



PO Box 863
Augusta, ME 04332-0863
www.lwvme.org
(207) 622-0256



121 Middle Street, Suite 301
Portland, ME 04101
www.aclumaine.org
(207) 774-5444

TO: The Honorable John Atwood, Chair
Members of the Commission to Study the Conduct of Elections in Maine

FROM: Barbara McDade, President, League of Women Voters of Maine
Shenna Bellows, Executive Director, ACLU of Maine

SUBJECT: Student Voting

DATE: September 5, 2012

Thank you for your service to the State of Maine on the Commission to Study the Conduct of Elections in Maine.

Our two organizations have been observing your meetings over the summer and attending and participating in your public hearings over the last few weeks. We would like to use this memorandum to follow up on the topic for student voting in more detail than is practical in the public hearing format.

As our previous testimony and submissions make clear, our two organizations share the conviction that we should be encouraging – not discouraging – the lawful exercise of voting rights by all citizens 18 years and older who have established residency in the municipality where they wish to vote. In particular, adult students have a constitutional right to register and vote in the place they truly consider “home.” The ACLU testimony prepared for your August 30 hearing summarizes the legal opinions and citations. We will not repeat that material here. We would only like to make the following points:

- Students may vote in the municipalities where they attend school and may not be treated any differently from non-students for purposes of residency.
- Once a student – or anyone else – establishes “residency” for the purpose of voting in Maine, they also qualify as a Maine resident under motor vehicle law.
 - If they are licensed to drive a motor vehicle, they should obtain a Maine state driver’s license. If they fail to do so **and drive**, they will be in violation of Maine’s motor vehicle law, not Maine’s election law. It is not against the law to be in possession of an invalid driver’s license, only to drive with one.

-
- If they own their own car, they should register their vehicle and pay excise tax in Maine. If they fail to do so, they will be in violation of Maine's motor vehicle law, not Maine's election law. This is not required if they do not own their own car.
 - No one may be denied the right to vote merely for failure to comply with Maine's motor vehicle law.
 - Residency may be challenged, but having a valid Maine driver's license or having a valid Maine vehicle registration may not be made a prerequisite of voting. Nor is it permissible to target a class of voters for intimidation or suppression.
 - Voters may not be targeted for prosecution under motor vehicle law because they voted.
 - Once a student – or anyone else – establishes “residency” for the purpose of voting in Maine, they also qualify as a Maine resident under tax law.
 - For the most part, people who work in Maine pay income tax in Maine, regardless of their residency status.
 - The only circumstance where residency status would matter would be for residents who live in Maine all year long – i.e., do not go “home” for the summer. In that case, if a Maine resident works out of state while living in Maine – commutes to work in New Hampshire for example – they may owe tax in Maine because of their declared residency.
 - Failure to comply is a violation of Maine's tax code, not Maine's election law.
 - We think you will agree that this is probably quite a rare circumstance. Students should not be discouraged from establishing residency in Maine for fear of violating Maine's tax code.
 - As above, voters may not be targeted for prosecution under tax law because they voted.
 - Here are some common myths regarding student voting that we've heard repeated. The following are NOT TRUE:
 - When students declare residency in Maine, their parents lose them as a dependents for tax purposes. This is NOT TRUE. Dependency under federal IRS code has to do with income, not voter registration or legal residence.
 - When students declare residency in Maine, they may risk losing their financial aid. This is NOT TRUE for the vast majority of students. Federal financial aid is not linked to state residency or voter registration. Students would not lose aid

-
- from the state of Maine for registering to vote anywhere in Maine. So this would only come up if students received aid from another state or city government that links aid to their continued residence in that state or city.
- When students declare residency in Maine, they will be dropped from their parents' health and auto insurance. This is NOT TRUE. Most policies allow parents to extend health and vehicle coverage to dependent children on the basis of age.
 - Students who pay out of state tuition may not declare Maine residency for voting purposes. This is NOT TRUE.
- Allowing students to vote in Maine is not only the law, it's what's right.
 - We are proud of Maine's voter registration law that allows 17-year-olds to register early if they will be 18 and eligible to vote on Election Day.
 - We are proud of Maine's very successful Mock Election program, run for several years by the Maine Secretary of State's office in cooperation with schools all across Maine. This program builds election participation not only among students, but also with their families, and helps create a culture of civic participation community-wide.
 - We should be encouraging first-time voting among all our young people. Voting is habit-forming: when young people learn the voting process and vote for the first time, they are more likely to do so again when they are older. If an individual has been motivated to get to the polls once, they are more likely to return. So, getting young people to vote is key to raising a new generation of voters.
 - Our job should be to make sure that the first voting experience is a welcoming one and that first-time voters will be excited and interested to do it again the next time. We should absolutely make sure that our citizens know and respect the law, but we should not send signals that voting is risky or dangerous.

In our great country, we must all work together – within Maine and across state lines – to build a culture of civic engagement. For democracy to work, we need our citizens to take part. And this starts with first-time voters. If we believe in democracy, we have a patriotic duty to encourage young people – and all people – to vote and to take an interest in civic life while they are in our state.

Thank you for your interest in this matter.