

TESTIMONY OF MEAGAN SWAY

LDs 253, 557, 1083, 1099 – Ought Not To Pass

An Act To Strengthen Maine’s Election Law by Requiring Photographic Identification for the Purpose of Voting,

An Act To Require Photographic Identification for the Purpose of Voting,

An Act To Create a Voter Identification System,

and

An Act Regarding Election Reform

Joint Standing Committee on Veterans and Legal Affairs

April 7, 2021

Senator Luchini, Representative Schneck and members of the Joint Standing Committee on Veterans and Legal Affairs, greetings. My name is Meagan Sway, and I am the Policy Director 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 reject LDs 253, 557, 1083, and 1099 because they needlessly burden the fundamental right to vote.

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, Twenty-Fourth 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.

After decades of success across the country expanding voting access and widening the democratic process to historically disenfranchised populations, attempts to rollback that progress began in earnest in 2008. 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, Indigenous communities, students, and people with disabilities – to exercise their fundamental right to cast a ballot. The ACLU has been engaged in litigation across the country to get rid of these harmful voter suppression measures. And we are not done—last week we filed suit against the State of Georgia to challenge the unconstitutional SB 202, a law that among other things strengthened its voter ID laws to restrict even more citizens from voting.

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 would create many problems – here are three:

First, these bills 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 it is given free of charge as LD 1083 provides. 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 would place a heavy burden on election workers. Clerks and wardens would have to be trained on which photo IDs are acceptable, they will have to recognize valid IDs from all 50 states, the federal government, any college or university in the state, or a newly created ID for voting purposes only, depending on the legislation.

Third, 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 economic hit our state has taken from covid-19, the opioid overdose crisis, schools that are not funded at their statutorily required level, and economic challenges from global warming, among other pressing expenses, surely this money could be spent elsewhere in a way that would benefit Mainers.

Finally, we oppose LD 1099 for reasons beyond its voter ID component. Among other things, LD 1099 would rescind the ability for incarcerated people to vote, deny the ability of people in line at the time polls close to vote, and place such onerous restrictions on absentee voting so as to essentially eliminate it. Maine has long been a national leader in its voting rights, and any of the aforementioned proposals would take us backwards, tarnishing our status. The section of the bill to which we do not object, prohibiting the purchase of another person's vote, is already a federal crime. *See* 18 U.S.C. §597.

Because LDs 253, 557, 1083 and 1099 creates real risks and enormous costs and would amount to voter suppression, we urge this committee to vote "ought not to pass."