



AMERICAN CIVIL LIBERTIES UNION

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TESTIMONY OF MICHAEL KEBEDE, ESQ.

**Ought Not To Pass – LD 34**

**An Act to Require a Person to Show Photographic Identification for the Purpose of Voting**

Joint Standing Committee on Veterans and Legal Affairs

February 6, 2023

Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs, good morning. My name is Michael Kebede, and I am Policy Counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to reject LD 34.

If enacted, LD 34 would ban voting by registered voters who do not present photographic identification. This bill is not only a solution in search of a problem, but a problem in-and-of-itself: it would put serious obstacles in the way of people seeking to exercise a fundamental right.

The right to vote is fundamental because it is protective of all other rights. The right to vote is protected by more constitutional amendments – the First, Fourteenth, Fifteenth, Nineteenth, Twenty-Fourth and Twenty-Sixth – than any other right we enjoy as Americans. That is because voting is the cornerstone of our democracy. The power of the vote by the people is our ultimate safeguard against corruption and abuse of power by the government. We urge you in all of your deliberations to seek ways in which the right to vote can be expanded, to promote rather than restrict participation, and to ensure that the integrity of our elections is protected, so that the elections reflect the will of the citizenry, rather than the power of a few.

Despite decades of success across the country expanding voting access and widening the democratic process to historically disenfranchised populations, attempts to roll back that progress through voter ID and other laws have ramped up in recent years. Voter ID laws lead to significant burdens for eligible voters trying to exercise their most fundamental constitutional right. States across the country have passed measures to make it harder for Americans – particularly Black people, the elderly, students, and people with disabilities – to exercise their fundamental right to cast a ballot.

Take Wisconsin as an example. Multiple federal courts have ruled that parts of its strict photo voter ID law, among the most draconian in the country,<sup>1</sup> is either unconstitutional or requires

<sup>1</sup> Arkansas, Georgia, Indiana, Kansas, Mississippi, Missouri, and Tennessee also have strict photo voter ID laws.

substantial modifications. In his 2016 ruling, US District Court Judge James Peterson wrote that Wisconsin's voter ID law is "a cure worse than the disease."<sup>2</sup> He continued that "[t]he Wisconsin experience demonstrates that a preoccupation with mostly phantom election fraud leads to real incidents of disenfranchisement, which undermine rather than enhance confidence in elections, particularly in minority communities."<sup>3</sup> He added that "[t]he Legislature's immediate goal was to achieve a partisan objective, but the means of achieving that objective was to suppress the reliably Democratic vote of Milwaukee's African Americans."<sup>4</sup>

The Maine legislature has repeatedly rejected efforts to restrict access to the ballot. Indeed, in 2013, our state's Elections Commission comprehensively investigated and rejected the concept of voter IDs. The then-Secretary of State Charles Summers formed the taskforce pursuant to a 2011 voter ID bill that was amended into a study. The Commission researched legal cases, considered policy research, and held hearings across the state of Maine. Hundreds of Mainers offered testimony, both in person and in writing. In their final report, members of the Commission weighed the pros and cons of a voter ID law in Maine and recommended *against* establishing a voter ID system, finding that "the negative aspects of a Voter ID law outweigh its potential benefits."<sup>5</sup>

We agree. Voter ID in Maine would create many problems – here are two:

*First*, this bill would prevent legal, registered voters from casting their votes. In particular, elderly Mainers, who may have given up driving, and people living in poverty, who may not be able to afford a car, are less likely to have a driver's license. Mainers living in rural areas will face challenges getting to a state office to obtain a photo ID, even if the ID is given free of charge. Birth certificates, passports and other documents required to get a government-issued ID cost money and require resources that many Mainers simply do not have.

*Second*, this bill would place a needless burden on election workers and the public purse. Clerks and wardens would have to be retrained on which photo IDs are acceptable, and enacting voter ID laws would cost money that would be better spent elsewhere. Resources would be needed to train election workers. If the legislature failed to provide funding for such training, the bill would be an unfunded mandate. With the opioid overdose crisis and economic challenges of climate change, among other pressing expenses, surely this money could be spent elsewhere in a way that would benefit Mainers.

Maine has long been a national leader in voting rights. We are only one of two states that allow incarcerated people to vote. We are among a minority of states with same-day voter-registration. This bill would take us backwards, suppressing votes and diluting a fundamental right. We urge this committee to vote *ought not to pass*.

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<sup>2</sup> *One Wisconsin Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896, 903 (W.D. Wis. 2016), order enforced, 351 F. Supp. 3d 1160 (W.D. Wis. 2019), and aff'd in part, vacated in part, rev'd in part sub nom. *Luft v. Evers*, 963 F.3d 665 (7th Cir. 2020), and aff'd in part, vacated in part, rev'd in part sub nom. *Luft v. Evers*, 963 F.3d 665 (7th Cir. 2020)

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 904.

<sup>5</sup> *Report of the 2012 Elections Commission* at 11, January 28, 2013, available at <https://www.maine.gov/sos/cec/elec/ElectionsCommissionReport.pdf>.