

A large, light teal silhouette of the state of Maine is centered in the background of the dark blue cover.

Aug. 2022

# IMPACT ON ISSUES

**LWV** LEAGUE OF WOMEN VOTERS®  
OF MAINE

## Impact on Issues

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# PUBLIC POLICY POSITIONS

Maine has always had a unique and independent political culture, and the advocacy work of the League of Women Voters of Maine ([LWVME](#)) reflects those values. Like other state and local chapters of the League of Women Voters ([LWVUS](#)) across the country, we focus on issues that are of particular concern and interest to our members here in Maine.

Since the early 2000s, LWVME has focused its advocacy work on a short list of priority issues with an emphasis on voting rights, the conduct of elections, government ethics, and campaign finance. Because the League is part of the federated organization, local and state Leagues automatically subscribe to [positions developed by the national organization](#). If an issue arises for which there is no national position, LWVME may consult with our state League counterparts around the country and adopt a position based on existing positions developed elsewhere. The state League in Maine also conducts studies within its own membership to formulate positions that are consistent with League principles. The public policy positions adopted by LWVME reflect broad member agreement and are [listed here](#).

Our advocacy work varies from year to year, taking into consideration Maine's political climate, the prospects for legislative action, and the likelihood of gubernatorial support. What follows is a summary of recent important LWVME advocacy work that encompasses lobbying, tracking bills, testifying before the legislature, and communicating with the public.

## LWVME LEGISLATIVE PRIORITY AREAS FOR ADVOCACY

The LWVME State Board adopted the following advocacy priorities for 2021-2022:

- National Popular Vote Interstate Compact (NPV)
- Corporate contribution ban
- Online voter registration (OVR)
- Constitutional amendment to allow ranked choice voting in elections for governor and state legislators
- ERIC (Electronic Registration Information Center)
- Study Commission on election jurisdictions and regional and statewide coordination
- Improvements in election transparency, audits of election processes, and post-election audits
- Post-COVID voting package

As the 130th Legislature developed, we also gave priority support to action for advancing semi-open primaries.

LWVME advocacy work in each of these priority areas is discussed in the main body of the report.

## LWVME OTHER ACTION AREAS

The following issues may be taken up if a special opportunity presents itself and if it does not interfere with action in our priority areas:

- Civil Rights
- Gun Control
- Health Care
- Energy and the Environment
- Racial Justice
- Reproductive Choice
- Citizenship Education

In the 130th Legislature, as a matter of racial justice, we gave priority status to enacting tribal sovereignty legislation. LWVME advocacy work in these other areas is summarized in **Appendix A**. **Appendix B** provides an overview of how the League develops official policy positions, monitors legislative action, and the principles that provide the basis for action. **Appendix C** lists key abbreviations, while **Appendix D** provides an index of legislative documents referenced in this report, organized by year and then by legislative document number.

# CAMPAIGN FINANCE AND CAMPAIGN FINANCE REFORM

Most of the work done by LWVME on financing candidate campaigns and elections, going back to the 1990s, has been based on the LWVUS position adopted in January 1974, revised in March 1982, and updated again in April 2016.

**Campaign finance regulation** should enhance political equality for all citizens, ensure transparency, protect representative democracy from distortion by big money, and combat corruption and undue influence in government. The League believes that campaign spending must be restricted but not banned. The League supports public financing, full disclosure, abolishing SuperPACs and creating an effective enforcement agency. ([LWVUS Position on Money in Politics](#))

In the summer of 2007, LWVME launched a multi-year study, [Money in Politics: PACs in Maine](#), a deep analysis of the role of PACs (political action committees) in state politics. As a result of this important study, in December 2011, the state League's Board of Directors adopted the following position:

**LWVME supports reform** in the financing of state candidate PACs consistent with the LWVUS position on Campaign Finance Reform.

Thus, we support measures to improve the regulation of candidate PACs in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and promote citizen participation in the political process. Applying these principles to PAC reform in Maine provides a basis for sound action in a changing constitutional context, as the Supreme Court of the U.S. reshapes the landscape of permissible reform.

While PAC reform, meaningful disclosure, and regulatory compliance are all core issues in campaign finance reform, public financing of political campaigns has been the dominant issue in our work in this area for over 20 years.

## MAINE CLEAN ELECTIONS

Since the mid 1990s, the League of Women Voters of Maine has worked in partnership with Maine Citizens for Clean Elections ([MCCE](#)) to establish and support Maine's public campaign finance system. LWVME was a [founding member](#) of MCCE, a coalition that worked to pass the Maine Clean Election Act ([MCEA](#)) in 1996. Since the Act went into effect in 2000, it has:

- Enabled qualified people from diverse backgrounds to run for office.
- Kept candidates focused on voters, not donors.
- Allowed legislators to serve in office without being beholden to big money.

The MCEA established a voluntary program of full public financing of political campaigns for candidates running for governor, state senator, and state representative. Candidates who choose to participate may accept very limited private contributions, or “seed money,” at the beginning of their campaigns. To become eligible, candidates must demonstrate community support by collecting a minimum number of \$5 donations, known as qualifying contributions, which are paid into the Maine Clean Election Fund (MCEF). Once a candidate qualifies to receive funds from the state, they can no longer accept private contributions ([See Maine Clean Election Act.](#))

Almost since the inception of the program, the legislature “borrowed” millions of dollars from the Maine Clean Election Fund (MCEF) to cover state budget deficits. In 2006, MCCE and the League advocated for restoration of the money and were partially successful: \$1.2 million of the \$4.8 million outstanding was returned. This proved adequate for the 2006 election cycle. As a result, over 80% of all candidates for the legislature, as well as three of four major candidates for governor, used public funding.

The years between 2006 and 2011 were rebuilding years for MCCE, with the establishment of an independent corporate structure and its own board of directors. The League and its leadership were instrumental in shepherding MCCE through these transition years. From 2006 through 2010, the [LWVME Education Fund](#) served as fiscal agent for MCCE. Throughout this period, the League worked closely with MCCE, collaborating on legislative strategy and coordinating testimony. In 2010, MCCE achieved independent status as a stand-alone 501(c)(3) corporation, and the fiscal agency relationship between MCCE and the Education Fund was severed, but the League continued to have a close working relationship with MCCE.

Funding was also adequate to cover the 2008 legislative races, and 85% of the newly elected members of the 124th Legislature ran with MCEA funding.

The central legislative agenda of MCCE in the 124th Legislature (2009-2010) was to preserve adequate funding for the 2010 general election, including funding for the gubernatorial race. The League and MCCE testified on numerous bills submitted to the 124th Legislature that proposed changes to the Maine Clean Election Act. We supported helpful changes and deflected destructive ones, including a bill, which was defeated, that sought outright repeal of the act (LWVME testimony, [LD 205](#)). Despite opposition from the League and MCCE, bills making seed money mandatory for MCEA gubernatorial candidates and dramatically increasing the contribution limit for privately funded gubernatorial candidates were enacted into law.

In 2011, the U.S. Supreme Court's decision in an Arizona case dealt a severe blow to Maine's Clean Elections program. In *Arizona Free Enterprise Club v Bennett*, the court ruled that triggered matching funds — that is, additional public funding for candidates facing big-spending opponents — were unconstitutional. Arizona's law was similar to Maine's in this regard, and Maine's triggered matching funds provision was immediately struck down. In the wake of these court decisions, we lobbied extensively for a repair to the Maine Clean Election Act that would have allowed participating candidates access to additional funds by continuing to collect additional qualifying contributions. The 125th Legislature (2011-2012) failed to implement this change, leaving participating candidates with only a very modest initial distribution of funds (LWVME testimony, [LD 120](#), [LD 659](#), [LD 848](#)). Participation in the program plummeted.

Saving the Clean Elections program became a critical goal of the League and MCCE. In 2013, we strenuously opposed a recommendation in the Governor's budget that would have completely defunded the Clean Elections program. Ultimately, the gubernatorial portion of the program was eliminated for the 2014 election cycle.

In the 126th Legislature (2013-2014), supporters of Clean Elections, including the League and MCCE, tried to pass a repair bill that would allow additional public funding to compensate for the loss of triggered matching funds (LWVME Testimony, [LD 1309](#)). The bill passed in both chambers but failed in budget negotiations. With the program defunded for gubernatorial candidates, and inadequate allocations for legislative candidates, Clean Elections participation in the 2014 election remained historically low.



Following that defeat in the Legislature, the League joined MCCE to gather sufficient signatures to place a referendum question on the ballot in November 2015 that would include the main provisions of [LD 1309](#), along with other measures to strengthen transparency and accountability. The measure passed and was in effect for the 2016 election. The main provisions of the law include:

- An optional system of supplemental funding to replace matching funds. Clean Election candidates can remain competitive in high-spending races by collecting additional \$5 contributions in order to qualify for supplemental funds.
- Increased funding for the Clean Election program.
- Mandatory disclaimers in certain political advertising that would prominently name the entity sponsoring the ad, and identify the top three funding sources of that entity.
- A reporting system for money raised and spent to finance the Governor-elect's inauguration and transition into office.
- Increased fines and penalties for campaign finance violations.

Implementation of these policies, and securing adequate funding for Clean Elections, dominated the 2016, 2017, and 2018 legislative sessions.

Challenges to statutory funding surfaced right away. The 2015 initiative increased funding from \$2 million to \$3 million per year, but the state comptroller did not immediately transfer the extra \$1 million to the fund on January 1, 2016. Following pressure from MCCE and the League, the money was eventually transferred in late February.

In the 2016 legislative session (127th), MCCE and the League advocated for restoration of \$1.7 million not transferred to the Clean Elections fund in 2014 (part of the more than \$6 million still owed to the MCEF). When it became apparent that the \$1.7 million would not be transferred, we supported an Ethics Commission bill, [LD 1579](#), which would have transferred \$500,000 from Fiscal Year (FY) 2017 to FY 2016. LD 1579 did not overcome a gubernatorial veto ([see MCCE's 2016 Legislative record](#)). Nonetheless, in the 2016 election, participation in Clean Elections increased to 63%, and the new supplemental funding mechanisms worked well.

In the 128th Legislature (2017-2018), LWVME and MCCE advocated for full Clean Elections funding in the biennial budget, including both the \$3 million per year statutory funding and the \$1.7 million still owed to the fund, ultimately securing the \$3 million per year and an early transfer of the 2019 funding into June 2018. We also defeated more than 17 bills attempting to roll back aspects of the MCEA and other campaign finance regulations. The League supported bills to ban leadership PACs for privately funded candidates and to ban lobbyists' contributions year round (the ban was previously in effect only while the Legislature was in session). Neither bill passed (see the [MCCE 2017 Legislative Record](#) and [League testimony](#) for more information on these bills).

