



TO: The Honorable Louis Luchini
The Honorable Chris Caiazzo, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: February 10, 2021

RE: LD 107, RESOLUTION, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors

Good morning Senator Luchini and Representative Caiazzo, members of the committee.

My name is Matthew Schaefer. I am a resident of Portland, Maine. I submit this testimony as a volunteer on behalf of the League of Women Voters of Maine. The League is a consensus-based, membership organization. At this time, the League has no position on the merits of allowing non-citizens to vote in state or local elections. Therefore, I am testifying neither for nor against LD 107, "Resolution, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors." Instead, the League submits the following comments for consideration by the committee.

LD 107 proposes that the Legislature resolve to put forward a ballot referendum to amend the Maine Constitution, framed as follows:

"Do you favor amending the Constitution of Maine to permit only citizens of the United States to vote in state, county or municipal or other local elections?"

The League notes that the question might be phrased more carefully. At present, both the Constitution of Maine, Art. II, sec. 1 (as to federal and state elections), and 21-A M.R.S.A. sec. 111(1) (as to state and local elections) provide that voters shall be citizens of the United States. Although Maine law appears to be clear on the qualifications of electors, the broader text of LD 107 suggests that the focus of the proposed Resolution is to mandate in the Maine Constitution that non-citizens may not vote in county, municipal, or other local elections in the state.

Expanding limited voting rights to non-citizens is a "hot button" issue for many. Feelings on both sides of the issue are passionate. They spring from deeply-held beliefs about the nature of our representative democracy. Many feel that citizenship is an essential element of the right to vote. Others note that non-citizens, including permanent residents (i.e., "Green Card" holders) and other persons in compliance with our nation's immigration laws, pay taxes, support our schools, and serve in the military, but have no say at the ballot on even local issues. They remind us that our country was founded on the principle that the governed should have a voice in how they are governed ("No taxation without representation").

History further teaches us that citizenship has not always been a requirement of voting in the United States. Up until 1926, non-citizen residents of as many as 40 states and territories at various times had

the right to vote in some local elections. Our heritage as a nation of immigrants has often led to differing views on the merits of permitting non-citizens to vote. Following the Civil War, some states and territories extended the vote as an enticement to new immigrants who were needed in the labor force. Gradually, those laws were altered as the pendulum swung away from recognizing non-citizen representation in elections.

Today, citizenship is a requirement of both federal elections and state elections in all 50 states. A small number of localities in certain states, such as Maryland, permit certain non-citizens to vote in some local elections. In Maine, our law does not afford non-citizens the right to vote in local elections, nor is the League aware of any pending measures that would seek to authorize it. In 2018, a draft charter amendment in Portland to expand non-citizen voting was not advanced to a referendum by the City Council. Previous efforts to amend 21-A M.R.S.A. sec. 111 to allow such local measures failed in the Legislature. (See L.D. 1195 (2009).) For now, the merits of whether, and under what circumstances, non-citizens should be granted a limited right to vote in local elections remains largely a hypothetical issue for future discussion and consideration.

The League recognizes the belief, strongly held by many Americans, that voting and citizenship are inextricable. Indeed, gaining the right to vote is a powerful incentive for immigrants to the U.S. in pursuing citizenship, and one sure to endure under prevailing legal standards. The League's volunteers can be found registering new citizens to vote at almost every naturalization ceremony in the state. For many of them, voting for the first time is a milestone to be celebrated.

For these reasons, the League looks forward to a thoughtful, civil, and respectful debate over LD 107. We will be following the outcome of this legislation with interest.

Thank you for the opportunity to testify.