

MAINE SUPREME JUDICIAL COURT

In re 2021 Apportionment of
Maine House of Representatives,
Maine Senate, U.S. House of
Representatives, and County
Commissioners

Docket No. _____

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

Julie L. Flynn, duly sworn, states that the following is true and correct and based on her personal knowledge:

1. I am over the age of 18 and reside in Windham, Maine.
2. I have personal knowledge of the matters to which I attest.

In preparing this affidavit, I also reviewed records regularly kept by the Secretary of State's Office that are available to me and that I rely on in my official duties. If called to testify, I could and would competently testify to these statements.

3. I am the Deputy Secretary of State for the State of Maine, 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, including the Elections Division, from

March 1995 until I was appointed Deputy. The Elections Division is presently comprised of eight staff members, including a Director and Assistant Director of Elections, all of whom work closely with me.

4. The Secretary of State's Office, through the Elections Division, oversees state and federal elections in Maine and, together with municipal clerks and registrars, administers the Maine election laws set forth in Title 21-A of the Maine Revised Statutes.

5. The Elections Division plays an administrative role in the decennial apportionment of legislative, congressional, and county commissioner districts. This role largely begins after an apportionment plan is enacted by the Legislature or ordered by the Supreme Judicial Court, as provided in the Maine Constitution.

6. The Secretary of State's duties relating to apportionment are set forth in part in 21-A M.R.S. § 1207. That statute provides that the Secretary must "implement" the districts established through the apportionment process.

7. There are two main tasks involved in implementing the new districts. First, as the statute indicates, the Secretary must develop district maps and "narrative geographic descriptions" of the districts,

and provide them to municipal clerks. Second, the Secretary must update its electronic Central Voter Registration system (“CVR”) to ensure that every registered voter in the state is associated with their proper electoral districts.

8. Both of these tasks require a substantial amount of labor by Elections Division officials.

9. When the Legislature or the Court makes the apportionment, it typically describes each electoral district as a list of census blocks or tracts. *See, e.g.,* 2013 P.L., ch. 270. Before any maps can be produced, districts described, or coding written for CVR, the Elections Division must translate these lists of census blocks or tracts into geographic information that is compatible with CVR. This translation is a manual process that is performed by Elections Division officials as described below.

10. First, the Elections Division creates a spreadsheet showing all municipalities that are entirely within single electoral districts. For such municipalities, no additional geographic breakdown is needed to make the data compatible with CVR.

11. Second, for those municipalities that are split between more than one electoral district, the Elections Division must create a more extensive spreadsheet that describes each district as a series of streets or street segments within the municipality. This is done manually by visually examining maps of the relevant census blocks and tracts. In some cases, it will be unclear from the maps whether a particular residence falls within a particular census block, requiring staff to ask the municipality to perform an on-site investigation. Preparing these street-level spreadsheets is time consuming and, even if expedited, is likely to take two to four weeks, depending on the number of municipalities with split districts.

12. After each spreadsheet is complete, the Elections Division sends it to the applicable municipality to provide the municipality with an opportunity to review and suggest corrections to the districts.

13. At the same time that it sends the spreadsheets to the municipalities, the Elections Division will also send the spreadsheets to its outside vendor for the CVR system, which will convert the spreadsheets into computer code that will edit each voter's file in the CVR system. This can be done on a rolling basis as the spreadsheets

are completed. I note that this aspect of implementation is dependent on the vendor meeting the deadlines we set and thus, to some degree, is outside the control of our office. In the 2013 apportionment, the vendor took approximately three weeks to process the spreadsheets.

14. Once all the code has been prepared, the Elections Division will run the code in a test environment to ensure that the code is performing properly. This testing process will require about one week.

15. Meanwhile, as the vendor is preparing the code, Elections Division staff must create maps and written descriptions of each electoral district. This process also takes time. Although creating the maps using geographic information systems software is largely an automated process, the maps must still be manually reviewed by the Elections Division staff after they are created to ensure they are accurate.

16. Working at an expedited pace, bringing in additional resources from other parts of the Department as needed, and assuming timely performance by the outside vendor, I believe that the Elections Division can complete all tasks needed to implement the apportionment

plan in six weeks after we have received the final plan from the Legislature or the Court.

17. Maine election law provides that candidates wishing to run for office in 2022 can begin circulating petitions to appear in their parties' primary elections or, if they are an unenrolled candidate, in the general election, starting on January 1, 2022. 21-A M.R.S. § 335(6); § 354(6).

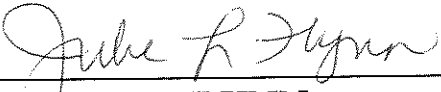
18. Candidates must complete the signature-gathering process no later than March 15, 2022, for primary candidates and by June 1, 2022, for unenrolled candidates. 21-A M.R.S. § 335(8); 21-A M.R.S. § 354(8-A).

19. If the Secretary of State's implementation of the new districts established by apportionment is not complete by January 1, 2022, various problems for next year's elections will result. For one thing, it will be difficult for candidates to determine the boundaries of the districts in which they are running, particularly in places like Portland and Bangor, with several electoral districts. Conversely, it will be difficult for voters asked to sign candidate petitions to determine whether they are a district resident eligible to do so.

20. In addition, candidates rely on data that they are permitted to purchase from the CVR system in order to undertake various campaign operations, such as mailings and door-knocking. If CVR is not updated to reflect voters' new electoral districts, no accurate CVR data will be available to the candidates or parties.

21. Thus, in order to avoid interfering with next year's elections schedule, I believe that our office would need to receive a final apportionment plan no later than November 15, 2021, so that the new districts can be operational by January 1, 2022.

DATED: May 24, 2021



JULIE L. FLYNN
DEPUTY SECRETARY OF STATE
STATE OF MAINE

KENNEBEC, ss.

Personally appeared before me this 24th day of May 2021, the above named Julie Flynn and made an oath that the foregoing is true and correct and based on her personal knowledge.



NOTARY PUBLIC

