



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

DATE: March 27, 2023

RE: LD 1109 RESOLUTION, Proposing an Amendment to the Constitution of Maine to
Create Consistent Election Dates for Citizen-initiated Referenda in
Even-numbered Election Years

Good morning Senator Hickman, Representative Supica, and members of the Veterans and Legal Affairs Committee. My name is Will Hayward and I am here today as the Advocacy Program Coordinator for the League of Women Voters of Maine. We are testifying in opposition to LD 1109.

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 supports measures that protect the right of Maine citizens to propose and veto legislation through a state-wide, citizen-initiated petition process; and we oppose measures to raise barriers to that process or that work to discourage grassroots efforts by ordinary citizens to initiate or repeal legislation.

In 1908 the people of Maine amended their constitution to claim for themselves the power to initiate legislation. Maine was the first state east of the Mississippi to adopt a constitutional provision for statewide initiative and referendum. Roland Patten, editor of the Skowhegan Somerset Reporter newspaper, is credited with bringing the idea to Maine.

About 60 percent of the ballot measures proposed since 1908 occurred in odd-numbered years. Of the 79 measures approved for the ballot, 32 were in even-numbered years and 47 in odd-numbered years.

The citizen initiative provisions in the constitution were carefully crafted. Maine Constitution, art. IV, pt. 3, § 18. They include detailed requirements for advancing citizen initiatives, including

hard deadlines, a large signature requirement, and numerous procedural and verification hurdles to ensure public support for a proposal. The constitution even specifies “five o’clock, p.m.” as the moment by which a petition must be filed on the date of the deadline. The Supreme Court has taken note of this “unusual . . . specificity.” *Allen v. Quinn* at 1103. These detailed provisions were included in the constitution for the express purpose of safeguarding this right from any future disruption or dilution.

The Maine Supreme Judicial Court has stated that the citizen initiative process is a fundamental aspect of the state's democratic system and an important right of citizens to participate in the democratic process. *See, e.g., Allen v. Quinn*, 459 A.2d 1098, 1102 (Me. 1983). Earning a spot on the ballot is a difficult task—on average fewer than one ballot question per year is presented to the voters. It is not uncommon to see a group start a ballot question and fail to qualify.

The right to bring a ballot question is part of the system of checks and balances. It helps hold elected officials accountable and gives a meaningful channel for democratic expression. For some questions, allowing the public to speak directly gives an important mandate to determine state policy.

Requiring a ballot question campaign to wait as much as two years before bringing a question to the voters would roll back an important right. If the people desire to see something changed in the law, they should not have to wait a full additional year for the benefits of that change. The legislature meets each year to enact laws. The people acting in their legislative role should have the same opportunity.

The League is a strong advocate of eliminating barriers to voting and increasing voter turnout wherever possible. But lower voter turnout on a ballot question does not delegitimize the result. No one would say that a low voter turnout for state legislative races deprives legislators of a mandate to do their job. In the 2010 legislative races voter turnout was about 56%. In 2020 voter turnout was about 76%. That does not make the 125th Legislature’s actions any less credible than those of the 130th.

The 115-year history of this constitutional provision and the detailed consideration it was given then, and has been given since, strongly suggest that it should not be altered without a very clear and compelling justification. We do not see one.

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