

**STATE OF MAINE  
127TH MAINE LEGISLATURE**

January 7, 2015

Honorable Michael D. Thibodeau  
President of the Senate

Honorable Mark W. Eves  
Speaker of the House  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:  
The Joint Select Committee of the One Hundred and Twenty-Seventh Legislature on returns of votes for Governor given in the several cities, towns, and plantations of this State for the political years 2015, 2016, 2017, and 2018 has attended to its duty and asks leave to report that the tabulation of the return of votes cast for Governor at the General Election held on November 4, 2014 as reported by the Secretary of State Dunlap, is a true and accurate account.

Sincerely,  
S/Senator Amy F. Volk  
Senate Chair  
S/Representative Louis J. Luchini  
House Chair

Came from the Senate, READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE in concurrence.

By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.

The House recessed until 11:30 a.m.

(After Recess)

The House was called to order by the Speaker.

At this point, the Senate came and a Joint Convention was formed.

Augusta Civic Center

Downeast Brass performed.

The 195th Maine Army National Guard Band performed.

Joelle Morris performed.

The House was called to order by Speaker Eves.

At this point, the Senate entered the auditorium and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Michael Thibodeau in the Chair.

The Convention was called to order by the Chair.

On motion of Senator MASON of Androscoggin, it was ORDERED, that a committee be appointed to wait upon the Honorable Justices of the Supreme Judicial Court, the Chief Justice and Justices of the Maine Superior Court, and the Chief Judge and Judges of the District Court; inviting them to attend the Convention which has been convened for the purpose of administering to the Honorable Paul Richard LePage, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chair appointed:

The Senator from Washington, Senator BURNS  
The Senator from Cumberland, Senator VOLK  
The Senator from Lincoln, Senator JOHNSON  
The Representative from Saco, Representative HOBBS  
The Representative from Cape Elizabeth, Representative MONAGHAN  
The Representative from Portland, Representative MOONEN  
The Representative from Harpswell, Representative McCREIGHT  
The Representative from Hallowell, Representative WARREN  
The Representative from Glenburn, Representative GUERIN  
The Representative from Hodgdon, Representative SHERMAN  
The Representative from Bridgton, Representative GINZLER  
The Representative from Paris, Representative HERRICK  
The Representative from Friendship, Representative EVANGELOS  
The Representative from the Penobscot Nation, Representative MITCHELL

At this point, the Chair welcomed Maine tribal leaders; foreign dignitaries. The Chair also welcomed Attorney General Janet Mills; State Treasurer Neria Douglas; State Auditor Pola Buckley; and Treasurer-elect Terry Hayes.

The 195th Maine Army National Guard Band performed "God Bless America."

Subsequently, Senator BURNS of Washington, for the Committee, reported that the Committee had delivered the message with which it was charged and was pleased to report that the Honorable Members of the Judiciary would attend forthwith.

At this point, the Judiciary was escorted to their seats.

The Chair welcomed the Honorable Members of the Judiciary.

The Chair also welcomed the family of Paul LePage, Governor-elect: Ann LePage, Lindsay McCluskey, Lisa LePage, Lauren LePage, Paul LePage II, and Rita Derosby.

The Chair also welcomed the Governor's Cabinet and members of the Senior Staff of the Governor.

**Fiscal Impact Statement**  
**Prepared by the Office of Fiscal and Program Review**

This initiated bill proposes to implement ranked-choice voting for the offices of United States Senator, United States Representative to Congress, Governor and state legislative candidates for general elections and primaries held on or after January 1, 2018. The Department of Secretary of State would require a General Fund appropriation of \$761,344 in fiscal year 2017-18 and \$641,440 in fiscal year 2018-19 to print an additional ballot page, update the ballot tabulating machines, lease additional ballot tabulating machines, purchase additional memory devices, lease a high-speed vote tabulating unit and contract 2 limited-period Special Deputy positions to oversee the central ranked-choice voting counting process. The Department of Public Safety would require a General Fund appropriation of \$75,926 and a Highway Fund allocation of \$72,948 in fiscal years 2017-18 and 2018-19 for overtime and fuel to retrieve, secure and return election ballots. As most of the expenditures are on-going rather than one-time start up, costs in subsequent years are anticipated to be in a similar range.