In late 2017, MCCE and LWVME announced their Democracy Maine partnership, and hired joint staff to support their collaborative work, formalizing their long-standing alliance.

In 2018, an error was discovered in the state budget — an error that was interpreted as preventing the Ethics Commission from distributing appropriated funds to MCEA candidates after the 2019 fiscal year began on July 1. A fix to the error was included in LD 1894, the routine errors bill. However, House Republicans refused to pass the bill, and a legislative stalemate dragged on into August. At the same time, Governor LePage refused to sign routine financial orders to allow the Ethics Commission to distribute funds to candidates in the last quarter of the 2018 fiscal year (April-June). In late June, MCCE and seven candidates filed a lawsuit against the governor. In August, a Superior Court judge ruled that the administration must release funds that candidates had qualified for, regardless of the governor's actions. Later in the month, the Ethics Commission voted that the court decision allowed them to release the FY19 funds, regardless of the budget error.

In 2018, the first year that gubernatorial candidates were able to use Clean Elections with the new supplemental funding provisions, three candidates ran for governor using the program: a Democrat and a Republican, who both lost in the primary, and an independent, who ran in the general election. Sixty-three percent of winning legislative candidates in the general election used Clean Elections.

As discussed in the Ethics and Disclosure section below, 2018 also saw the implementation of new requirements for registration and reporting by gubernatorial transition and inaugural committees that had been included in the 2015 citizen initiative.

In the 129th legislative session (2019-2020), the League and MCCE worked on a shared advocacy agenda under the Democracy Maine banner. With supporters controlling both legislative chambers and the Blaine House, Clean Elections was fully funded at \$6 million for the biennium. However, additional funding for the Ethics Commission was not included in the budget, and money previously raided from the fund was not returned. Fifty-five percent of legislative candidates used Clean Elections funding in the 2020 election. The qualifying period presented challenges during the onset of the COVID pandemic and stay-at-home orders, and an unusually large number of candidates failed to qualify.

In the 129th legislature, MCCE also supported [LD 780](#), which passed, reducing the municipal contribution limit from \$750 to \$500. Efforts to eliminate Leadership PACs, define caucus PACs, and ban foreign contributions to referenda, were not successful. See full testimony [here](#).

We continued this work in the 130th Legislature (2020-2021), where our top priority was to break the connection between corporate money and state candidates by enacting a ban on corporate contributions to candidates. We took this stand after

watching for years as significant corporate money — whether from pharmaceutical companies, utilities, insurance conglomerates — flowed into the coffers of candidates who would soon decide legislation vital to those sectors.

Senator Louis Luchini agreed to champion the bill, and we mobilized our legislative efforts. We helped Mainers make more than 250 contacts with their legislators in support of the bill, which also addressed contributions from corporations to leadership PACs and for the first time set contribution limits on other contributions to those PACs.

[LD 1417](#) was signed into law on June 17, 2021, allowing Maine to join 22 other states and the federal government in banning corporate contributions.

We also used the 130th Legislature to shine a spotlight on another troubling area in campaign finance — the increasing prevalence of very large contributions and expenditures funded by sources tied to foreign interests or originating directly from foreign governments. Although *Citizens United* limits the ability of states to constrain corporate campaign contributions, it does not curtail limits on contributions from sources outside the country.

Off-shore multinationals and even foreign governments have long attempted to influence our democracy, both by meddling in candidate campaigns and by spending heavily on ballot questions, most notably recently on the recurring “corridor” issue.

We want our country and state to welcome those from other countries and appreciate that they make us stronger. But the League and our partners believe that foreign corporations or those under substantial foreign influence should use diplomatic channels and, where appropriate, other means of providing information. There were three bills in the 130th Legislature (2021-2022) addressing foreign contributions, and our goal was to enact a provision similar to the foreign contribution ban included in the federal [For the People Act](#).

With bi-partisan support, the legislature passed [LD 194](#), sponsored by Senator Rick Bennett. The bill was a good step forward. It only addressed money directly from foreign governments, so it was not as robust as we had hoped. But even the minimal approach of LD 194 did not meet the approval of Governor Janet Mills, who vetoed the bill on June 23, 2021. In a close effort, the Maine Senate fell two votes short of overriding the veto. The issue is now moving forward with a citizen initiative effort likely to appear on the ballot in 2023, which we support.

# PROTECTING THE 2020 ELECTIONS AND BEYOND

In 2020, the worst health crisis in a century collided with a high-stakes presidential election year. By mid-March, it was clear that the COVID-19 shutdown would severely impact the upcoming primary and general elections. The League and partners stepped up to help protect the 2020 elections during COVID. As COVID cases began to appear in Maine in March, the Legislature adjourned and granted the governor emergency powers to protect and facilitate the scheduled June 9 primary election.

In early April 2020, LWVME Executive Director Anna Kellar convened an informal coalition of Maine advocacy groups concerned with protecting voting rights and election integrity during the pandemic. The group urged the governor and secretary of state to take several actions, including preserving in-person voting options, mailing absentee applications to all voters, and allowing for electronic registration information submission.

Later that month, Governor Janet Mills issued an executive order which moved the primary date into July and allowed absentee ballots to be requested up to Election Day. While these steps were positive, they fell short of the broad measures taken in many other states. In the months leading up to the July 2020 election, coalition partners continued to advocate for their recommended measures while also conducting public campaigns to promote absentee voting, recruit election workers, and push back against polling-place consolidation. The League also worked behind the scenes with support from the Campaign Legal Center to encourage the secretary of state to strengthen the guidance to towns on curing absentee ballot errors. The July 14 2020 election went smoothly and saw a dramatic increase in use of absentee ballots.

Reflecting on this experience and expecting unprecedented levels of absentee voting in the November 2020 general election, the League-led coalition had some additional recommendations for the fall election, including extending the processing window for absentee ballots, strengthening absentee ballot cure requirements, providing voters a

way to look up the status of their absentee ballot online, and providing secure ballot drop boxes throughout the state. The Governor's Executive Order on the November 3, 2020 general election was issued in late August. It allowed clerks to begin processing absentee ballots seven days before Election Day and allowed towns to set up external drop boxes, one per town.

In the remaining months before the November 3, 2020 general election, LWVME focused its advocacy work and resources on protecting the vote. The Election Protection team recruited poll workers and trained more than 100 volunteer election observers. As watchdogs, we monitored weekly data on absentee ballots, collected photos and developed an online tool for locating ballot drop boxes, and checked the accuracy of election information on town websites. We set up a Voter Hotline, staffed by volunteers, that provided help and advice to more than 60 voters.

In the end, the November 2020 election was remarkable both for what did not happen — disruptions due to the pandemic — and for what did happen — a record-shattering turnout and volume of absentee ballots, well managed by tireless election officials. More than half a million absentee ballots were cast: that's over 60% of the total vote. Despite surging pandemic cases, in-person voting on Election Day was also robust. LWVME's corps of election observers monitored the polls around the state. While lines were long in several cities, overall, the observers reported that COVID precautions were followed and voting proceeded smoothly.

In the legislative session following the 2020 elections, many voting reforms passed that were informed by the experience of 2020. These included online voter registration, limited permanent absentee voting, expanded early absentee processing, and authorization for multiple drop boxes. Testimony and advocacy on all of these reforms invoked voting during COVID as reasons for their passage.

In the aftermath of the 2020 election, the most rapidly emerging threat was the nationwide effort to undermine the legitimacy of the presidential election and call into doubt its results. The so-called "Stop the Steal" campaign by Donald Trump and his associates in the months between Election Day and Inauguration Day culminated with the tragic events of January 6, 2021. The insurrection at the Capitol was a real and terrifying manifestation of efforts to overturn an election. Since that day, efforts to mislead the public about elections in Maine and nationwide have not subsided.

Since the insurrection at the Capitol, combatting election misinformation has become a priority for the League. Our work has included educating our members and staff on misinformation and disinformation and how to combat it, and giving our members opportunities to help our efforts on this front. As part of our preparation for future major elections, the League is developing procedures for rapid response to any efforts to undermine the legitimacy of election results and debunk lies about election processes that reach wide audiences. In 2022, the League began to see small-scale efforts to cast doubt on election processes by a limited number of legislative candidates and local party officials; these efforts have not yet reached the political mainstream in Maine but still merit watching.

Meanwhile, during the 130th Legislature (2020-2021), two vital bills were passed in Maine to protect election integrity and to combat on-going national efforts to discredit electoral systems through rampant misinformation, which pose a serious threat to our democracy. [LD 1779](#) will protect ballots after an election by ensuring they remain in the custody of our trusted election officials, and [LD 1821](#) makes interfering with a public official performing an official function relating to a federal, state, or municipal election a Class D crime (misdemeanors) that can be referred for prosecution to the Attorney General's office. These bills provide additional defense for preventing the overturning of an election by boosting protection for election officials and ballots.



# VOTING RIGHTS

Voting rights are at the core of the League's work. LWVME work in this area is based on the LWVUS position on Citizen's Right to Vote, announced by the National Board in March 1982:

The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed.

Voting is the most fundamental expression of citizenship in our democracy. The expansion of voting rights to include all Americans, regardless of race, ethnicity, or gender, and the breaking down of barriers to citizens' voter participation — from literacy tests to poll taxes — has been one of the great successes in the evolution of American democracy. However, this expansion of the franchise has been under assault since 2010, with many states and the courts instituting new barriers and rolling back prior protections. These efforts have accelerated since 2020. LWVME's Advocacy Committee reviews all proposed legislation that bears on voting, supporting bills that would enhance voter rights or improve the voting process, and opposing any bill that would restrict voting rights.

## **SAME-DAY VOTER REGISTRATION**

Same-day voter registration is arguably the greatest single protection of voting rights in the U.S. Since 1973, Maine voters have enjoyed the right to register in-person up to, and on, Election Day. On several occasions since then, bills to eliminate same-day voter registration have been introduced in the legislature.

In 2007, we argued against a bill before the 123rd Legislature that proposed moving the deadline for voter registration back seven days (LWVME Testimony, [LD 1549](#)). That bill did not pass. However, In 2011, the Legislature fully repealed the same-day voter registration law (LWVME Testimony, [LD 1376](#)). Later that same year, we were a key partner in a successful People's Veto ballot initiative that restored same-day voter registration in Maine.

In 2020, same-day voter registration was a critical factor in guaranteeing access to the ballot in the July and November elections. The COVID-19 pandemic created steep barriers to registering in advance, as town halls remained closed for months and in-person voter registration drives were canceled. Some small relief was provided in Governor Mills's Emergency Executive Orders to facilitate elections, which extended the deadline to register by mail. Despite this measure, municipal clerks prepared for a high volume of same-day registrations in the November 3 election. LWVME election observers noted that same-day registration was steady, but did not result in extended delays for voters.

