



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: February 6, 2023

RE: LD 34 - An Act to Require a Person to Show Photographic Identification for the Purpose of Voting

Good morning Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs.

My name is Will Hayward. I'm a resident of Portland. I am here today as Advocacy Program Coordinator on behalf of the League of Women Voters of Maine. I am here today to testify against LD 34.

For 103 years, Leagues here in Maine and across the country have worked to educate and register voters and eliminate obstacles to voting. The League supports full voter participation by all eligible Americans, and we oppose efforts to create new barriers that block citizens' constitutional right to vote. At the same time, the League believes that elections should be secure, accurate, recountable, accessible, and transparent.

According to criteria used by the National Conference of State Legislatures, LD 34 falls into the "strict photo ID law" category. Nine states currently have strict photo ID laws in place. Even those states with strict photo ID laws allow voters to sign an affidavit or cast a provisional ballot so that they are not turned away without voting.¹ LD 34 has no such provision, and if passed as written, would be the most restrictive photo ID law in the United States. LD 34 even specifically excludes college or university ID as acceptable identification. Is this fair? Remember, the proposed ID checks are for voters who have *already* established their eligibility to vote, registered, and appear on the incoming voter list.

We owe it to Maine citizens to closely scrutinize any legislation that would create a barrier to voting. There must be convincing evidence that it's absolutely necessary. Supporters of strict photo ID legislation say that it's about keeping our elections secure and preventing potential voter fraud. It's true that an ID law would make it harder to commit one specific and extremely rare type of fraud: impersonating another voter. Professor Justin Levitt of Loyola Law School has been tracking credible cases of voter

¹National Conference of State Legislatures. "Voter ID Laws" Accessed 29 January, 2023.
<https://www.ncsl.org/elections-and-campaigns/voter-id>.

impersonation for years, and has found a total of 31 cases out of about one billion ballots cast.² Impersonation is already difficult to pull off, since voters must verify their names and addresses in a loud voice in public – in their own community, where they risk being recognized – before receiving a ballot. And it's subject to prosecution under state and federal law. In rare cases of impersonation, people go to prison if they're caught, and they do get caught.³ Impersonation is not a credible threat to the integrity of Maine elections. Even the sponsor seemed to concede this in an interview with a reporter.⁴ We have heard the argument that photo ID laws make our elections *seem* more secure. There are better ways to build trust in elections than by locking them down.

At first glance, requiring an ID to vote might seem sensible. We hear all the time, "Who doesn't have an ID?" and "How hard can it be to get an ID?" But life happens. People can lose or forget their IDs. They're not always aware of voting requirements. Some voters will face challenges that make it harder to correct the situation: transportation, child care, difficulty getting time off from work, disabilities. We shouldn't leave behind people who have complicated lives.

We urge you to protect the freedom to vote for all of our citizens. We ask that you Vote Ought Not to Pass on LD 34.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.

² Levitt, Justin. "A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion cast." Washington Post, August 6, 2014. Accessed 29 January, 2023.
<https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/?arc404=true>

³ Specific cases are cited in Bingham, Amy; "Voter Fraud: Non-existent problem or election-threatening epidemic?" ABC News, Sept. 2012. Accessed 2/1/2023.
<https://abcnews.go.com/Politics/OTUS/voter-fraud-real-rare/story?id=17213376>

⁴ Cover, Susan. "Maine Republican sponsors bill to require photo ID to vote." Spectrum News, January 19, 2023. Accessed February 2, 2023 at
<https://spectrumlocalnews.com/me/maine/news/2023/01/19/maine-republican-sponsors-bill-to-require-photo-id-to-vote>