



TESTIMONY OF ALICIA REA, ESQ.

LD 38 – Ought Not to Pass
An Act Requiring Photographic Identification for Voting

LD 397 – Ought Not to Pass
An Act to Require a Voter to Show Photographic Identification

Joint Standing Committee on Veterans and Legal Affairs

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Senator Hickman, Representative Supica and members of the Joint Standing Committee on Veterans and Legal Affairs, good afternoon. My name is Alicia Rea and I am a policy fellow 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 through advocacy, education, and litigation. On behalf of our members, I urge you to oppose LDs 38 and 397.

Voting is the cornerstone of our democracy. Voting gives meaning to Abraham Lincoln's famous description of a government of the people, by the people, for the people. The power of the vote by the people is our ultimate safeguard against corruption and abuse of power by the government.

Your committee has the critical responsibility of overseeing the statutes by which our elections are administered in Maine. 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.

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, and Twenty-Sixth—than any other right we enjoy as Americans. There are additional federal and state statutes, which guarantee and protect voting rights, as well as rulings by the United States Supreme Court.¹

¹ See *Alexander v. South Carolina State Conf. of the NAACP*, 602 U.S. 1 (2024), *Cooper v. Harris*, 581 U.S. 285 (2017), *McCutcheon v. FEC*, 572 U.S. 185 (2014), *Crawford v. Marion County Election Bd.*, 553 U.S. 181 (2008), *Harper v. Virginia Bd. of Elections*, 383 U.S. 663 (1966).



Voting rights are under attack nationwide, in the form of voter suppression laws passed by states. These laws lead to significant burdens for eligible voters trying to exercise their most fundamental constitutional right. Since 2008, 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.

Here in Maine, we are proud to be a leader on voting rights. The Maine legislature has repeatedly rejected efforts to restrict access to the ballot. And in 2013, the issue of voter ID was comprehensively investigated and rejected by the 2012 Elections Commission, a taskforce chaired by former Superior Court Judge John Atwood. The commission was formed by then-Secretary of State Charles Summers 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 voter ID, finding that “the negative aspects of a Voter ID law outweigh its potential benefits.”

We strongly agree with the 2012 Elections Commission. Voter ID in Maine will create many problems:

First, these bills will prevent legal, registered voters from casting their votes. Maine elders, 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. 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, these bills will create confusion at the polls, slowing down the process. The bill is explicitly clear that the photo ID is only to verify identity, not residence, which will likely inject confusion into the process when the address on a person’s ID differs from the address on the voting log. The bills are silent about what happens if an election clerk or warden thinks the photo ID does not match the voter. Can the voter appeal? Is the voter required to produce a corroborating ID? What happens if a voter is improperly turned away?

Third, these bills places a heavy burden on election workers. Clerks and wardens will have to be trained on which photo IDs are acceptable, they will have to recognize valid IDs from all 50 states, the federal government, and be familiar with verifying the veracity of concealed carry permits, under these two bills.



Finally, these bills will cost money that would be better spent elsewhere. Resources will be needed to train election workers. If the legislature fails to provide funding for such training, the bill may be an unfunded mandate. With ongoing economic hardship in the state, surely this money could be spent elsewhere in a way that would benefit Mainers.

Because these bills create real risks at enormous costs, we urge you to oppose LDs 38 and 397.