## EARLY VOTING

Throughout the 2010s, LWVME doggedly advocated for “true early voting” in which voters visit a polling place, complete a ballot, and place it directly into the ballot box or scanning machine before Election Day. This is an option in 18 states plus the District of Columbia. We have testified that this is preferable to Maine’s current in-person absentee ballot system, under which voters may cast a ballot “in the presence of the clerk,” as soon as ballots are available — but those ballots are sealed, stored, and counted with other absentee ballots on or close to Election Day.

The secretary of state and the attorney general advise that legislation to enable early voting requires an amendment to the Maine Constitution, which must be passed by a two-thirds majority in both chambers and then approved by voters in a referendum. In 2013, our testimony in support of [LD 156](#), a constitutional amendment to allow early voting, stated that “...because the percentage of ballots cast absentee has grown to 50-60% of total ballots cast in some municipalities, this process is a stress point for local election officials.” That measure failed. A similar resolution failed in the 128th Legislature (2017-2018), despite widespread support and testimony from the Maine Town and City Clerks’ Association, the Office of the Secretary of State, and LWVME (LWVME Testimony, [LD 1383](#)). In the first session of the 129th Legislature, LD 619 again proposed a constitutional amendment to enable early voting. In [our supporting testimony](#), we urged election officials to allow voting on weekends, which is currently available in some states. The measure was voted Ought to Pass (Amended) in a divided committee report and was carried over into the second session without further action. In 2020, the second session was interrupted by COVID, and this bill remained in limbo for months and ultimately died. True early voting was not available for the high-stakes COVID elections of 2020.

In 2021, a constitutional amendment was again introduced to allow for true early voting, [LD 580](#). As in previous sessions, the proposal did not reach the two-thirds threshold in either chamber needed for passage, and therefore failed to be advanced to the voters. Discussions continue on whether pursuing a constitutional amendment is the most viable option for eventually achieving true early voting.

## ONLINE VOTER REGISTRATION

When the COVID pandemic emerged in 2020, limiting in-person voter services, Maine was one of only 10 states that did not allow voters to register online. Bills enabling online registration failed to pass in 2015 (League testimony, [LD 770](#)) and again in 2019. Our testimony on [LD 1570](#) was supportive overall, while warning that requiring a driver’s license or state I.D. to use the system, as proposed in the bill, would discriminate against voters who lack the means to obtain those credentials.

In March 2020, the COVID-19 emergency forced the adjournment of the legislature and the closure of municipal offices across Maine for months. In response, a coalition of advocacy groups, led by LWVME, began meeting in April to plan for the protection of voters’ rights and elections under pandemic conditions. In letters to the secretary



of state and the governor, the group called for emergency measures to compensate for the barriers to voting created by health precautions. However, the state made no changes to its paper-based system for the COVID-19 elections of 2020.

Following this, the passage of online voter registration was identified as the top legislative priority for us and partner organizations in 2021. Several bills were introduced seeking to implement online voter registration, and supportive organizations and legislators eventually coalesced around [LD 1126](#). Following a wide-ranging campaign of constituent advocacy, legislator education, and coordinated public testimony, the bill was passed in the Legislature and was signed into law in July 2021. The bill ensures that online registration will at long last be a feature of Maine elections beginning in 2023. Work will continue to ensure that the system implemented is as accessible and streamlined as possible.

## **AUTOMATIC VOTER REGISTRATION**

Automatic Voter Registration (AVR) became a top LWVME priority in the late 2010s. Under AVR, eligible citizens are automatically registered to vote when they interact with the Bureau of Motor Vehicles (BMV) or other qualified state agency, unless they opt out. AVR also requires that voter registration information be updated when voters change addresses or change their names through the BMV or other agency. In 2017, we lobbied heavily for an AVR bill. Our [testimony](#) stated, “This one improvement will make registering easier for Maine people, will reduce the potential for errors in the voting rolls, and will ultimately save money and time at all levels of the election process.” The bill failed to pass over opposition from the Office of the Secretary of State. In 2019, we worked with an informal coalition of advocates to draft a new AVR bill for the 129th Legislature (League testimony, LD 1463, [here](#) and [here](#)). The bill passed, was signed into law and went into effect in June 2022. One provision of the law, which allows 16-year-olds to pre-register to vote, took effect in January 2020. The League will be monitoring and advocating for implementation of the law by other state agencies (beyond the BMV) in future years.

In the time between passage and implementation of AVR, the League worked with partner organizations and the Office of the Secretary of State to ensure that the new system was as accessible and effective as possible. We participated in live demonstrations of the system prior to launch along with other groups representing various backgrounds and experiences. This demonstration was a major step forward for collaboration with election officials in system rollout and provided another opportunity to give feedback and educate ourselves on how AVR works in practice. We will continue to advocate for future implementation by other qualified agencies in order to provide AVR to voters who don't drive.

## PHOTO ID REQUIREMENTS

Photo ID requirements have gathered momentum around the country, and in Maine, bills are introduced in nearly every session to require that photographic ID be presented at the polls in order to vote. In 2011, the League was instrumental in narrowly defeating a photo ID bill (League Testimony, [LD 199](#)). But the proponents of voter ID did not rest. They convened the [Commission to Study the Conduct of Elections in Maine](#) to study voting issues and make recommendations to the 126th Legislature. The Commission held eight public hearings between August and November 2012, and members of the League attended all of them. Opponents of photo ID repeatedly testified that it would unfairly penalize Mainers who cannot afford an ID or who simply cannot get to a location that provides ID. The final report of the Commission did not support a photo ID measure.

In 2015, we [testified](#) against another photo ID bill, which failed to pass. The League argued that implementing the law would disenfranchise voters, while costing the state millions of dollars to prevent a very few, if any, ineligible voters from breaking the current law. Voter ID laws prevent one exceptionally rare kind of voter fraud: impersonating someone else at the polls. At the time, we knew of only one case of that kind of voter fraud that had been prosecuted in Maine in more than 30 years.

The League supports full voter participation by all eligible American citizens, and we oppose efforts to create new barriers that block citizens' constitutional right to vote. A 2014 federal General Accounting Office study, cited in our testimony, concluded that voter participation fell between 2% and 3% in states implementing photo ID between the presidential election years 2008 and 2012. Thus, in Maine, this would have meant that implementing photo ID could have disenfranchised some 20,000 voters in the 2016 presidential election.

An identical bill failed passage in the first session of the 128th Legislature in 2017 (LWVME testimony, [LD 121](#)). Undeterred, Governor Paul LePage introduced the measure again at the 11th hour of the second session, but that bill was never referred to committee and died without legislative action.

In 2021, three more bills were introduced to implement some form of photo ID, LDs 253, 557, and 1083. The League and partners testified against these bills, and they did not receive substantial public attention. They all received unfavorable votes in committee and were not a major point of concern during the 130th Legislature. However, the issue is still alive: in 2022, petitions for a [citizen's initiative](#) to implement voter ID are circulating and have been spotted at polling places. While this is cause for concern, it is not yet clear how widespread signature collection efforts are or whether this question has a viable chance of making the ballot. Further monitoring will continue.

## OTHER LIMITATIONS ON VOTING RIGHTS

In 2007, [LWVME opposed](#) an effort to deny voting rights to students living in college-owned housing, arguing that any proposal that disenfranchises students is inconsistent with the basic democratic principle of allowing all citizens to exercise their right to vote. When young people vote, they establish a lifelong voting habit that benefits our democracy with higher voter turnout in the years ahead. When the issue came up again in 2017, we [testified](#): “By setting a higher proof-of-residency standard for students residing in campus housing, LD 155 would treat some college students differently than others based on a purely practical choice of housing accommodations. This would seem to be a violation of their Constitutional right to equal protection under the law.” The bill failed to pass. In 2021, we strengthened the rights of college students by drafting and passing [LD 1575](#), which ensured that student IDs are an acceptable form of voter identification for registration purposes.

In 2013, we opposed [LD 573](#) (*RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes*). The League of Women Voters has consistently opposed measures to restrict the voting rights of incarcerated citizens. Allowing and encouraging convicted citizens to vote during and after their incarceration has the effect of promoting citizenship and engaging them in civic life. The measure failed (LWVME testimony, [LD 300](#)).

According to the [Brennan Center for Justice](#), laws that prevent felons from voting are deeply rooted in our country’s troubled racial history and have a disproportionate impact on minorities. A [2010 study of New York’s constitutional history](#) traces that state’s current felony disenfranchisement law to a century-long effort to keep African-American citizens out of the voting booth. The magnitude of prisoner and ex-felon disenfranchisement elsewhere in the United States — upwards of 6 million people — has serious implications for the democratic process and racial inclusion.

## EQUAL ACCESS TO BROADBAND

Equal access to broadband had not been a focus of the League of Women Voters of Maine in the past, but in 2020, Maine was ranked 43rd nationally for access to affordable high-speed internet service. This reality existed before the challenges of the COVID-19 pandemic, which increased the disparities for households without broadband access, including unequal access to educational, economic, and civic engagement opportunities.

Consequently, the Board of the League of Women Voters of Maine on May 16, 2020, voted to adopt the following position on internet access:

Efficient, high speed access to the Internet for all Maine residents regardless of geographic location or demographics is a necessity for assuring equal access to local and state government, for maintaining openness and transparency in government activities; for communicating with legislative leaders; for engaging in political discourse; for competing in the global marketplace; for providing full and equal access to education, commerce, and civic life; and for assuring that voters receive the information they need to participate in our democracy.

This position is grounded in other League positions on Voting Rights and Citizens Right to Know, and largely concurred with a 2008 League of Women Voters of Connecticut position on universal access to high speed internet.

Using the new position, LWVME endorsed the “Yes on 1” campaign, which provided a \$15 million bond issue to invest in high-speed internet, matched by another \$30 million in federal, private, or other funds. That measure was on the ballot for the July 2020 primary and special referendum election. Leading up to the July election, LWVME joined the coalition supporting the measure and presented a webinar on Question 1 and encouraged our members to vote yes on Question 1 in election newsletters and social media. The measure passed.

# ELECTION METHODS AND ADMINISTRATION

LWVME has advocated a number of measures that would streamline Maine's voting and administrative procedures and enhance the voting process. Each session brings new bills that address voter access and election management. We monitor these bills very closely. Also important is making sure that election staff around the state have the resources and support they need to carry out their work, maintain a secure voting place, and return an accurate account of the vote.

## **RANKED CHOICE VOTING**

Following three years of study and discussion, in March 2011, LWVME reached concurrence with the League of Women Voters of Minnesota in favor of ranked choice voting (RCV). In addition to Maine and Minnesota, state Leagues around the country that have endorsed RCV include Arizona, California, North Carolina, Vermont, Washington, among others.

The final position reads:

**The League of Women Voters of Maine** supports election systems for elected offices in single seat elections that require the winner to receive a majority of the votes, as long as the majority is achieved by Instant Runoff Voting/Ranked Choice Voting, rather than a second, separate runoff election.

