



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

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 203, An Act To Assist Municipal Clerks by Providing Adequate Time To Register Voters

Date: February 16, 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 203, An Act To Assist Municipal Clerks by Providing Adequate Time To Register Voters .

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

Moving the deadline for registration back seven days would discourage 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.⁸ 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.⁹

Finally, people who have moved or changed their names recently or who have been accidentally purged from the voting rolls would be disenfranchised. According to the U.S. Census Bureau, 1 in 6 Americans moves each year.¹⁰ In Maine, there are more than 9,000 marriages and 4,000 divorces annually,¹¹ and a large percentage of these involve name changes. Under Rule Chapter 505 for the

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

⁹ The Gallup Poll, *The Nine Weeks of Election 2000* (2001). Retrieved from <http://www.galluppoll.com>.

¹⁰ <http://www.census.gov/population/www/pop-profile/geomob.html> (February 15, 2011).

¹¹ http://www.cdc.gov/nchs/data/nvsr/nvsr57/nvsr57_19.htm#table2 (February 15, 2011).

Secretary of State, each municipality is required to conduct a systematic purge of its voter list every 5 years.¹²

The stated purpose for eliminating Election Day registration is to assist municipal clerks. However, the demands on their time would simply shift from registering voters to handling challenged ballots.

Now, if a voter's name does not appear on the voting rolls, an election official refers him or her to the town clerk to register. Without Election Day registration, an election official would have to fill out all of the paperwork and permit the voter to cast a challenged ballot.¹³ If the challenged ballot affected the result of an election, the envelope containing the challenge certificate and the signed affidavit would have to be submitted to the Supreme Judicial Court and its validity would have to be determined.¹⁴ A stack of challenged ballots could leave a race undecided on Election Day.

An unstated purpose for eliminating Election Day registration is to prevent voter fraud. However, fraud is extremely rare. The League is aware of only one case of voter fraud that Maine's Attorney General has prosecuted in the last 30 years.¹⁵ 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 would need to be far-reaching. The fiscal note attached to this bill should reflect the expense of a comprehensive media campaign prior to elections held during the next two years. These costs would be incurred at a time when government budgets are stretched thin and the stated priorities of legislators are jobs and the economy.

The League of Women Voters of Maine urges the Legislature's Veterans and Legal Affairs Committee to vote Ought Not to Pass LD 203 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 casting their ballots.

¹² <http://www.maine.gov/sos/cec/rules/29/chaps29.html> (February 15, 2011).

¹³ <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec673.html> (February 15, 2011).

¹⁴ <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec696.html> (February 15, 2011).

¹⁵ <http://new.bangordailynews.com/2010/06/11/news/man-changes-plea-in-voter-fraud-case/>.