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TTY USERS CALL MAINE RELAY 711

February 6, 2023

Senator Craig Hickman, Senate Chair  
Representative Laura Supica, House Chair  
Committee on Veterans and Legal Affairs  
100 State House Station  
Augusta, Maine 04333-0100

Re: *LD 34, An Act to Require a Person to Show Photographic Identification for the Purpose of Voting*

Dear Senator Hickman and Representative Supica:

My name is Aaron Frey, and I have the privilege of serving as Maine's Attorney General.

I am writing to express opposition to LD 34, An Act to Require a Person to Show Photographic Identification for the Purpose of Voting, which would require photographic identification for the purposes of voting. I oppose this bill on principle and out of concern about the legal implications for the state.

The freedom to vote is among the most fundamental rights afforded to citizens aged 18 years or above, one that generations of soldiers, activists, and political leaders have fought and died for. Efforts to strengthen that right by ensuring that the franchise was available and unimpeded for all Americans have been at the forefront of our democracy's growth and maturation, from codifying the voting rights of women and indigenous people, to the elimination of poll taxes, tests, and violent intimidation used in the Jim Crow era to block Black Americans from voting.

Some states unfortunately already have voter ID laws in place, and the purpose is clear: to create barriers to voting. These laws have a disproportionate impact on communities of color, lower-income Americans, younger Americans, and the elderly. The stated rationale for these laws is one rooted in a falsehood that there is widespread voter fraud committed by individuals. Significant litigation on this question has confirmed there is no evidence to back up this assertion, either in Maine or nationally.

The fact of the matter is that thanks to the hard work of Maine's municipal clerks and registrars in coordination with our Secretary of State, voting in Maine is remarkably secure and there was zero evidence of widespread fraud. The type of fraud this bill purports to address, impersonation of an individual, is virtually non-existent. Importantly, in the rare instance that it has happened, it has been caught, and the perpetrator has been appropriately held accountable.

The Office of the Attorney General is tasked with defending Maine's laws when challenged in court, and this bill, if enacted, would leave Maine vulnerable to litigation. Voter ID laws frequently draw court challenges on a variety of legal grounds, including for alleged violation of the Voting Rights Act, violation of the Fourteenth and Twenty-fourth Amendments, and violation of state constitutional provisions. While there are some steps that a state can take to increase its chances of prevailing in such suits, such as offering a cost-free and accessible means of obtaining a photo ID, such provisions would not insulate the law from legal challenge nor eliminate the risk of an injunction and costly attorneys' fee awards. While it is difficult to assess how a specific claim would hold up in court, litigation around this bill could be challenging for the state to defend.

In short, LD 34 would create an unnecessary impediment to the freedom to vote and the democratic process. Frankly, it would create more problems than it would solve. I urge the committee to vote Ought Not to Pass.

Sincerely,



Aaron M. Frey  
Attorney General