



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

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JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

LD 573: “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes”

Testimony Provided by Julie L. Flynn, Deputy Secretary of State

Senator Tuttle, Representative Luchini and Members of the Committee:

The Secretary of State is opposed to this bill that proposes an amendment to the Constitution of Maine that would remove the voting rights of a person who is incarcerated in a correctional facility in the State if that person had been convicted of a crime punishable by more than 10 years of imprisonment. This includes murder and other Class A crimes.

The Secretary of State believes that voting is a right granted to all citizens of Maine. Maine has a long tradition of extending the voting franchise to each and every qualified citizen. We believe that this bill represents a step backward in Maine’s proud tradition of providing access to the voting process and increasing voter participation.

Under current law, a person who is incarcerated may register to vote in the municipality where **that person lived prior to incarceration**. When a person who is incarcerated registers to vote, election officials may not know that the person is incarcerated. Even when the incarcerated person applies for an absentee ballot, the voter may not reveal to election officials that he or she is incarcerated. If the absentee ballot is requested through a “third person” or an immediate family member, or the voter requests that the ballot be mailed to a local mailing address, the election officials still may not be aware that the voter is incarcerated.

If this constitutional amendment were to be enacted, the Secretary of State would need to develop an administrative process to identify voters who were ineligible to vote due to their incarceration. In recent years, when similar legislation was proposed, we checked with other New England states to determine how officials administer this restriction in their state. States receive notifications of felony convictions from the court system, as required by the National Voter Registration Act (NVRA). However, not all courts consistently send out notifications. There is no database to share information on incarcerated persons. Officials in these states expressed concern that the data they received was sometimes incorrect or incomplete.

In recent elections, there have been several high-profile examples from other states of how inaccurate felon notifications were; resulting in thousands of people incorrectly being designated as ineligible and being disenfranchised.

I would be happy to answer any questions of the Committee, either now or at the work session.

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