With this position, the League of Women Voters of Maine supports the right of local governments to choose [ranked choice voting](#) for their local elections, regardless of what system is used at the state level.

In general, League members participating in the study believed that the winner of single seat elections should be determined by a majority vote, and they supported a system of ranked choice voting for determining the majority winner. While there was strong support among League members for majority-winner elections, that support diminished if the winner had to be determined by a traditional runoff election.

The League was an early supporter of ranked choice voting in Maine. We supported [two RCV bills](#) (LDs 518 and 860) in the 126th Legislature (2013-2014). After the defeat of those bills, the League convened a statewide working group to plan a more concerted effort to pass RCV in the future. The group, comprising civic leaders, legal scholars, elected officials, and reform advocates, eventually spawned the Committee for Ranked Choice Voting, led by former State Senator Dick Woodbury. The Committee launched a signature drive for a citizen initiative in the fall of 2014, and RCV qualified to appear on the November 2016 ballot. The referendum question, [An Act to Establish Ranked-choice Voting](#), passed with 52% voting in favor.

During the period in which the RCV citizen initiative was moving forward, 2015-2016, the League testified neither for nor against bills to implement a top-two primary in Maine elections. (LWVME Testimony, [LD 720](#)). We argued that ranked choice voting was a better, more equitable alternative because:

- It minimizes “strategic” voting.
- It allows voters to express their sincere preferences among candidates.
- RCV eliminates the problem of “spoiler” candidates who have little chance of winning but who pull votes from major candidates.
- RCV does not require separate runoff elections.
- It promotes civility in campaigns.
- RCV is most likely to elect a candidate with broad appeal.
- It may improve voter participation.

After voters passed RCV in, during the early days of the 128th Legislature (2017-2018), Senate Republicans called for a Solemn Occasion, asking the Maine Supreme Judicial Court to issue an opinion on the constitutionality of ranked choice voting as applied to the general elections for governor and members of the legislature. [LWVME submitted a brief and presented oral argument](#) on April 13, 2017, urging the Maine Supreme Judicial Court to uphold the ranked choice voting citizen initiative passed in November 2016.

On May 23, 2017, the [Court issued an advisory opinion](#) that declared RCV unconstitutional for the general elections for governor and members of the legislature, saying that it violated the provision of the Maine Constitution that calls for election to these offices to be decided by a plurality of the voters. Following the court’s opinion, two bills were put forward in the legislature to address the concerns raised by the Court.

- [LD 1624](#), *RESOLUTION, Proposing an Amendment to the Constitution of Maine to Implement Ranked-choice Voting*. [LWVME supported](#) this bill, but it failed final passage.
- [LD 1625](#), *An Act to Repeal the Ranked-choice Voting Law*. [LWVME opposed](#) this bill. It died when the House and Senate did not agree on the final language.



Thus, at the end of the first regular session of the 128th Legislature, the ranked choice voting law remained in effect for all elections to be held in 2018, without any apparent resolution of the issues raised by the Court.

In October 2017, the governor called the legislature back into special session on several issues, one of which was RCV. An Act to Bring Maine's Ranked-choice Voting Law into Constitutional Compliance was introduced during the special session. LWVME supported [LD 1646](#), which (a) would have suspended the use of RCV in elections where the Maine Supreme Court advised that it is unconstitutional; (b) required the use of RCV for other elections covered by the new law. LD 1646 was enacted with Committee Amendment B, which delayed implementation until after December 2021, and repealed the law, unless the Constitution of Maine was amended by that time to authorize the legislature to determine the method by which the governor and members of the legislature are elected. This amendment created a high probability that RCV would be repealed.

Following passage of the amended version of [LD 1646](#), the Committee for Ranked Choice Voting launched a partial People's Veto effort designed to permit races not found to be unconstitutional to go forward in 2018 using ranked choice voting, while keeping in place the delay for general elections for governor and members of the legislature. The campaign worked feverishly from Election Day, November 7, 2017, until the February 2, 2018 deadline, to gather signatures to allow the question to be on the ballot in June 2018. They were successful in gathering more than the required number of signatures.

Once the signatures were certified by the secretary of state, the implementation of LD 1646 was delayed until after the vote on the People's Veto in June 2018. This enabled Maine to become the first state in the nation to use RCV for primary elections for U.S. Senate, U.S. House of Representatives, governor, and members of the legislature, in races in which there were more than two candidates. The People's Veto to overturn parts of LD 1646 was successful in June 2018. In November 2018, ranked choice voting was used in the general elections for U.S. Senate and U.S. Congress, as these elections are not proscribed by the Maine Constitution.

Following the November election where ranked choice voting played a role in determining the outcome of the Congressional race in CD 2, candidate Bruce Poliquin filed suit in federal court challenging the constitutionality of RCV in federal elections. On Thursday, December 13, 2018, U.S. District Judge Lance Walker issued his final judgment in that lawsuit. His strongly-worded opinion denied the Poliquin campaign's request for a permanent injunction against the use of RCV and found for the defendant, Maine Secretary of State Matthew Dunlap.

The League continues to be a leader in public education on the issue of ranked choice voting, hosting forums and events, and writing op-eds and letters to the editor for newspapers around the state. In the run-up to the 2018 primary election, we issued [Guiding Principles for RCV](#). We also provided substantive commentary on the secretary of state's proposed rules for the conduct of RCV elections and RCV recounts (see "[Legislative and Legal History](#)" on [lwvme.org](http://lwvme.org)).

The successful rollout of RCV in Maine during 2018 did not put an end to the action on either the legislative or litigation fronts. The 129th Legislature (2019-2020) passed [LD 1083](#) expanding the use of ranked choice voting to the selection of Maine's presidential electors on June 18, 2019 (LWVME testimony, [LD 1083](#)). Following a long delay between legislative sessions, on January 12, 2020, the bill became law without the governor's signature.

On February 3, 2020, a group of RCV opponents led by the Maine GOP initiated a people's veto campaign, intending to suspend use of RCV in the November presidential election and force a public vote on the new law providing for the use of RCV in selecting presidential electors. The completed people's veto petition was submitted to the secretary of state for approval on June 15, 2020.

On July 15, 2020, the secretary of state announced that the people's veto petitions did not contain a sufficient number of valid signatures and rejected the petition. Legal wrangling continued on several fronts. On July 27, 2020, the Maine Republican Party appealed the invalidation of the people's veto petition signatures to Superior Court and sought to have the people's veto reinstated.

Superior Court Justice Thomas McKeon issued a ruling on August 24, 2020 in the RCV people's veto petition lawsuit, agreeing with the Maine Republican Party and ordering the secretary of state to place the people's veto on the ballot and to suspend the use of RCV in the November 2020 presidential election in Maine. The State of Maine appealed.

Then, on September 22, 2020, the Maine Supreme Judicial Court issued a ruling overturning the Superior Court decision that had allowed for the people's veto to appear on the November 3, 2020 ballot and that had blocked the use of ranked choice voting for the presidential election. This decision of the Maine Supreme Judicial Court paved the way for RCV to be used in the vote for president in 2020 and removed the people's veto from the ballot. The Maine Republican Party promptly requested a stay on this decision and appealed to the United States Supreme Court. Their request for a stay was denied on October 1, 2020. The U.S. Supreme Court rejected their request for an appeal on October 6. The November election was conducted using RCV in the presidential race, and the people's veto question was not included on the ballot. In the US Senate race and the two U.S. House contests, the first-round winner received more than 50% of the vote, making it unnecessary to conduct an RCV tabulation. RCV also was not needed in the presidential race, neither for the allocation of statewide electors nor for the allocation of electors from each Congressional district.

The long-term goal of ensuring the use of ranked choice voting for all elections — even those where the constitution currently refers to “plurality” choices — requires a constitutional amendment. In April 2019, the legislature held a public hearing on [LD 1196](#), *RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting* and on [LD 1477](#), *RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Use of Ranked-choice Voting for Governor and Members of the Legislature*.



The League testified on both bills ([LD 1196](#), [LD 1477](#)). Although there was strong public support, the proposed constitutional amendment was not approved for placement on the ballot. [LD 1477](#) did not secure the two-thirds vote needed for passage in the House, and additional action was pending at the time the legislature adjourned the first session. The 2020 second session of the legislature did not see any additional consideration of LD 1477, in part due to COVID and early suspension of legislative activity. We will continue to bring this issue forward in future legislatures. In 2021, a similar bill, [LD 202](#), met a similar fate in the 130th Legislature, failing to receive a two-thirds vote in either chamber.

In 2021, the League played a key role in passing ranked-choice voting for municipal elections in Westbrook. In partnership with local volunteers and elected officials, the League helped run a campaign to place RCV on the municipal ballot, and it subsequently passed in the November 2021 election. These efforts were successful, and local RCV passed with 62.94% voting yes, a higher percentage than previous statewide RCV questions had received in Westbrook. This success in Westbrook inspired further work around local RCV that the League will undertake in the future.

Building on this success, the League worked in 2022 to pass a bill expanding the number of municipalities that could pursue RCV, [LD 859](#). This bill, originally introduced as a concept draft in 2021, was picked up and turned into legislation in 2022 in collaboration with its sponsor, Seth Berry. It allowed for non-charter municipalities to use RCV or other election methods, a freedom municipalities with charters already enjoyed. Following legislative advocacy efforts including public testimony from grassroots supporters, the bill narrowly passed the House and Senate and became law.

## NATIONAL POPULAR VOTE

At its National Convention in 2010, the League of Women Voters amended its position on Selection of the President.

The League of Women Voters of the United States believes that the direct-popular-vote method for electing the President and Vice-President is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished. We support the use of the National Popular Vote Compact as one acceptable way to achieve the goal of the direct popular vote for election of the president until the abolition of the Electoral College is accomplished.

When the National Popular Vote (NPV) was before the 124th Legislature (2009-2010), the League testified neither for nor against. When it was reintroduced in the 126th Legislature (2012), we were able to use the new national position to testify in support (LWVME testimony, [LD 511](#)). We supported it again in the 128th Legislature (LWVME testimony, [LD 156](#)) in 2017. But the bill failed both times. It was introduced again in 2019 with backing from a strong coalition and professional lobbying support (LWVME testimony, [LD 816](#) and [LD 418](#)). After much procedural wrangling and close vote counting, the bill was narrowly defeated by one vote in the House.

In 2021, another effort was made to pass the National Popular Vote. The League did substantial grassroots education and advocacy, anticipating that a leadership-backed NPV bill would come forward. However, this did not happen. The bill title relating to NPV submitted by Senate President Troy Jackson never resulted in a printed bill. Ultimately, two other NPV bills, LDs [1330](#) and [1384](#), received committee hearings. The League and several volunteers testified in support of these bills, but ultimately without support from leadership, these proposals were killed in committee. Grassroots work continues in anticipation of this issue returning before the Legislature in the future.

