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TESTIMONY OF OAMSHRI AMARASINGHAM

Ought Not To Pass - LD 197

An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting

Submitted to the Joint Standing Committee on Veterans and Legal Affairs

February 25, 2015

Senator Cyrway, Representative Luchini, and Members of the Joint Standing Committee on Veterans and Legal Affairs, greetings. My name is Oami Amarasingham, and I am Public Policy Counsel for the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties in Maine. On behalf our members, I urge you to oppose reject LD 197 because it needlessly burdens 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, 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 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 declarations by the Supreme Court.

Maine has always been a leader on voting rights, and there is no reason to change course. Indeed, in the last election, Maine boasted the highest voter turnout in the nation. Our current election system works, and this legislation will only provide burdens on Maine's voters and any additional administrative burdens on the clerks and wardens who oversee our elections. Maine has had a system in place for years to deal with cases when there is a dispute about someone's eligibility to vote. There has been no documented problem with the "challenged ballot" system, and this committee should be reluctant to disturb the status quo.

In 2013, the issue of voter ID was comprehensively investigated and rejected by the 2012 Elections Commission, 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 white papers, and held hearings across the state of

Because Freedom Can't Protect Itself.

Maine, hearing from hundreds of Mainers. 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 – here are four:

First, LD 197 will 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. Although the bill makes an ID available for free, 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, LD 197 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 bill is silent about what happens if a 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, LD 197 will place 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 any college or university in the state. Further, the bill provides a complicated provisional ballot casting process for voters who do not have the right kind of ID, requiring clerks and wardens to segregate ballots, keep detailed logs, and recheck ballots days after the election is over.

Finally, LD 197 will be expensive to implement. The bill requires the state to provide free photo IDs for the purpose of voting. Other states have spent tens of millions of dollars providing free photo IDs to voters. While the cost will certainly be less in Maine, we do not believe the thousands or even millions of dollars that it would cost to provide free photo IDs to voters should be a budget priority at this time of great economic hardship. In addition, 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.

Because LD 197 creates real risks and enormous costs, we urge this committee to vote “ought not to pass”.