



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Lisa T. Marraché
The Honorable Representative John L. Patrick, Co-chairs
The Joint Standing Committee on Legal and Veterans Affairs

RE: LD 1783 An Act To Require Photographic Identification in Order to Register to
Vote Sponsor: Rep. Prescott

The League of Women Voters of Maine is pleased to submit the following testimony concerning LD 1783. For more than 80 years, Leagues here in Maine and across the country have worked to educate the electorate, register voters and make government at all levels more accessible and responsive to citizens. The League supports full voting participation by all eligible American citizens, and we oppose efforts to create new barriers that block citizen voter participation.

Since LD 1783 would have the effect of limiting Maine citizens' right to vote, the League urges you to vote "ought not to pass" on this bill.

There is no evidence that photo ID requirements are justified by any serious or widespread problem. Any proposal that restricts voter registration or raises barriers to voting in order to deal with a perceived problem of vote fraud needs to be a fact-based solution. We simply have not seen the facts that would justify restricting the franchise by requiring photo ID.

It is always difficult to prove a negative, and we certainly can not prove that ineligible individuals never attempt to vote, but there is no evidence that it is occurring in significant numbers. Indeed, since such activities are now illegal, we would expect to see many reports of prosecutions and convictions if significant numbers of ineligible individuals were, in fact, voting or attempting to vote.

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, stuffing ballot boxes, tampering with registration forms) can be solved by strict photo ID laws. Out of the 197 million votes cast nationwide in federal elections between October 2002 and November 2005¹, only 55

¹ Data on total votes cast in 2002 and 2004 are based on "official" turnout in federal elections as reported by the Clerk of the House and cited in the U.S. Census Bureau Current Population Surveys on Voting and Registration at <http://www.census.gov/population/www/socdemo/voting.html>

defendants were convicted of federal crimes relating to election fraud.² Even in Ohio, where widespread voter fraud has been alleged, there were only 4 instances of ineligible persons voting in the 2002 and 2004 general elections. Out of 9,078,728 votes, that is a rate of 0.00004%.³ And in Maine, we are aware of no instances at all where ineligible individuals cast fraudulent votes.

The League believes that restrictive voter identification policies, including those that require photo ID cards in order to register to vote, threaten to exclude otherwise eligible voters. Nationwide, between six and ten percent of voting-age Americans do not have a driver's license or state-issued photo ID.⁴ It was difficult for us to obtain accurate data for Maine. Still, nothing indicates that Maine's experience is inconsistent with national trends, with around 5% of Maine's voting age population lacking a valid driver's license.^{5,6}

Photo ID requirements fall hardest on people who have traditionally faced barriers at the polls including the elderly, students, people with disabilities, low-income individuals and people of color.⁷ 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. A recent survey conducted by the Brennan Center for Justice found that, while 11% of those surveyed did not have a government-issued photo ID, that figure rose to 18% for elderly citizens, 25% for African-American citizens, and 15% for citizens with comparatively low income. Furthermore, for 18% of citizens aged 18-24, their valid photo ID did not contain their current information (name and address).

In order to register to vote in Maine, there are nine factors that may be offered by an applicant and considered by a registrar in determining a person's eligibility to

² Data on convictions from the Department of Justice, "Fact Sheet: Protecting Voting Rights and Preventing Election Fraud," November 7, 2005, available at http://www.usdoj.gov/opa/pr/2005/November/05_crm_597.html. Report cites "over 55" convictions.

³ Coalition on Homelessness and Housing in Ohio & League of Women Voters of Ohio, *Let the People Vote* (2005), available at <http://www.cohio.org/alerts/Election%20Reform%20Report.pdf>

⁴ Task Force Reports to Accompany the Report of the National Commission on Election Reform (2001), Chapter VI, page 4, available at <http://www.reformelections.org/ncfer.asp>.

⁵ Secretary of State's Office reports that it has issued 988,720 valid driver's licenses to individuals 18 years old or older, as of December, 2006. Bob O'Connell, State of Maine Department of Motor Vehicles, per phone call April 20, 2007. This figure overstates the number of voters affected since it includes valid licenses for non-residents and resident non-citizens; but it understates the number of voters affected since it excludes state issued photo IDs. Mr. O'Connell reports that some people have both.

⁶ The most recent census data indicates that Maine's voting age population is 1,044,169, Department of Commerce, Office of the Secretary, January 23, 2006, from the Federal Register Online via GPO Access at <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-660.htm>. Data are as of July 1, 2005.

⁷ *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, http://www.brennancenter.org/dynamic/subpages/download_file_39242.pdf

vote.⁸ These have proved adequate in the past, and there is no evidence that they will not remain so in the future. In addition, the federal Help America Vote Act (HAVA) requirements, which will be fully implemented before the next election, provide additional safeguards against voter registration fraud including a Centralized Voter Registration List.

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 sex, and the breaking down of barriers to citizen voter participation -- from literacy tests to the poll taxes -- has been one of the great successes in the evolution of American democracy. We believe that LD 1783 would turn back the clock and erect unnecessary barriers to voter participation.

We respectfully urge that this Committee vote "ought not to pass" on LD 1783.

Ann Luther, President
League of Women Voters of Maine
April 23, 2007

⁸ 21-A M.R.S.A. §112 (1)(A)