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May 1, 2025

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

RE: LDs 38, 39 and 1149 *Acts Requiring Photographic Identification and Presentation for The Purpose of Voting*

Dear Senator Hickman, Representative Supica and esteemed members of the Committee on Veterans and Legal Affairs:

I am writing today in opposition to LDs 38, 397 and 1149, which would require photographic identification for the purposes of voting. I oppose these bills on principle and out of concern about their legal implications for the state.

The freedom to vote is among the most fundamental rights afforded to citizens aged 18 years or older, 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 their 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, and when it has happened, it has been caught and the perpetrator has been appropriately held accountable.

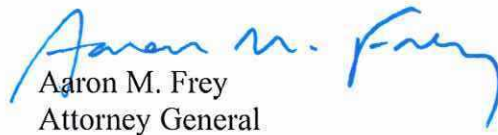
The Office of the Attorney General is tasked with defending Maine's laws when challenged in court, and this bill, if enacted, would leave Maine vulnerable to lawsuits. Voter ID laws frequently draw court challenges on a variety of legal grounds, including for alleged violation of the Voting Rights Act, 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 neither 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.

Additionally, LD 1149 would unnecessarily restrict absentee voting processes that disproportionately benefit older and rural voters, such as removing the provision voters to request an absentee ballot by phone. This would only serve to make it harder for those uncomfortable with or lacking access to, the internet to request a ballot. Additionally, limiting drop boxes and requiring monitoring by a "bipartisan team of election officials" does not acknowledge the limited staff and budget of a small, rural town office. Presumably, these restrictions are proposed under the guise of making our elections more secure, but these proposals address no known security issues.

In short, these bills would create an unnecessary impediment to the freedom to vote and the democratic process, creating more problems than they would solve. I urge the committee to vote Ought Not to Pass

Thank you for your consideration.

Sincerely,

  
Aaron M. Frey  
Attorney General