



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

DATE: April 7, 2021

RE: LD 1099 - An Act Regarding Election Reform

Good morning Senator Luchini and Representative Caiazzo.

My name is Nadine Bangerter. I'm a resident of Rockland. I am here today as a volunteer on behalf of the League of Women Voters of Maine. I am testifying in opposition to LD 1099 - An Act Regarding Election Reform

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. The League plays an active role in Maine to improve and protect access to voting and voter registration. The League continuously offers voter registration drives and voter information, celebrating our right to vote.

When reviewing election reform proposals, we ask a number of questions including whether the proposal would enhance voter participation, improve public confidence in elections, comply with state and federal constitutions, treat opposing sides fairly, impose an unreasonable burden on those who administer elections, or incur costs that are reasonable in relation to its benefits. With those considerations in mind, we testify in opposition to LD 1099 and offer the following specific comments.

First, we do support one provision of the bill — the requirement of a paper ballot. Paper ballots are the gold standard of election security, and Maine is fortunate to have an uninterrupted history of using paper ballots for every vote cast in every election. Paper ballots allow public confidence in recounts and audits, and we strongly support election audits as we testified earlier this week.

The rest of the provisions of LD 1099 are either unnecessary or will hinder important values that an election system should foster. First, the League supports allowing incarcerated persons to vote and therefore opposes Sections 1 and 2. The opportunity for an incarcerated person to participate in our democratic process harms no one, and can serve the goals of rehabilitation and preparing for civic reentry. Denying prisoners the franchise serves no legitimate correctional purpose and does not advance core values of our democracy. We see no reason to change Maine law in this regard.

Section 4 of LD 1099 would impose a photo ID requirement for voting. The League has steadfastly opposed photo ID requirements because they do far more harm than good. Maine does not have a voter

impersonation problem. The number of people who commit voter fraud in Maine each decade is comparable to the number who die from lightning strikes — one or two out of the many millions of votes cast. As then-Secretary of State Charles E. Summers, a Republican, said a few years ago, there is “little or no history in Maine of voter impersonation or identification fraud.” On the other hand, it is widely acknowledged that voter ID laws diminish participation even by legitimate, qualified voters. Secretary Summers concluded that “the negative aspects of a voter ID law outweigh its potential benefits.”

Section 5 of the bill proposes to prohibit clerks from accepting ballots after the polls close. This is unnecessary because current law addresses this situation both for in-person voting and absentee voting. Title 21-A Section 626(2) already states that a person arriving at the polls after they close may not vote (though a person in line at that time is entitled to vote). Title 21-A Section 755 states that absentee ballots not delivered to the clerk by the close of polls are not valid. So we see no need for Section 5 of the bill.

Section 6 of the bill would prohibit a person from buying a vote. The League agrees that no one should be allowed to buy or sell votes. This is already prohibited by federal law. *See* 18 U.S.C. 597. We have never heard of an instance of a person buying or selling votes in Maine. If the Committee is interested in enacting a state law ban despite the federal law already in place, we would ask you to be very careful not to inadvertently prohibit legitimate and beneficial activities intended to assist voters, such as providing a ride to the polls or water to a person waiting in a voting line.

Section 7 of the bill would eliminate no-excuse absentee voting. Absentee voting has a long history in Maine. During the Civil War, soldiers away from the state were allowed to vote absentee. In 1921 Maine first allowed absentee voting for non-military personnel who were away on Election Day. In 1937 persons with physical disabilities were first allowed to cast an absentee ballot if they could produce a written statement from a physician — a requirement abolished by the legislature in 1961. In 1999 the legislature eliminated all restrictions and allowed “no excuse” absentee voting. In 2011 the legislature reinstated the requirement of an excuse for absentee voting in the last three days of the election, but otherwise no excuse absentee voting has been the norm in Maine for 22 years. Mainers of all parties support absentee voting and enthusiastically use this option in great numbers. 514,429 Mainers — Democrats, Greens, independents, and Republicans — voted absentee last year. As an organization that talks with voters regularly, we can confidently say that the great majority of voters do not want to lose their ability to cast an absentee ballot.

One final comment. Maine has a long history of high voter turnout, and the League is very proud of that legacy. It is painful to us that some in this country apparently have concluded that too many people are voting. Some people are now prompting new laws clearly intended to suppress turnout. The Washington Post has tracked “at least 250 new laws in 43 states” that would make it harder to vote. It is difficult to generalize about what motivates those who seek to restrict voting. Some may hold the misguided belief that reducing voting is good policy, while others pursue these measures to obtain electoral advantage. We look forward to the day when the effort to restrict voting fades away as it surely will, and we all

recommit to the basic idea that elections should be won or lost on the quality of the candidates and their positions rather than on rule changes designed to reduce or re-shape the electorate.

Thank you for the opportunity to testify. We ask you not to pass LD 1099. I would be happy to answer any questions from the Committee.