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Senator Hickman, Chair
Representative Supica, Chair
Joint Standing Committee on Veterans and Legal Affairs
State House, Room 437
100 State House Station
Augusta, Maine 04333

Re: Testimony in Favor of LD 1148, *An Act to Improve Access to Absentee Ballots for Municipal Elections for Uniformed Service Members and Overseas Voters*

Dear Senator Hickman, Rep. Supica and Members of the Committee:

My name is Kristin Aiello. I am a resident of Hallowell where I am an attorney in private practice. I have been lead counsel in seminal voting rights cases including *Doe, et al v. Rowe, et al*, 156 2d 35 (D. Me. 2001), cited in *Tennessee v. Lane*, 541 U.S. 509 (2004) and *Merrill, et al v. Dunlap, et al*, 1:20-cv-00248-JAW (2020) (creating an accessible absentee ballot system for individuals who are blind or visually impaired or with other print disabilities). In addition to casework, I have made presentations to the legal community in both local and national seminars on voting rights.

I am here to express my strong support for LD 1148, *An Act to Improve Access to Absentee Ballots for Municipal Elections for Uniformed Service Members and Overseas Voters*. This critical piece of legislation seeks to ensure that uniformed service members and overseas voters are able to participate in municipal and school elections by allowing them to vote via absentee ballots, in line with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

The issue of municipal absentee ballots not being provided to overseas voters most recently came to my attention in October, 2023. My daughter, Kate, a Hallowell resident, was (and currently is) living overseas as a graduate student. In 2023, Kate wanted to vote in the November 7 elections back home, and so on October 8, 2023, she requested an electronic UOCAVA Ballot by using the State of Maine Absentee Ballot Request Service for uniformed and overseas citizens.¹ On October 12, 2023, the Secretary of State's Office processed and approved Kate's application, noting that she is a registered voter in Hallowell and providing instructions on how to access her secure ballot online. Kate followed the instructions, voted on the state ballot provided to her, and returned her ballot electronically. But a ballot for the municipal election in Hallowell was not included in the ballots electronically sent to her so she was not able to vote at that time in her local election.

¹ In contrast to UOCAVA voters, the Absentee Ballot Request page for the Secretary of State instructs Maine voters currently living in the U.S. to contact their municipal clerk.

Because Kate noticed that she was not provided with an absentee ballot for the municipal election that she knew was being held, she requested one from Hallowell, but it was unclear if her ballot would be returned by Election Day via the mail. Coincidentally, a family member was going abroad to visit her at this time and was able to hand deliver the ballot to her and back to Hallowell in time to be counted. But this experience highlighted a systemic and serious flaw in the system that needs to be addressed: Uniformed service members and overseas citizens (UOCAVA voters) who request absentee ballots online are not provided with municipal and local ballots. Therefore, they are commonly, if not always, denied their right to vote in local elections. This is unacceptable.

Uniformed service members and overseas voters are vital to our democracy, often serving in regions far from home and facing unique challenges when it comes to voting. Unfortunately, under the current system, most, if not all, of these voters are effectively disenfranchised in local elections. UOCAVA allows service members and overseas citizens to vote in federal and state elections, but it currently does not extend to local elections, including crucial votes on school budgets, local governance, and municipal decisions.

This gap in access is a significant issue. UOCAVA voters, who are living or stationed in different parts of the world, do not receive ballots for local elections, depriving them of their right to have a voice in decisions that directly impact their communities. Municipal elections, including those concerning school budgets and local government, are fundamental to the quality of life for those who continue to serve our country and represent us abroad. These elections decide everything from funding for local schools to vital community services that often have a profound impact on both their hometowns and their families back home.

Without the ability to cast their ballots in these local elections, uniformed service members and overseas citizens face a substantial loss of their rights as American citizens. As it stands, they are often excluded from determining local leadership and important community decisions, a situation that is, again, simply unacceptable.

By passing LD 1148, we are improving access and better ensuring that our service members, who are already sacrificing so much, are not further excluded from the democratic process at the local level. It is essential that we honor their service by providing them the means to participate in all elections, including those that affect their hometowns and their families.

Allowing these voters to cast their ballots online or through other secure absentee voting methods for local and school elections will empower them to exercise their right to vote and ensure their voices are heard in decisions that affect them directly. This is a matter of fairness, equality, and respect for those who serve our country.

As aptly held by the United States Supreme Court,

Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.

Reynolds v. Sims, 377, U.S. 533, 561-62 (1964).

I urge you to support LD 1148 and help ensure that all Maine voters—regardless of where they are stationed or temporarily reside—have equal access to participate in the full spectrum of elections that shape their communities, because, “for reasons too self-evident to warrant amplification...voting is of the most fundamental significance under our constitutional structure.” *Ill. State Board of Elections v. Socialist Workers Party*, 440 U.S. 174, 184 (1979).

Thank you for your time and consideration.

Sincerely,

Kristin Aiello

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Hallowell, Maine