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April 7, 2021

Hon. Louis Luchini, Senate Chair
Hon. Chris Caiazzo, House Chair
Joint Standing Committee on Veterans and Legal Affairs
State House Room 437
Augusta, Maine 04333

Re: LD 253, *An Act to Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting*; LD 557, *An Act to Require Photographic Identification for the Purpose of Voting*, LD 1083, *An Act to Create a Voter Identification System*

Dear Senator Luchini and Representative Caiazzo:

I am writing in opposition to LDs 253, 557, and 1083. These three bills all propose requiring 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 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 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 these bills, 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 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, LDs 253, 557, and 1083 create an unnecessary impediment to the freedom to vote and the democratic process and would create more problems than they would solve. I urge the committee to vote Ought Not to Pass.

Sincerely,



Aaron M. Frey
Attorney General