## ELECTION AUDITS

At the LWVUS Convention in 2006, delegates clarified the Position on Citizen's Right to Vote to affirm that the LWVUS supports voting systems:

- That are voter-verifiable by paper ballot or other paper record where the voter can verify, either by eye or with the aid of suitable devices for those who have impaired vision;
- That the paper ballot/record accurately reflects his or her intent; and such verification takes place while the voter is still in the process of voting where the paper ballot/record is used for audits and recounts; and
- The vote totals can be verified by an independent hand count of the paper ballot/record; and
- Routine audits of the paper ballot/record in randomly selected precincts can be conducted in every election, and the results published by the jurisdiction.

At the 2010 National Convention, delegates added the principle of transparency, so that the League's position would support voting systems that are secure, accurate, recountable, accessible, and transparent.

Following the position of our national affiliate, LWVME supports the implementation of voting systems and procedures that are secure, accurate, recountable, accessible, and transparent. Routine audits in randomly selected precincts should take place in every election and the results made public. In 2007, LWVME testified neither for nor against [LD 1150](#) *An Act to Establish Random Audits of Voting Machines*. We supported random audits in general, but since the Maine League had not studied the subject, we took no specific position on what percentage of votes constitutes a statistically appropriate random audit, or what procedures should be used in conducting an audit. During the 124th Legislature (2009), we testified in support of [LD 1170](#), a concept bill — that is, a bill without specific statutory provisions — that proposed mandatory random audits for election results.

In the 128th Legislature (2017-2018), we used the national affiliate's 2009 Report on Election Auditing to draft [LD 1284](#), *An Act To Require Election Transparency and Audits*. This bill required a regular process audit of Maine elections and called on the secretary of state to initiate a study and conduct a pilot of risk-limiting post-election audits (LWVME testimony, [LD 1284](#)). This bill entered committee with nine cosponsors, including Democrats, Republicans, and an Independent, but was voted Ought-Not-to-Pass in committee, in deference to reservations expressed by the Office of the Secretary of State.

In 2021, our election audit legislation was reintroduced as [LD 1155](#) for the 130th legislature. Supported by the new Secretary of State, the bill received a favorable report in committee and passed both chambers without any dissenting votes. The bill still required funding, however, and remained in limbo until 2022, when a strong budget forecast and bipartisan support enabled the legislative language to become law as part of the supplemental budget. The result was a major increase in capacity at the secretary of state's office for both audits and municipal clerk training, in addition to ensuring that Maine joined the other 44 states with post-election audits.

## **ABSENTEE VOTING**

A 1999 change in state law to allow “no excuse required” absentee voting ushered in a new era in Maine elections. Since then, the number of absentee ballots cast has surged, growing from 10% of ballots cast in 2000 to about 30% statewide in recent years and over 60% in some jurisdictions. That percentage was over 60% statewide in the 2020 COVID election.

Under current law, voters may apply to have an absentee ballot mailed to their home without providing an excuse. They must submit a separate application before each election. Ballots are mailed by the clerk as soon as they are ready, no later than 30 days before Election Day. Voters can return their ballots by mail (adding their own postage), or they can return them to the municipal clerk or a secure drop box until the closing of polls on Election Day. Ballots can also be obtained from and returned to the clerk's office in person, by immediate family members, and by third-parties, although special restrictions apply to third-party ballot-running.

Alternatively, voters can go directly to their municipal clerk's office and complete an absentee ballot on the spot without having to submit an application. From the voter's perspective, this is effectively early voting. However, the ballots are processed, secured, and counted as absentee votes.

The legislative landscape in recent years has reflected a tension between offering more voter convenience on one hand, and the capacities of town clerks to handle increased absentee balloting on the other. One convenience, “ongoing absentee status,” was first proposed in 2009. This option would let voters choose to automatically receive an absentee ballot for statewide elections without having to submit an application each time. Instead of passing the bill as written, the legislature directed the secretary of state to conduct a pilot program. Following the pilot, then-Secretary of State Charles Summers recommended against extending the program, citing limitations of the Central Voter Registration system as well as a disconcerting number of ballots returned as undeliverable by the Postal Service.

Unsuccessful bills to enable ongoing absentee status were also introduced in 2017, and again in 2019, in the first session of the 128th Legislature. Our testimony neither for nor against the 2019 bill acknowledged the added convenience but also cited concerns about undeliverable ballots and the potential for fraud (LWVME testimony,

[LD 753](#)). In February 2020, an improved bill was introduced during the second session, and LWVME offered qualified support (LWVME testimony, [LD 2067](#)). The Office of the Secretary of State and the Maine Town and City Clerks' Association opposed it as an added burden on the clerks' workloads. The bill died when the Legislature adjourned in March due to the COVID-19 shutdown.

The COVID-19 health emergency radically altered nearly all aspects of life, and our advocacy work was no exception. With the Legislature shut down, it fell to the state administration to take steps to protect the 2020 elections. LWVME worked with other election advocacy groups to press the governor and secretary of state to make adjustments that would protect ballot access and public safety under pandemic conditions. Many of our requested changes concerned absentee voting, and some emerged as legislative proposals in 2021.

In 2021, a bill to implement ongoing absentee voting, [LD 148](#), was again introduced, and the League again testified with qualified support. The bill ultimately passed in a modified form as part of the budget, only extending ongoing absentee voting to voters over 65 and those self-declaring as having a disability. This limited implementation, which goes into effect in 2023, raises questions around equal access, and the scope of ongoing absentee voting will likely be revisited in future sessions.

Additional changes to address absentee voting were contained in [LD 1363](#), passed in 2021, the Secretary of State's agency bill. This bill made permanent two temporary measures implemented in 2020 by executive order: it established guidelines for municipal clerks to give voters the opportunity to cure deficient absentee ballots, and it established criteria for secure absentee ballot drop boxes. Notably, the bill also established the right for municipalities to offer multiple drop boxes if desired. The League and partners testified in support of these measures, and the bill became law in June 2021.

The COVID-19 health emergency radically altered nearly all aspects of life, and our advocacy work was no exception. With the Legislature shut down, it fell to the state administration to take steps to protect the 2020 elections. LWVME worked with other election advocacy groups to press the governor and secretary of state to make adjustments that would protect ballot access and public safety under pandemic conditions. Many of our requested changes concerned absentee voting, and some will likely be proposed as permanent changes to law in upcoming legislative sessions. A summary of the League's advocacy work around the 2020 elections is covered in an earlier section, **Protecting the 2020 Elections and Beyond** (see PAGE 12).

## UNIVERSAL VOTING BY MAIL

In 2019, two Universal Voting by Mail (UVBM) bills were introduced. Under UVBM, all registered voters are automatically mailed ballots before every election. Pioneered by Oregon, UVBM has been implemented in several western states and is under consideration elsewhere around the country. One bill mandated that the state implement all-mail elections by the November 2020 general election. Lacking a position on UVBM, we testified neither for nor against this bill (LWVME testimony, [LD 272](#)). We argued that the proposed timeline was unrealistic and recommended that a committee be established to study the issue. The bill died, and since the legislature took no steps to establish a study committee, the League conducted its own mini-study, [Universal Vote-by-Mail Analysis](#), published in March 2020. The report recommends that any vote-by-mail system preserve the array of choices currently available to Maine voters, including same-day registration and in-person voting.

In the same session, the secretary of state introduced a proposed constitutional amendment that would have authorized the legislature to enact bills allowing for early voting or voting by mail. The League supported it, but the resolution failed (LWVME testimony, [LD 1631](#)).

In 2021, a bill proposing to study a UVBM system, [LD 1354](#), was proposed. Informed by our mini-study, the League testified neither for nor against and noted some of the findings of our study. The bill, which was not brought forward as part of wider coordinated voting reform efforts, was unanimously voted down in committee, with legislators citing our study as a useful starting place to examine the issue.

## CANDIDATE SELECTION, PRIMARIES VS. CAUCUSES

With a presidential election on the horizon, the issue of caucuses versus presidential preference primaries surfaced again in 2016. Many citizens were confused by the caucus system, especially since Maine has changed from caucuses to primaries and back in the course of a generation. Record turnouts and limited caucus sites resulted in long lines and long distances to travel to reach a caucus. The result was that many citizens who wanted to participate did not get a chance and felt cut out of the system.

A bill to reestablish presidential primaries in Maine passed during the second session of the 127th Legislature, with final legislation due at the start of the 128th. The 128th Legislature adjourned without closing the deal on the return to presidential primaries in 2020. At the time, LWVME had no position on the relative benefits of caucuses vs. primaries and did not weigh in.

At the same time, in non-presidential primaries, voter participation remains extremely low, leading to calls for an open primary, but one such bill failed in the 127th Legislature. We testified neither for nor against, citing a lack of evidence that open primaries actually improve voter participation in primary elections (LWVME testimony, [LD 744](#)). The issue is further complicated by party rules regarding timing and process.

In order to develop an evidence-based position on this issue, LWVME launched a formal consensus study in 2017. The Study Committee examined the advantages and disadvantages of (1) primaries vs. caucuses, (2) various types of open vs. closed primaries, and (3) nonpartisan primaries. On completion of the study, the State Board adopted a [new position](#) on primaries/candidate selection systems in November 2018:

**The League of Women Voters of Maine** believes that primary elections should encourage broad voter participation and that all voters should have the opportunity to participate in the primary election of their choice. More specifically, the LWVME supports:

- “Semi-open” primaries over the various forms of closed or fully open primaries for candidate selection at all governmental levels.
- Presidential primaries over presidential caucuses, recognizing that the rules concerning the primaries will be more consistent with League values if they are “semi-open.” The League also supports Presidential primaries held on set dates that do not cause a loss of party delegates.

The LWVME defines a “semi-open” primary as a primary in which unenrolled/unaffiliated voters may vote on one ballot per primary without having to enroll in that particular political party. Voters enrolled in a political party can vote only on the ballot of their party.

- Government, as opposed to party, funding and administration of federal, state, and county primaries.

The LWVME neither supports nor opposes nonpartisan primaries. The LWVME will continue to monitor experience with nonpartisan primaries and re-examine this issue when the results of more empirical studies are available.



In the 129th Legislature (2019-2020), we strongly supported two bills to reestablish presidential primaries in Maine. This was one of our top legislative priorities in 2019 (LWVME testimony, [LD 245](#) and [LD 1626](#)). LD 1626 finally passed in the 11th hour of the first regular session and was signed into law. Maine conducted its first presidential primary under the new law on March 3, 2020.

