



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

DATE: March 13, 2023

RE: LD 766 - An Act Regarding the Residence of Incarcerated Persons for Voting Purposes

Good morning Senator Hickman and Representative Supica.

My name is Will Hayward. I am here today as the Advocacy Program Coordinator on behalf of the League of Women Voters of Maine. I am testifying in support of LD 766, An Act Regarding the Residence of Incarcerated Persons for Voting Purposes.

The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

The League of Women Voters of Maine believes that every citizen should be protected in their right to vote. In Maine, we come very close to this ideal by being one of only two states along with Vermont, plus the District of Columbia, that broadly allow incarcerated citizens to vote. However, we know that not all incarcerated voters are able to exercise this franchise: because Maine law requires incarcerated voters to vote absentee at their previous address, incarcerated citizens who are unable to precisely remember or don't know their previous address may be prevented from casting their ballots.

From the League's perspective, the principal benefit of legislation like LD 766 is the practical enfranchisement of incarcerated citizens who do not have a previous address that they are able to use to register or who otherwise have no tie to their previous community of residence. As written, LD 766 allows any incarcerated voter who has been incarcerated for at least 6 months to elect to register either in the municipality of the correctional facility, or in the municipality where they previously resided and to which they intend to return. Generally, we believe a presumption that incarcerated voters vote in their prior community to be preferable; this encourages civic participation in the location they are most connected with. However, this does not apply to all incarcerated citizens.

Should the committee decide to move this legislation forward, we would suggest establishing a "rebuttable presumption" standard for residency. Under such a standard, an incarcerated citizen would be presumed to be eligible to vote at their previous address unless it can be proven that this is not the appropriate location for their voting residency, in which case they would be eligible to vote at the correctional facility address. Instances where this might apply could include when the facility has no record of their previous address, when the citizen is unable to recall their precise previous residence, or

when an incarcerated citizen with a very long prison sentence is unlikely to return to the previous address.

Setting a rebuttable presumption standard would ensure that the vast majority of incarcerated voters are participating in elections in their previous municipalities to which they retain a connection, while also ensuring that no eligible voter is being disenfranchised. Allowing some incarcerated voters to register at the address of the correctional facility using a rebuttable presumption standard would ensure they do not fall through the cracks and are able to exercise their fundamental right to vote.

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