



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

DATE: February 27, 2019

RE: LD 322, An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting

Senator Luchini, Representative Schneck, and members of the Joint Standing Committee on Veterans and Legal Affairs:

My name is Ann Luther. I am a resident of Trenton and a volunteer with the League of Women Voters of Maine. On behalf of the League of Women Voters of Maine, I'm here today to oppose LD 322.

The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major political policy issues, and influences public policy through education and advocacy.

For 100 years, Leagues here in Maine and across the country have worked to educate and register voters, eliminate obstacles to voting, and make government at all levels more accessible and responsive to citizens. The League supports full voter participation by all eligible American citizens, and we oppose efforts to create new barriers that block citizens' constitutional right to vote. pp

Photo ID laws have been introduced in Maine in each legislature since 2011. This year marks the fifth time that we have testified before this committee to oppose such laws. Some members of this committee have heard our testimony before, but it bears repeating.

Here's why we have long opposed photo ID requirements for Maine:

It could disenfranchise voters: 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 Percentages are higher among the elderly, ethnic minorities, and low income voters, and these are the same groups who have traditionally faced barriers at the polls.² The cost of obtaining a driver's license or state-issued ID in Maine may seem modest, but the expense and complexity of the process present real barriers to voting when one considers the time off from work and the travel to obtain them, **especially for the elderly or disabled.** This has real consequences. The GAO study cited above concluded that voter participation fell between 2% and 3% in states implementing photo ID between the presidential election years 2008 and 2012. That could be twenty thousand voters in Maine's next presidential election. Newer evidence from Wisconsin indicates that, while the effect of photo ID on voter suppression may be small overall, it can be significant in localized communities, and it represents a real hardship to those affected.³ Many, many times more eligible voters will be dissuaded from voting by this law than the number of ineligible voters who will be prevented from casting votes.

It will be expensive: Implementation of voter photo ID in other states has cost millions of dollars. Although some photo ID laws have passed constitutional muster, these laws may still be subject to constitutional challenge if particular groups or individuals are burdened by the law.⁴ Other states have faced legal challenges if they did not also take other measures. Three-year costs in Maine could be \$4 million or more.⁵ Some of the costs that may need to be addressed include:

- Providing free ID cards to those who need them
- Opening new ID-issuing offices with expanded weekend and evening hours
- Absorbing the cost of providing underlying documents, such as birth certificates
- Personnel and administrative costs for providing exemptions for certain individuals or groups

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>

² *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, November 2006, Brennan Center for Justice at NYU School of Law, a non-partisan public policy and law institute, <https://www.brennancenter.org/analysis/citizens-without-proof>

³ Mayer, Kenneth, and Decrescenzo, Michael, "Voter ID Study," Elections Research Center at the University of Wisconsin, <https://elections.wisc.edu/voter-id-study/>

⁴ *The Cost of Voter ID Laws: What the Courts Say*, Vishal Agraharkar, Wendy Weiser, and Adam Skaggs, February, 2011, Brennan Center for Justice at NYU School of Law, <https://www.brennancenter.org/publication/cost-voter-id-laws-what-courts-say>

⁵ \$3.8 million over three years, *Maine Voter ID: At What Price*, Maine Center for Economic Policy, November 2012, <https://www.brennancenter.org/publication/cost-voter-id-laws-what-courts-say>; \$2 - \$6.3 million, "Report of the 2012 Elections Commission, January 2013, <https://www.maine.gov/sos/cec/elec/ElectionsCommissionReport.pdf>

- Public education campaigns
- Poll worker training and other administration
- Defending against possible lawsuits
- Additional absentee ballots and processing
- Costs to local governments that may need to extend hours of operation

The cost/benefit equation doesn't add up: We will spend a lot of taxpayer money to implement this law, creating barriers to voting for tens of thousands of eligible citizens in order to prevent a very few, if any, ineligible voters from breaking existing law. When legislation similar to this bill was debated in the 125th Legislature, then-Secretary of State Charles E. Summers, Jr. convened the 2012 Elections Commission to review this and other issues. Quoting from their report, "The Commission, by a 4 to 1 vote, finds that the negative aspects of a Voter ID law outweigh its potential benefits and recommends that a Voter ID system not be pursued in Maine.

Its unnecessary: Voter ID laws counter one exceedingly rare kind of voter fraud—impersonating someone else at the polls. So rare is this phenomenon that a study conducted by Justin Levitt, a professor at the Loyola Law School in Los Angeles, found that out of the more than one billion votes cast between 2000 and 2014, there were 31 credible cases of fraud.⁶ The Brennan Center for Justice notes that this number is likely high as it counts all credible cases, not only the ones that were prosecuted or which resulted in convictions.⁷ The full report from the Brennan Center for Justice is included in this document.

Court opinions and government investigations in states across the country have yielded one consistent and conclusive fact; in-person voter fraud is so rare as to be considered non-existent.⁸

Here in Maine, in-person voter fraud simply does not happen. We know of only one case of voter fraud that has been prosecuted in more than 30 years. There is no evidence that this is occurring in significant numbers.

⁶ *A Comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast*, August, 2014,

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/?utm_term=.56a029c0d2a4

⁷ *Debunking the Voter Fraud Myth*, The Brennan Center for Justice, January 2017,

<https://www.brennancenter.org/analysis/debunking-voter-fraud-myth>

⁸Ibid

Indeed, since such activities are illegal, we would expect to see many reports of prosecutions and convictions if significant numbers of ineligible individuals were voting or attempting to vote under a false identity. While there is no question that election misconduct exists in some states, this has not been the case in Maine. Furthermore, there is no evidence that the types of fraud perpetrated elsewhere (e.g., improper purges of eligible voters, distributing false information about when and where to vote, absentee ballot fraud, tampering with registration forms) can be solved by strict photo ID laws.

Voting is the most fundamental expression of citizenship in our democracy. The expansion of the franchise to include all Americans regardless of race, ethnicity or gender, and the breaking down of barriers to citizens' voter participation—from literacy tests to poll taxes—has been one of the great successes in the evolution of American democracy. We believe that photo ID laws would turn back the clock and erect unnecessary barriers to voter participation.

We urge you vote Ought Not To Pass on LD 322.