



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

DATE: April 24, 2019

RE: LD 1570 An Act To Allow Residents To Register Online To Vote

My name is Ann Luther. I am a resident of Trenton. I am here today as a volunteer member of the League's of Women Voters' Advocacy Committee to testify in support of LD 1570, An Act To Allow Residents To Register Online To Vote with one reservation.

While Maine enjoys a relatively high rate of voter registration, in large part due to the long-standing availability of same-day registration, the League encourages steps to modernize the elections and voters registration to make it more accessible, secure, and efficient. Such modernization can reduce costs for state and local budgets, increase voter registration, and reduce errors that come when officials re-enter information from handwritten forms. According to the National Conference of State Legislatures, 37 states already offer online voter registration, which may better serve the needs of our modern, mobile society. We support endeavors that improves access for voters, but we also want to ensure that any new programs are designed to be available to all eligible Maine citizens.

While we encourage upgrading Maine's voter registration system, we are not supportive of exclusively using DMV records for this purpose because it can put some voters at a disadvantage -- ironically widening the voter participation gap for precisely those voters who may already face mobility or other barriers. The elderly, poor, and the disabled are likely to be disproportionately excluded by this requirement. We could find anywhere between 5% and 16% of our eligible voters do not have the required photo ID, according to a recent study published by the Government Accountability Office.¹ We want to be sure that any upgrades to our voter registration system are available to all Mainers. Unfortunately, restricting online voter registration to those who have a driver's license or state I.D. raises concerns about a discriminatory effect.

There are solutions. We could make use of the advances in online commerce and law to accommodate the Internet Age. We can now "sign" contracts and credit card invoices online. Nearly every state, including Maine, now recognizes the *Uniform Electronic Transaction Act*

¹ "Issues Related to State Voter Identification Laws," Highlights of GAO-14-634, a report to congressional requesters, September 2014, <http://www.gao.gov/assets/670/665965.pdf>

giving people a way to legally “sign” online transactions.² Indeed, states that now provide for online voter registration use electronic means for the applicant to give legal effect to the statements of eligibility under the penalty of perjury required under state and federal law. And in fact, LD 1570 requires that “an applicant must submit an affidavit attesting that all information provided in the electronic voter application is true.”

Maine should enable eligible voters to legally attest that the information they enter online is accurate by using a computerized mark, similar to the way in which Internet users can “sign” contracts, credit card invoices, banking and other transactions online. These voters could then be required to provide a “wet” signature when they visit a polling place for the first time. If the intent of using DMV records is to have a “wet” or official signature on file for voter administration purposes, those signatures can be collected at the polls when a new registrant votes for the first time.

Safeguards are already in place that allow individuals to register to vote by mail, and Maine allows registration by mail using these safeguards. Those safeguards should be applied to those who register online or by “electronic mail.” Other states, including neighboring Vermont, appear to allow online voter registration in that manner.

Establishing an electronic voter registration system would also allow for the creation of online portals for registered voters to update their information online. We support this measure, along with Automatic Voter Registration, for providing portable statewide voter registration whereby an individual’s registration remains active when they move within the State of Maine.

We believe that online voter registration is something that the State of Maine should pursue, and that there are technologies and procedures that would allow us to make this a process that would better meet the needs of all Maine voters. The League of Women Voters of Maine enters this testimony mostly in support of LD 1570.

² <http://uniformlaws.org/Act.aspx?title=Electronic%20Transactions%20Act> (accessed March 17, 2015). (I could not open this link)