



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

DATE: April 21, 2021

RE: LD 1354 Resolve, To Study the Establishment of a System of Voting by Mail

Good morning Senator Luchini, Representative Caiazzo, and honorable committee members.

My name is Nadine Bangerter, and I am a resident of Rockland Maine. I am testifying today as a volunteer for the League of Women Voters of Maine. I am testifying neither for nor against LD 1354 - Resolve, To Study the Establishment of a System of Voting by Mail.

Promoting and defending elections for over 100 years, the League of Women Voters of Maine has made it a priority to understand election processes, including best practices from around the country, while assessing the impact of election systems on fair, accessible, and secure elections. Continually applying our experiences and research to build on our expertise, we regularly testify before this and other legislative committees to advocate for Maine voters. During the 130th session, the League will testify over 50 times, ranging from the multifaceted impact of semi-open primaries to best practice for receiving absentee ballots.

Vote by mail (VBM) is an election system innovation that is gaining popularity around the country, and it is worthy of our consideration. Apart from our concern that a study of this scope on this timeline may overburden the Office of the Secretary of State, we would not object to the proposed study as long as it is considered WHETHER VBM is right for Maine along with the questions posed in LD 1354 about HOW Maine might adopt VBM.

A year ago, the League of Women Voters of Maine completed its own study of vote by mail¹. Distinct from absentee voting, vote by mail (also called automatic vote by mail, or universal vote by mail) is an election system in which all registered voters automatically receive a ballot in the mail several weeks before Election Day. We utilized studies from other state Leagues, experiences from states already using VBM, academic research, and best practices from other non-profit organizations that advocate for voter engagement and rights. The League's report concluded; Maine's election system should protect our current range of choices; VBM is convenient, but in-person voting is generally more secure and provides greater opportunities for voter assistance; significant cost savings appear unlikely for Maine, while

¹ Universal Vote-by-Mail Analysis, League of Women Voters of Maine, [Microsoft Word - 2020_March_VBM_FINAL.docx \(lwvme.org\)](#)

instituting best practices is likely to require significant up-front investment; and VBM underscores the benefits of more direct communication with voters.

But we still have a lot of questions that a well-constructed study like this could help answer:

- Is VBM right for Maine?
- Can VBM really make a significant impact on Maine's voter turnout? Could enhanced voter communication help us reap those same rewards with less expense and less disruption?
- How can we keep same-day registration under VBM? Same-day registration remains the most significant driver of voter turnout of all the measures we could consider.
- How can we retain early and Election Day in-person voting options used by over 80% in 2016 and 2018, and over 55% during COVID?
- Will VBM incur costs that are reasonable in relation to its benefits?
- Due to housing instability, will VBM negatively impact poor communities with already low voter turnout?
- What will the impact be on municipal elections? Will economies of scale and efficiencies impose a more centralized system? Will this present a constitutional issue for Maine?

In answering the question whether VBM is right for Maine, one question that we will want to examine is the relationship between VBM and our municipal elections infrastructure. Our state constitution provides for elections to be conducted town by town. To date, Vermont is the first municipal election state likely to pass VBM while all other VBM states run elections at the county level. Vermont's proposed VBM legislation increases Vermont's election budget by \$2 million, in part to retain its municipal voting sites. Vermont's law has not yet been enacted.

The strongest rationale for Maine adopting VBM might be increased voter participation. The idea that VBM would increase voter turnout in Maine is complicated at best. There is research to support opposing opinions. Elections are driven by so many factors; who is on the ballot, high impact referendums, voter registration, culture, voting traditions, the weather, and the political climate. For example, Colorado in 2020 had over 10 referendums, covering abortion, NPV, family medical leave, and state income tax. Maine had zero referendums in November 2020. Both had swing state senate races. Colorado had .1% higher voter turnout than Maine — that's about 1,000 Maine voters. Did hot ticket referendums encourage .1% more people to vote - or VBM, or something else? Minnesota had the highest voter turnout in November 2020, 3.6% higher than Colorado. Minnesota and Maine share many similarities in their election models, but Minnesota does not have VBM.

In fact, more direct communication with voters may be the most beneficial and essential component of VBM models, more important for voter participation than the actual ballots by mail. This includes invitations to vote from the State of Maine to eligible voters; easy-to-use web sites; reminders and notifications by text, mail and email; online ballot tracking; and access to voter guides and sample

ballots. A 2009 academic review of VBM in Northern California², notes that communications with voters matters a great deal and that at least 4 pieces of communication is recommended to make an impact. This voter outreach may constitute the most important benefit of VBM and the rewards might be reaped in Maine without actually implementing the mailed ballot component. Mailing voters the ballot constitutes an invitation to vote, but the invitation could take a non-ballot form and still be effective.

From our study of VBM, we understand the long-range, evolutionary nature of adopting VBM. Multiple states have experienced VBM as an incremental implementation with multiple steps to build the technology and respond to changing evidence and voter needs, as well as to allow diverse election officials to adapt their procedures and training. For most states, many steps and several years were involved before arriving at VBM, including technical upgrades, gradual adoption of best practices, and experience from ongoing absentee voting. Some of the incremental steps that Maine would want to take are already underway or contemplated for reasons of their own:

- Completion of the implementation of Automatic Voter Registration.
- Enactment/implementation of Online Voter Registration (OVR) to provide more efficient, accurate data entry and convenient access to voters to update their information.
- Participation in ERIC, the interstate voter registration data sharing system.
- Online ballot tracking
- Curing absentee ballot errors
- Ballot drop boxes

VBM is not a voting option, it is a systemwide election model. By its very nature, it will significantly change how Maine votes are cast and how they are counted. If a study is to be undertaken, the League recommends a comprehensive review, beyond the procedural, including all election stakeholders, to evaluate VBM's impact on Maine's voting system and civic engagement.

Thank you for your consideration. I will be glad to answer any questions you might have.

² 5 League of Women Voters of San Francisco, Education Committee Vote by Mail Study, March 15th, 2011, http://clemsonarea.sc.lwvnet.org/files/VBM_Analysis_final_document.pdf