Using our new position in 2019, we also supported a bill to permit unenrolled voters to participate in primary elections (LWVME testimony, [LD 211](#)). This bill died in committee. We testified neither for nor against a bill that would have established a nonpartisan primary, forwarding the top four candidates to the general election (LWVME testimony, [LD 114](#)). This bill also died in committee.

In 2021, another bill to permit unenrolled voter participation in primary elections, [LD 231](#), was introduced. This bill, with an energetic sponsor in Sen. Chloe Maxmin, featuring bipartisan sponsors and an organization dedicated to its passage (Open Primaries Maine), entered the legislative process on stronger footing than previous efforts. We [testified in support](#) and rallied our members to support its passage through constituent contacts. It received a somewhat surprisingly favorable vote in committee and a strong bipartisan 27-7 vote in the Senate. It then moved to the House, where some of the most intense floor vote lobbying took place. After substantial efforts, the bill passed the House 92-52, with bipartisan support being a crucial component of its passage. After this, the bill languished on the Appropriations Table, awaiting \$250,000 in funding for projected ballot printing costs. It was not funded in 2021, and was carried over to 2022 to await funding in the second session.

In 2022, the intense lobbying effort on LD 231 continued, with a honed-in focus on the members of the Appropriations Committee and legislative leadership, which continued until the very end of the session; the decision to fund LD 231 was not confirmed until the very final day of session. Following the Appropriations Committee's decision to fund LD 231, the bill went to the governor, who did not sign the legislation but allowed it to go into effect unsigned. As a result of LD 231's passage, unenrolled voters will be able to vote in one primary of their choice per election beginning in 2024.

Legislation on nonpartisan (top two) primaries also appeared in 2021 ([LD 1121](#)); the League [testified neither for nor against](#), and the bill died in committee. The League will continue to monitor nonpartisan primaries as they are implemented in Alaska and considered elsewhere, and will continue to evaluate its position to determine whether we eventually support their implementation.



# ETHICS AND DISCLOSURE

The LWVUS policy on Congress and the Presidency calls on government to be accountable and responsive to the will of citizens. LWVME applies this policy when monitoring the function of the Maine Legislature, Governor’s office, and Executive staff. The policy calls on government to:

Support responsive legislative processes characterized by accountability, representativeness, decision making capability and effective performance. And, to promote a dynamic balance of power between the executive and legislative branches within the framework set by the Constitution.

## LOBBYING AND THE REVOLVING DOOR

Lobbying, undue influence, and conflict of interest are a growing concern. Recent reports indicate that lobbyists are targeting state legislatures more than ever, and, as the Wall Street Journal noted, “between 2006 and 2012 the number of interest groups and organizations, including unions, represented by lobbyists in the states grew by more than 6,200, about 12%.” (“[With Gridlock in Washington, Lobbyists Turn to Statehouses](#)”). With the growth of out-of-state money influencing regulation, legislation, and campaigns, Maine’s ethics requirements must adapt to a changing — and increasingly charged — political environment in Augusta. LWVME closely monitors legislation, while also keeping an eye on ethics disputes and issues that arise throughout Maine’s government.

Influence from paid lobbyists is especially perilous in a term-limited, part-time citizen legislature such as Maine’s. Industry insiders are far more knowledgeable than most legislators, and they use their savvy to influence legislation that benefits them and their clients — but not always the citizens of Maine. The League supports lobbying disclosure that provides information on the pressures exerted on the policy-making process: how laws and regulations are developed, where proposals originate, and who is influencing the process.

In 2007, we supported a bill to enhance transparency and public information about lobbying the executive branch in Augusta, including the governor's office and other state agencies. That bill passed and was signed into law (LWVME testimony, [LD 1058](#)).

Of growing importance is the so-called "revolving door," when legislators or public employees negotiate and/or obtain lobbying or industry jobs immediately after their public service. Their experience and inside contacts are attractive to employers seeking to influence the government or legislature on issues of regulation, government contracts, or oversight. But this advantage is often detrimental to public interests. It is doubly so if there is any appearance that the official acted to benefit an industry or prospective client in hopes of future employment. In 2013, we supported two bills that became law, establishing a one-year cooling-off period during which legislators and high-ranking executive branch employees may not engage in compensated lobbying (LWVME testimony, [LD 184](#), [LD 859](#)).

However, these reforms left a loophole: the so-called "safe harbor provision," under which former public servants could engage in compensated "government relations" work as long as it did not rise to the level that required them to register as a lobbyist—eight hours per month of direct engagement on behalf of a particular bill. During the 128th legislative session (2017-2018), we supported a bill to close this loophole (LWVME testimony, [LD 1591](#)). That bill would have eliminated the loophole for both former legislators and certain former executive-level employees during the one-year cooling-off period. The bill did not pass, but the loophole got closed for legislators, if not for executive branch employees, by a bill that passed in 2019 (LWVME testimony, [LD 76](#)).

## THE FEEDBACK LOOP

When lobbyists and their corporate clients contribute to candidates and their leadership, and then also deploy high-paid professionals to use their access and expertise to leverage those contributions into legislative outcomes, it creates a reinforcing cycle that amplifies the power of both the campaign finance contribution and also the lobbying expertise. For this reason, we have worked to reduce the direct financial link between lobbyists and legislators' political activities by extending the lobbyist contribution ban.

For many years lobbyists have been prohibited from contributing to legislative campaign coffers from the moment of a legislature's opening bell, until the moment the legislature adjourns sine die. Legislators and their lobbyist supporters could not resist the opportunity to hold major fundraisers soliciting money from lobbyists the morning the legislature convened, often raising thousands of dollars. And lobbyists learned to expect a flurry of fundraiser invitations moments after the final hammer came down at the end of the session. We have worked to extend the ban to include the entire year, putting an end to this unsavory lobbyist-legislator financial relationship. Our first attempt, in the 128th Legislature (2017-2018) failed to pass (LWVME testimony, [LD 413](#)).

In the 129th Legislature (2019-2020), we worked hard to support [LD 54](#) *An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions* (LWVME testimony, [LD 54](#)). Although the bill had strong support from the public and within the legislature, powerful forces drastically weakened the measure during the committee process. The version that emerged was a lot narrower than we hoped, and attempted floor amendments failed in the House. Still, the bill did pass, was signed by Governor Mills, and became law. While the bill is much narrower in scope than we wanted, it is a step in the right direction. Even some of the most powerful lobbyists in Augusta agree it is time for real reform, but at the end of the day, we had to settle for half a loaf in this session.

## ETHICS OVERSIGHT

Two major concerns in state government ethics are determining how issues will be addressed and what governing body has oversight power. The 2015 [State Integrity Investigation](#) pointed out weaknesses in Maine's ethics laws and highlighted the lack of oversight and accountability. Loopholes and gaps in regulation render many of Maine's laws toothless in their ability to enforce and prosecute transgressions.

In 2007, we supported a bill that became law, permitting members of the public to file ethics complaints against legislators and somewhat strengthening current ethics law. (LWVME testimony, [LD 1008](#)). Prior to this, only another legislator could file such a complaint. In 2011 (125th Legislature), we supported another bill that extended the right to file a complaint to the Ethics Commission itself (LWVME testimony, [LD 1150](#)). The bill passed, and the Commission on Governmental Ethics and Election Practices was given the responsibility of investigating possible violations of legislative ethics.

Ethics bills are proposed nearly every session but are often hard to pass. In the 127th Legislature (2015-2016), a bill *To Implement Recommendations of the Government Oversight Committee to Strengthen the Ethics Practices and Procedures for Executive Branch Employees* was introduced in the first session but stalled after testimony, and no work session was ever scheduled. We supported it with testimony, and the bill was carried over into the second session but died in Appropriations (LWVME testimony, [LD 6](#)).

A modest step forward occurred when the [2023-2024 biennial budget](#) reallocated \$278,000 of the Ethics Commission's funding requirements out of the Maine Clean Election Fund and onto the general fund — an objective we had long sought as a way to ensure adequate resources for the Commission's important mission and acknowledgment that the agency's mission benefits all the public.

## FINANCIAL DISCLOSURE

Financial disclosure laws are important because they promote citizens' right to know whether legislators are using their public service to advance their private interests. LWVME has testified on numerous measures addressing this concern. In 2013, the 126th Legislature enacted a bill that we supported, requiring that legislators report their involvement with for-profit companies, including a 5% ownership, income of over \$2,000 per year, and other interests (LWVME testimony, [LD 1001](#)).

Our 2015 Clean Elections citizens initiative also included Maine's first mandatory disclosure of the finances of gubernatorial transitions. Historically, newly elected governors raise money from private parties to pay for transition staff and related expenses, as well as for inauguration celebrations. This activity was not previously subject to mandatory disclosure, though some governors released partial information. The 2018 transition of Governor Janet Mills was the first to make mandatory disclosure, and the system provided timely information to the public during a critical point in the new administration. The first implementation of this law revealed the need for technical changes and adjustments in the timing of such disclosure, and these were taken up in the 129th Legislature (2019-2020) and passed with our support (MCCE testimony, [LD 1871](#)). The 130th Legislature strengthened and expanded disclosure rules by enacting [LD 1377](#) with our support.

Campaign finance at the municipal and county level emerged as an important question in 2022 as municipal elections drew more intense spending. We supported a bill from Representative Lookner ([LD 1658](#)) to enhance the transparency of campaign finance reports in local elections. Although widely supported in Augusta, it failed enactment due to a significant fiscal cost.

## CONFLICT OF INTEREST

In 2020, we also supported Senator Chloe Maxmin's successful bill to strengthen ethics laws preventing candidates from spending campaign money to feather their own nests. The bill, [LD 1621](#), also prevented sitting legislators from accepting compensation for paid campaign services and tightened up requirements against using a legislator's family business to provide such services.

## TRANSPARENCY AND FREEDOM OF INFORMATION

League of Women Voters of Maine follows the LWVUS position on Citizen's Right to Know as announced by the National Board, June 1984:

The League of Women Voters of the U.S. believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

Maine's Freedom of Access Act (FOAA) requires public notice, open meetings, and availability of public records for inspection and copying, and it conforms to the League's beliefs. However, the success of the Act depends upon the willingness of the government to comply.

LWVME is a long-standing member of the [Maine Freedom of Information Coalition](#). Through our participation in that coalition, we monitor and testify on transparency issues as they arise in the legislature, and follow any issues that may affect [Maine's FOAA and related law](#). Further, the League publicizes these issues as a public service.

In 2007 (123rd Legislature), we supported a bill that became law, establishing a Public Access Ombudsman and requiring all elected officials to take Right To Know training. While the majority of Maine's public officials are responsive to citizen requests for public records, some are not (LWVME testimony, [LD 1822](#)).

