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To: Honorable Senator Nichi Farnham
Honorable Representative Michael Beaulieu
The Joint Standing Committee on Veterans and Legal Affairs

From: League of Women Voters of Maine

Re: LD 1376, An Act To Preserve the Integrity of the Voter Registration and Election Process

Date: May 9, 2011

My name is Michelle Small, and I live in Brunswick. I am a member of the Board of Directors of the League of Women Voters of Maine, and I am here as a volunteer to testify in opposition to LD 1376, An Act To Preserve the Integrity of the Voter Registration and Election Process.

The League of Women Voters of the United States, a nonpartisan political organization with 50 state Leagues and more than 800 local Leagues, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

The right of every citizen to vote has been a basic League principle since its origin in 1920. To enable more citizens to vote, the League has supported Election Day registration throughout the United States.

Maine should be proud of its tradition of high voter turnout. It indicates that a wide cross-section of the state's eligible voters is involved in choosing leaders and deciding issues. This level of civic engagement is admirable in the 21st century.

In 2008's presidential election, Maine's voter turnout was 72.7 percent – 3rd highest in the nation behind only Minnesota and Wisconsin.¹ In 2004, Maine set its all-time record, with a voter turnout of 73.8 percent.²

States with high voter turnout like Maine, Minnesota and Wisconsin share a common characteristic. They permit voters to register on Election Day.

In fact, in 2008, the 5 states with the highest voter turnout all had Election Day registration.³ The 9 states with Election Day Registration had, on average, a voter turnout more than 7 percentage points higher than other states.⁴ Maine's turnout was more than 9 percentage points higher than other states.⁵

Since 1973, Maine voters have enjoyed the right to register in person up to and including Election Day.⁶ In 1972, the year before adoption of Election Day registration, Maine ranked 21st among the states in voter turnout. By 2000, Maine ranked 3rd.⁷

Tens of thousands of Maine voters register on the last 5 days that include Election Day. In 2008, 55,806 voters registered during that period. In 2010, 19,382 voters registered during that period.⁸

Moving the deadline for registration back 5 days would disenfranchise voters. First, people are less likely to make one trip to town hall to register and another trip to the polls to vote. This burden is greater on rural voters who must drive long distances to town hall and the polls.

Second, the deadline would not permit eligible voters who become interested in an election in its final days to vote. A great deal of media attention and advertising is focused on a campaign's last week, but that push would be wasted on unregistered voters. For example, the University of Wisconsin's News Lab found that over 40 percent of election news stories were aired in the final week before the 2006 election in 7 Midwest media markets.⁹ A 2000 election poll found that the percentage of people giving "quite a lot" of thought to the election rose significantly as Election Day approached, from 59 percent in September to 75 percent in the first week of November.¹⁰

¹ <http://www.nonprofitvote.org/voter-turnout-2008.html> (February 15, 2011).

² <http://www.maine.gov/sos/news/2004/turnout.html> (February 15, 2011).

³ Minnesota, Wisconsin, Maine, New Hampshire and Iowa. http://www.demos.org/pubs/voterswin_09.pdf (February 15, 2011).

⁴ 69 percent v. 62 percent. http://www.demos.org/pubs/voterswin_09.pdf (February 15, 2011).

⁵ http://www.demos.org/pubs/voterswin_09.pdf (February 15, 2011).

⁶ Neuborne, Burt, *Eliminating Barriers to Voting: Election Day Registration*, Brennan Center for Justice at NYU Law School and Demos – A Network for Ideas and Action, November 30, 2001, p. 19.

⁷ Neuborne, Burt, *Eliminating Barriers to Voting: Election Day Registration*, Brennan Center for Justice at NYU Law School and Demos – A Network for Ideas and Action, November 30, 2001, p. 9.

⁸ Information provided by Deputy Secretary of State Julie Flynn.

⁹ University of Wisconsin NewsLab (2006), Retrieved from <http://www.mni.wisc.edu/pdfs/MNI%202%20Release%20FINAL.pdf>.

¹⁰ The Gallup Poll, *The Nine Weeks of Election 2000* (2001). Retrieved from <http://www.galluppoll.com>.

Finally, people who have moved from one municipality to another would be disenfranchised. According to the U.S. Census Bureau, 1 in 6 Americans moves each year.¹¹

One purpose for eliminating Election Day registration is to decrease the workload of municipal clerks. However, the League rejects the legitimacy of this purpose because its importance pales in comparison to the importance of enfranchising voters. Article II of Maine's Constitution *guarantees* a citizen's right to vote. Therefore, an arbitrary deadline ought not to be imposed on this right. Municipalities should provide the temporary resources necessary to accommodate voters in the days leading up to Election Day.

The League also rejects the idea that voters who have been registered for months or years are somehow more qualified than voters who have just registered. We were all first-time voters once, and the voting habit needs to start somewhere. The strength of a democracy depends on the engagement of its citizens. Maine should be encouraging, not discouraging, participation in elections.

Another purpose for eliminating Election Day registration is to prevent voter fraud. However, fraud is extremely rare. The League is aware of only two cases of voter fraud that Maine's Attorney General has prosecuted in the last 30 years.^{12 13} This is a drastic solution to a virtually non-existent problem.

If the bill passes, state and municipal governments would have to undertake the costs of revising their voter registration systems and conducting a public education campaign. Given the fact that Election Day registration has been the norm for 38 years, the education campaign should be far-reaching. Otherwise, unregistered voters are going to arrive at the polls expecting to vote.

The fiscal note attached to this bill should reflect the expense of a comprehensive media campaign prior to elections held during the next 2 years. The claim that there will be no fiscal note because the Secretary of State can use Help America Vote Act funds for this purpose is disingenuous. If these funds were not used for this purpose, they could be used to actually help, not hinder, citizens to vote.

The League of Women Voters of Maine urges the Legislature's Veterans and Legal Affairs Committee to vote Ought Not to Pass LD 1376 because it would be a step in the wrong direction. Maine is currently viewed as a model for other states because its voter registration system has been so successful and its voter turnout has been so high. Maine people have long enjoyed the ease of registering and voting in this state, and they should not tolerate the imposition of an unnecessary barrier to their constitutional right to cast ballots.

¹¹ <http://www.census.gov/population/www/pop-profile/geomob.html> (February 15, 2011).

¹² <http://new.bangordailynews.com/2010/06/11/news/man-changes-plea-in-voter-fraud-case/>

¹³ <http://lincolncountynewsonline.com/main.asp?SubSectionID=75&ArticleID=50090&SectionID=1>