



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Lisa T. Marraché
The Honorable Representative John L. Patrick, Co-chairs
The Joint Standing Committee on Legal and Veterans Affairs

RE: LD 731 “An Act to Preserve the Integrity of Elections by Removing the Requirement for
a Challenge Affidavit” SPONSOR: Representative Fletcher

Good afternoon. I'm Ann Luther, state president of the League of Women Voters of Maine and a volunteer member of its Legislative Lobby Corps. The League believes that procedures for state and local elections should enhance voting system security, protect eligible voters, and ensure that valid votes are counted. We believe that LD 731 would weaken established procedures under which one voter can challenge the right of another to vote, and we urge that you vote “Ought Not To Pass” on this bill.

Under current law, in order to challenge the right of another to vote, a person must sign an affidavit under oath containing:

- (1) their status as a registered voter in the municipality, and
- (2) their name, address, and party affiliation, and
- (3) the reason they are challenging the individual's right to vote, and
- (4) the specific source of information they rely upon to challenge the person, and
- (5) a statement that the challenger understands that making false statements on the affidavit is punishable as perjury.

Under LD 731, every one of the above requirements would be abolished.

That means that a person issuing such a challenge would not need to be a registered voter in the municipality. They could be from anywhere in Maine. In fact, challengers could be political operatives from other states.

A challenger would not have to provide any information as to why they believe the challenge is legitimate. Challenges could be totally frivolous, issued out of malice, by demographic profile, for partisan reasons, or to intimidate voters.

Since challengers would not be subject to the crime of perjury, there would be no way to penalize persons who issue false challenges. If a great many such challenges were issued at a polling place, the orderly conduct of the election could be disrupted, and eligible voters could experience resulting delays.

Maine's challenged ballot law will allow any challenged voters to cast their ballot if they sign an affidavit attesting to their eligibility to vote. These challenged ballots are automatically counted

and only evaluated in the event of a close election, where the margin of victory is less than the number of challenged ballots cast. In that case, each of the challenged ballots is investigated and its validity ascertained. Under LD 731, since challenges could be made orally, there would be no written record of the challenge. If it were determined that challenged ballots might affect the result of an election, the process of determining the validity of the challenges would be made more complex by the lack of documentation.

The League believes that Maine's current election law provides an effective balance, protecting both voting system security as well as eligible voters in casting their ballot. Our current law allows voters in a municipality to challenge other voters when they have a legitimate basis for concern with that voter's eligibility. Our current law protects eligible voters from intimidation and frivolous challenge. LD 731 would undermine the integrity of Maine's election laws working to protect the integrity of our vote in Maine. We urge the Committee to vote "Ought Not To Pass" on this bill.

Ann Luther
President
League of Women Voters of Maine
March 5, 2007