Two years later, in the 124th Legislature (2009-2010), another FOAA issue arose. We testified in support of a new law that allows a court to award attorney fees in successful FOAA appeals. Our testimony maintained that, although the Freedom of Access Act as currently written, permits a citizen to bring an action in Superior Court to seek disclosure of records or nullification of actions illegally taken in executive session, that right is essentially meaningless for a citizen who cannot afford to hire counsel. The addition of an attorney's fees provision to the Act would level the playing field, and give citizens a meaningful enforcement opportunity. Attorney's fees can only be awarded to a citizen who prevails in an enforcement action, which inhibits the filing of meritless claims (LWVME testimony, [LD 679](#)).

# GOOD GOVERNMENT

Action in Maine on good government issues is based on fundamental League principles:

▶ The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing, and coordination among different agencies and levels of government.

A fully functioning government is necessary to support American democracy, and the League supports adequate funds for government to do its work. Staff coverage, resources, management, and oversight are required for the government of Maine to fulfill its mandate. Good government also requires a knowledgeable legislature that understands the laws and regulations of Maine, as well as public participation in the political process. In the first session of the 127th Legislature (2015-2016), we supported a Resolve, To Study Understaffing in State Agencies. The resolve died between chambers (LWVME testimony, [LD 1103](#)).

## TERM LIMITS

In 1991, the national League announced its opposition to term limits for members of the U.S. Congress on the grounds that such limits would adversely affect the accountability, representativeness, and effective performance of Congress; and, by decreasing the power of Congress, would upset the balance of power between Congress and an already powerful presidency. The 1992 LWVUS Convention reaffirmed opposition to term limits, and authorized state and local Leagues to take action on term limits for state and local offices.

Maine voters approved a term limits referendum in 1993, which was enacted in 1996. Under that law, members of both the House and Senate are limited to four two-year terms. This is a consecutive, rather than lifetime, limit; members who have served the limit are re-eligible for election after two years. Members termed out of one chamber may immediately run for election to the other chamber.

The League was the main plaintiff, along with the Maine Council of Senior Citizens and a handful of Portland voters, in a 1994 lawsuit challenging Maine's term limits law. The lawsuit argued that term limits violated the constitutionally protected right to vote for the candidate of one's choice. It also claimed that lawmakers' qualifications should be modified only by a constitutional amendment. The League argued that the term limits law should not be retroactive and therefore should not restrict candidates until 2004. Term limits for federal office were deemed unconstitutional, but the League lost the lawsuit with respect to state offices, and term limits remain in effect.

The League presented testimony in 2007 supporting a measure to repeal term limits (LWVME testimony, [LD 42](#)). Rather than adopt the measure outright, the Legislature sent a compromise bill to referendum, asking voters if they wanted to extend term limits from the current four consecutive terms (eight years) to six terms (twelve years). We opposed that measure in legislative testimony (LWVME testimony, [LD 854](#)), but even though this was a half-way measure, the League supported it at referendum. It failed on the November ballot in 2007.

That electoral defeat gave term limits a new mandate and put a damper on legislative action regarding term limits for several years. Finally, in 2015, a bill was again introduced, and the League supported *An Act To Eliminate Term Limits for Legislators*, but the measure failed (LWVME testimony, [LD 182](#)). During the same session, the League opposed resolutions calling for an amendment to the U.S. Constitution to institute term limits for Congressional office (LWVME testimony, [HP 804 and SP 499](#)).

The issue of term limits for members of Congress came up again in the 128th Legislature (2017-2018) and subsequently in the form of a joint resolution that included, among other provisions, limiting the terms of office for the officials of the federal government and for members of Congress. (LWVME testimony, [HP 987](#)). The resolution did not pass, nor has it passed in subsequent incarnations.



## INCOME TAX

Government can only serve the people of Maine if it has adequate resources to support the function of departments and staff that do the work. Adequate funding and staffing are essential to carry out the work of serving the Maine people, and yet resources seem to face cuts every session. LWVME has supported the state income tax since it was established in the 1960s, and the League was a key partner in educating the public about the tax before it was adopted. The League continues to support the income tax because, in the words of Dorothy Dunton, a League leader who worked to establish the tax, it places “the burden where it belongs on those most able to pay.” In 2015, the League testified against *An Act to Lower the Individual Income Tax Incrementally to Zero* (LWVME testimony, [LD 409](#)). The act failed to pass.



# APPENDIX A:

## Additional Policy Areas

In addition to our primary policy areas, LWVME occasionally works on other areas identified as important to our members and our mission. This work may include advocacy and testimony, and may involve working with and supporting partners who are leading the work on allied issues.

### **CIVIL RIGHTS — EQUAL RIGHTS ADMENDMENT**

The League of Women Voters of the U.S. has supported and pushed for ratification of the Equal Rights Amendment (ERA) at the federal level since it first passed Congress in 1972. Ratification of the amendment was required by 38 states and remains contested: 35 states ratified the amendment by the 1979 deadline required by Congress. Maine ratified the amendment in 1974. Three states have ratified since, which would be sufficient if the Congressional deadline were invalidated. In the meantime, six states have attempted to rescind their ratifications, and these rescissions are themselves contested.

After the 1979 deadline passed, and the ERA did not go into effect, advocates in Maine proposed amending the state constitution with an ERA provision. Referred to the ballot by the legislature, the Maine Equal Rights Provision was on the November ballot in 1984. It was defeated. In 1988, a new measure, the Maine Removal of Gender Biased Constitutional Language Referendum, was on the November ballot in 1988 ballot as a legislatively-referred constitutional amendment, where it was approved. The measure removed gender-biased language from the constitution to make it gender neutral. This was a major victory and quelled efforts for a Maine ERA for many years.

However, beginning again around 2015, as part of renewed efforts to ratify the federal ERA, Maine advocates again began pushing for a true ERA amendment to the constitution in Maine. [LD 584](#) was defeated in 2015. The ERA was reintroduced in the Maine legislature as [LD 433](#) in 2019 and again as [LD 344](#) in the Maine Legislature in 2022.

Longtime League member Anne Schink [testified in support](#) on behalf of LWVME during both public hearings. In her words, she spoke: “The very first time I testified on the Equal Rights Amendment was fifty years ago. That’s a long time to wait for an Equal Rights Amendment to become part of our state and federal constitutions.” Alas, the

measure failed to advance both times.

LWVUS continues to connect Leaguers across the country working on this issue to push for additional state ratifications while examining next steps at the federal level.

## CIVIL RIGHTS — SAME SEX MARRIAGE

As the debate about marriage between same-sex partners took center stage in public discourse, and legislation regarding the issue was pending before the 124th Legislature (2009-2010), the LWVME Board of Directors undertook a study to assess whether the membership supported or opposed same-sex marriage in Maine. After months of study and discussion, LWVME concurred with the League of Women Voters of Maryland and publicly announced a position in favor of marriage equality.

[LWVME Position on Equality of Opportunity](#) (Civil Marriage), announced in April 2009:

The League of Women Voters of Maine supports equal rights for all under Maine Law. LWVME supports legislation to equalize the legal rights and benefits available to same-sex couples with those available to heterosexual couples. LWVME supports legislation to permit same-sex couples to marry. The League believes the civil status of marriage should be clearly distinguished from the religious institution of marriage and that religious rights should be preserved. LWVME believes that Maine should recognize the civil unions and same-sex marriages of other states.

That same year, LWVME testified in favor of *An Act to End Discrimination in Civil Marriage and Affirm Religious Freedom* (LWVME testimony, [LD 1020](#)). The bill passed.

We worked with LWV-Maryland to bring this issue to the floor of our national Convention in 2010. Based on our joint efforts, LWVUS adopted an Equality of Opportunity policy position at the 2010 convention. It states:

The League of Women Voters of the United States supports equal rights for all under state and federal law. The LWVUS supports legislation to equalize the legal rights, obligations, and benefits available to same-gender couples with those available to heterosexual couples. LWVUS supports legislation to permit same-gender couples to marry under civil law. The League believes that the civil status of marriage is already clearly distinguished from the religious institution of marriage and that religious rights will be preserved.

## GUN CONTROL AND SAFETY

Although gun control and gun safety have not been high priority issues for the League, we have taken action on occasion when an opportunity presented itself for the League's voice to have an impact. Our work on this issue has been based on the LWVUS Position on Gun Control, as adopted by 1990 Convention and amended by the 1994 and 1998 Conventions:

The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

The League supports a ban on "Saturday night specials," enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

During the 126th Legislature (2013-2014), LWVME testified in support of [bills](#) that would have restricted high-capacity magazines and that would have required universal background checks. Both of these bills failed. In 2015 (127th Legislature), we testified against An Act to Authorize the Carrying of Concealed Handguns without a Permit (LWVME testimony, [LD 652](#)). The bill passed, and concealed carry is now permitted in Maine.

LWVME is not anti-gun per se but does support safety laws that ensure public and private well-being. Stressing the importance of safety training and background checks, we testified that:

In addition to teaching how to safely handle a gun, gun safety training courses discuss the legal ramifications of shooting a gun in public, under what circumstances you are legally allowed to use a gun in public, and where you can and cannot carry a concealed weapon in Maine. The background check assures that felons and other prohibited people will not get legal permission to carry hidden guns in public. This is especially important in a state that allows for the private sale of guns where no background check is run on the purchaser.

## HEALTH CARE AND REPRODUCTIVE CHOICE

Although reproductive rights are not a top-tier issue for LWVME, occasionally the League works with coalition partners on these concerns. The position of the national League is:

The League of Women Voters believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. That means that no governmental body should make laws restricting access to family planning to citizens when those decisions are rightly made in private with the support of medical service providers. The League supports programs that decrease teen pregnancy.

In 2011 (125th Legislature), we testified against *An Act to Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian to Dispense Prescription Medication to a Minor* (LWVME Testimony, [LD 31](#)), which sought to undermine a law that has been successful since 1973. This law permits physicians to provide family planning services to any minor “who is a parent or married or has the consent of his or her legal guardian or who may suffer in the professional judgment of a physician probable health hazards if such services are not provided.” (22 MRSA §1908). As a result of Maine’s efforts, the state has seen its teen pregnancy rate drop from among the highest in the country to among the lowest in the country. We testified that LD 31 “would reverse nearly 40 years of successful law by tying the hands of medical professionals and prohibiting teens from accessing much-needed prescription contraception or prescription drugs to treat sexually transmitted diseases.” The measure failed.

On June 24, 2022, the U.S. Supreme Court overturned *Roe v. Wade*, a landmark 1973 decision that affirmed the constitutional right to abortion. This is a distressing time, as the Supreme Court decision is at odds with the will of a majority of voters. While the right to an abortion is still legal in Maine, LWVME continues to support and uplift partnering organizations who fight for gender and reproductive rights.

## ENERGY AND ENVIRONMENT

Environmental issues have been a major focus for the League of Women Voters of the US and some of our sister state Leagues around the country. The LWVUS policy positions for management of natural resources (which encompasses energy and environmental issues) include the following statements:

The policy for environmental protection is: “Preserve the physical, chemical and biological integrity of the ecosystem, with maximum protection of public health and the environment.”

