



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs

Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: May 12, 2023

RE: LD 1365 - An Act to Require Photograph Identification for 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 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 1365 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 This would be required under federal law for federal elections. LD 1365 has no such provision, and if passed as written, would be the most restrictive photo ID law in the United States. LD 1365 even specifically excludes college or university ID as acceptable identification, which is puzzling. Remember, the proposed ID checks are for voters who have *already* established their residency and eligibility to vote. If the purpose is to make sure that the voter is not an imposter, why would an official student ID with the voter's name and photograph not be acceptable?

We previously testified against LD 34, a similar voter ID bill. The bill before us today adds yet another restrictive measure by requiring voters to submit a photocopy of an ID when returning an absentee ballot. This raises a significant barrier for voters who do not own a printer or photocopier. According to a

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

2021 report, about 70% of US households have a printer.² Maine law already requires that election officials compare the signature on an absentee ballot to the one on the ballot application. Requiring a photocopy with a returned ballot would make voting much harder for thousands of Mainers.

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 impersonation for years, and has found a total of 31 cases out of about one billion ballots cast.³ 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.⁴ Impersonation is not a credible threat to the integrity of Maine elections. Even the sponsor of LD 34 seemed to concede this in an interview with a reporter.⁵ 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?" 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 1365.

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

² "Home Printer Trends in the US. Metafacts, February 2021.

<https://metafacts.com/home-printer-trends-in-the-us-tupdate/#:~:text=Home%20printer%20penetration%20trend&text=Since%20that%20time%2C%20the%20rate.regularly%20use%20a%20home%20printer>

³ 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>

⁴ 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>

⁵ 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>