The energy policy is: “Support environmentally sound policies that reduce energy growth rates, emphasize energy conservation and encourage the use of renewable resources.”

LWVME does not focus on these issues in its advocacy work but occasionally addresses them, relying on the LWVUS policies as the guiding framework.

## RACIAL JUSTICE

In 2019, LWVME joined the Maine Coalition on Racial Equity (CORE) and began to actively support that coalition’s priority legislation when it overlapped with our focus on good government, equitable democracy, and civil rights. These issues fall under the LWVUS equal opportunity policy:

Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.

The LWVME Diversity, Equity, and Inclusion [policy](#) states:

The League is fully committed to diversity, equity, and inclusion in principle and in practice. Diversity, equity, and inclusion are central to the organizations’ current and future success in engaging all individuals, households, communities, and policy makers in creating a more perfect democracy.

In 2020, the League testified in favor of establishing the Permanent Commission on Racial, Ethnic and Indigineous Populations (League Testimony, [LD 2094](#)). The measure passed. LWVME continues to advocate for sufficient funding and administrative support for the Commission.

The League also supported CORE-backed legislation designed to improve racial equity in public policy. In 2021, the League joined partner organizations in advocating for [LD 2](#), which implemented a pilot program of racial impact statements for legislation. These racial impact statements would give lawmakers additional information to consider about legislation and its impact on historically disadvantaged racial populations. This legislation became law in 2021, and the first pilots of racial impact statements were incorporated into some committee hearings in 2022. Further work continues to refine the process of producing these racial impact statements for future legislation.

In 2022, the League collaborated with its CORE partners again to help draft and pass [LD 1610](#). This legislation added capacity and legislative guidance to improve the state's ability to collect, analyze, and share demographic data, with an emphasis on data that could be used to analyze equity impacts. Informed by transparency issues that the League encountered during the redistricting process, we met with advocates, legislators, and state employees to help generate a bill that would improve data quality and access. This bill received funding at the end of the 2022 legislative session and was subsequently signed into law.

## TRIBAL SOVEREIGNTY

In 2020, the League supported [LD 2094](#), which would increase tribal sovereignty and give Maine's tribes equal status with other federally recognized tribes. A vote was postponed due to the early adjournment of the 129th Legislature (2019-2020).

In the 130th legislature (2021-2022), the League joined the Wabanaki Alliance — a coalition of over 90 non-profit, faith-based, and racial and social justice organizations — working to pass [LD 1626](#), a renewal of the prior year's efforts. Two hundred thirty-four League members and volunteers submitted written testimony in favor of [LD 1626](#), the successor of LD 2094 from the 129th Legislature. LD 1626 did pass in the House and Senate but died on the Special Appropriations Table at the end of the legislative session. The League of Women Voters of Maine will continue to advocate for the full recognition of sovereignty for the Wabanaki tribes.

We worked on several other pieces of legislation expanding the state's recognition of tribal sovereignty. [LD 585](#) was a bill from the governor's office that contained a few areas of expansion of tribal sovereignty but not the full list of recommendations from the Task Force. This passed and was signed into law.

We also worked on [LD 906](#), signed into law in 2022, which would provide Passamaquoddy tribal members access to clean drinking water. The League attended the Wabanaki Alliance's Lobby Day and the Sipayik Rally for Clean Drinking Water, organized to urge passage of LD 906. That rally was enormously successful and was followed by an overwhelming vote in both the House and the Senate for LD 906, which the governor then signed into law.

The League will continue to seek out opportunities to support bills that move Maine toward racial equity. We are also learning how to apply a racial equity lens to all our advocacy work.



# APPENDIX B:

## Basis For Action

### DEVELOPING OFFICIAL POSITIONS

The League of Women Voters takes action on an issue or advocates for a cause when there is an existing League position that speaks to the issue or supports the cause.

**Positions** result from a formal study process, for which the League provides [guidelines](#).

Any given study, whether it be national, state, or local, involves thorough research and discussion of the pros and cons of each side of an issue. Study committee members develop consensus questions, which are presented to and discussed by the general membership. After the members reach consensus, the Board forms positions based on that consensus.

It is the **consensus statement** — the statement resulting from the consensus questions—that becomes a position. Firm action or advocacy can then be taken on the particular issue addressed by the position. Without a position, action/advocacy cannot be undertaken.

## LEGISLATIVE ACTION

Priority setting for our advocacy work takes into consideration Maine's political climate, the prospects for legislative action, and the likelihood of gubernatorial support. Each biennium, the League revisits its priorities and establishes key focus areas for the coming legislature. These factors are considered:

- Timeliness — the likelihood of action
- Coverage — someone on the board who will monitor and alert
- Importance to members
- Impact — we can make a difference (partnerships, political climate)
- Alternatives — who else will step forward?
- Confluence with emphasis and action by our national affiliate

LWVME closely monitors bills before the Maine Legislature and offers testimony on bills in priority areas. Advocacy work also includes observing government and legislative practices, monitoring election and campaign procedures, and identifying issues that may impact citizens' right to vote or access to government.

LWVME works to forge relationships with representatives of both parties, and is a respected voice in Augusta. Each session, the [Advocacy Committee](#) tracks dozens of bills and maintains a steady presence at hearings and committee meetings, primarily those of the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Veterans and Legal Affairs, because they hear the bulk of bills regarding voting, campaigns, and government functions. The volunteer-led Advocacy Committee strives to educate and to hold Maine representatives accountable on behalf of LWV members and the citizens of Maine.

## PRINCIPLES

The League of Women Voters believes in representative government and in the individual liberties established in the Constitution of the United States.

The League of Women Voters believes that democratic government depends upon informed and active participation in government and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

The League of Women Voters believes that every citizen should be protected in the right to vote; that every person should have access to free public education that provides equal opportunity for all; and that no person or group should suffer legal, economic, or administrative discrimination.

The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing, and coordination among the different agencies and levels of government.

The League of Women Voters believes that responsible government should be responsive to the will of the people; that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution of economic and social problems that affect the general welfare, promote a sound economy, and adopt domestic policies that facilitate the solution of international problems.

The League of Women Voters believes that cooperation with other nations is essential in the search for solutions to world problems, and that development of international organizations and international law is imperative in the promotion of world peace.

The League of Women Voters believes that diversity, equity, and inclusion are central to the organizations' current and future success in engaging all individuals, households, communities, and policy makers in creating a more perfect democracy.

# APPENDIX C:

## Key to Abbreviations

AVR — Automatic Voter Registration

CORE — Maine Coalition on Racial Equity

FOAA — Freedom of Access Act

IRV — Instant Run-off Voting

LD — Legislative Document

LWVME — League of Women Voters of Maine

LWVUS — League of Women Voters of the United States

MCCE — Maine Citizens for Clean Elections

MCEA — Maine Clean Elections Act

MCEF — Maine Clean Elections Fund

NPV — National Popular Vote

RCV — Ranked Choice Voting

UVBM — Universal Voting by Mail

# APPENDIX D:

## Index of Legislative Documents (LD)

This index provides every LD referenced in this document. To see a list of testimonies from the 130th Legislature, [click here](#). To see our complete archive, [click here](#).

### 2007

- [LD 42](#), LWVME testimony: An Act To Repeal Term Limits for Legislators. Ref. PAGE 39.
- [LD 854](#), LWVME testimony: An Act To Extend Term Limits for the House of Representatives. Ref. PAGE 39.
- [LD 1008](#), LWVME testimony: An Act To Improve the Legislative Ethics Laws. Ref. PAGE 35.
- [LD 1058](#), LWVME testimony: An Act To Require the Reporting of Executive Branch Lobbying. Ref. PAGE 34.
- [LD 1150](#), LWVME testimony: An Act To Establish Random Audits of Voting Machines. Ref. PAGE 27.
- [LD 1549](#), LWVME testimony: An Act Concerning Voter Registration. Ref. PAGE 15.
- [LD 1822](#), LWVME testimony: An Act to Implement the Recommendations of the Right to Know Advisory Committee. Ref. PAGE 37.

### 2009

- [LD 205](#), LWVME testimony: An Act to Repeal the Maine Clean Election Act. Ref. PAGE 8.
- [LD 679](#), LWVME testimony: An Act to Allow a Court to Award Attorney's Fees in Successful Freedom of Access Appeals. Ref. PAGE 37.
- [LD 1020](#), LWVME testimony: An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom. Ref. PAGE 42.
- [LD 1170](#), LWVME testimony: An Act To Ensure the Accuracy of Maine Election Results. Ref. PAGE 27.

## 2011

[LD 31](#), LWVME testimony: An Act to Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian to Dispense Prescription Medication to a Minor. Ref. PAGE 44.

[LD 120](#), LWVME testimony: An Act to End Taxpayer-funded Campaigns for Gubernatorial Candidates. Ref. PAGE 8.

[LD 199](#), LWVME testimony: An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting. Ref. PAGE 18.

[LD 659](#), LWVME testimony: An Act to Repeal the Maine Clean Election Laws. Ref. PAGE 8.

[LD 848](#), LWVME testimony: Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act. Ref. PAGE 8.

[LD 1150](#), LWVME testimony: An Act To Improve the Administration of the Legislative Ethics Laws. Ref. PAGE 35.

[LD 1376](#), LWVME testimony: An Act To Preserve the Integrity of the Voter Registration and Election Process. Ref. PAGE 15.

## 2013

[LD 156](#), LWVME testimony: RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot. Ref. PAGE 16.

[LD 184](#), LWVME testimony: An Act To Enhance Transparency in Government by Implementing a Waiting Period for Legislators before They May Register as Lobbyists. Ref. PAGE 34.

[LD 511](#), LWVME testimony: An Act To Implement the National Popular Vote for President. Ref. PAGE 26.

[LD 518](#), LWVME testimony: An Act To Establish Ranked-choice Voting in the State. Ref. PAGE 22.

[LD 859](#), LWVME testimony: An Act To Increase Ethics and Transparency in Government Service. Ref. PAGE 34.

[LD 573](#), LWVME testimony: RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes. Ref. PAGE 19.

[LD 860](#), LWVME testimony: An Act To Require That the Governor, Senators and Members of the House of Representatives Be Elected by the Ranked-choice Voting Method. Ref. PAGE 22.

[LD 1001](#), LWVME testimony: An Act To Improve Laws Governing Financial Disclosure by Legislators and Certain Public Employees and Public Access to Information Disclosed. Ref. PAGE 36.

[LD 1309](#), LWVME testimony: An Act To Strengthen the Maine Clean Election Act. Ref. PAGE 8.

## 2015

[LD 6](#), LWVME testimony: Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees. Ref. PAGE 35.

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