

# MAINE STATE LEGISLATURE

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newly elected GOP governors and legislators nationally and it would make it more difficult for traditional Democratic constituencies to vote.

An editorial in the *New York Times* linked this wave of voter suppression to the American Legislative Exchange Council, a national coalition set on pushing a national agenda. But this national agenda is not the Maine way. To reiterate, in 2008, nearly 50,000 Mainers registered to vote on Election Day. Mr. Speaker, please don't roll back the reform of the Republican-controlled 1972 Legislature. They had such a brief legacy. Please follow my light. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. It is quite accurate that I was here when we enacted single day Election Day registration and voting capacity. The assumption at that time, interestingly enough, that that was going to help Democrats more than Republicans, even though it was the Democrats who were pushing it to great degree.

It was interesting when I look back at the last election. As you may know about 18,000 people registered and voted on Election Day – 4,468 registered as Democrats, 4,405 registered as Republicans. A pretty even split. And then most of the others went to Unenrolled. So I don't think in the final sense that is what is going to make a difference, but I will tell you what concerns me. We have an inability in this state to let our voters and our citizens know what laws we pass here, and that's my fear, that a lot of Maine people are going to show up on Election Day if we were to pass this who haven't read a paper, may not have a computer, and they at that point will be unable to vote. They are the ones that are going to concern me, that these people all of the sudden will say we did it in the past, how come not today?

So as you think about this issue, I really think you ought to think about what the potential in your area as to what impact that might have, and as I go through the list it is always interesting to look at some of the towns, even my own, for example, to see what happened on Election Day. But you have places like Bangor, 419 people. You've got Biddeford, 299. Brewer, 167. When you get through that list of these people who have registered and then, interestingly enough, as you go through the list essentially to see your home town and it corresponds pretty well to the political makeup of the town so that it really doesn't have the impact that people would like you to believe. But as I said, the greatest fear is to our Maine citizens who, thinking that the vote ability is there, that they walk into the polls and they are turned away on Election Day. That's my fear and I hope that you would keep that in mind when you cast your vote.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Since I am in my first term as a legislator I have spent most of my time listening, trying to learn, and have seldom spoken in favor of or in opposition to a matter before us. On this issue, although Representative Carey has said many of the things that I have been planning to say, I would like my voice to be heard because same day voter registration seems to me to be one of the most important issues to come before us.

As a member of the Joint Committee on Veterans and Legal Affairs, I have listened to and participated in the discussion of this issue from the very beginning. From the beginning I was disappointed to see that absentee voting and same day voter registration were combined in a single bill. These seem to me rather distinct and separate issues. I know that there has been

an upsurge in absentee voting, which includes early voting, and that municipal clerks throughout the state are finding this difficult to manage. I understand this and I am confident that we can find solutions that will allow absentee voting and make this system work for municipal clerks.

The municipal clerks who testified before our committee were supporting this bill because of their concerns about absentee voting. Nearly all of them reported that they experience very few problems with same day voter registration and they felt that the value of same day voter registration outweighed the rather smaller problems that they encountered with that process. Most of them felt that making it easier than more difficult for people to exercise their right to vote was a primary concern. This was clearly the view expressed by the City Clerk from Bangor, who also spoke for the municipal clerks' association. I have had a number of conversations with the City Clerk in Waterville, where I served on the City Council for five years. She also said that addressing the problems with absentee voting – and early voting – were her primary concerns and that she would definitely like to see same day voter registration remain as it is.

The testimony before our committee with respect to same day voter registration was overwhelmingly opposed to eliminating this practice. Most people argued that eliminating same day voter registration would discourage a significant number of people who might otherwise vote on Election Day. The Maine Municipal Association was strongly opposed to eliminating same day registration as were groups representing the elderly, the infirm, students, the homeless, and many others. The strongest support for eliminating same day registration came from the Office of the Secretary of State and the Maine Taxpayers Union.

I really do hope that we can avoid partisan division and do what is best for the citizens of our state. For me that would mean solving the problems that municipal clerks have identified with respect to absentee voting and continuing to allow same day voter registration, a process which has served Maine voters very well since it was first introduced and still does. Thank you, Mr. Speaker. Thank you for indulging me with your patience and listening to me this afternoon.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion and for the last 10 years I've spent most Election Days at the polls volunteering or in some capacity monitoring the polls, and I'm very familiar with who comes and registers the day of the polls or the day of the vote I should say. It's very interesting that we're having this argument today.

The folks in Skowhegan, usually how they vote is based on either when they are getting out of work or when they are going to work, so usually there is a rush first thing in the morning. Then when the mills get out in the afternoon there is a rush and then in the evening when folks get off before the polls close. Of those folks, often people think that they are registered but for some reason they are not. I often think of the aging population of Skowhegan who they might not vote every election. They may skip four years. They may skip, come eight years later, and they are surprised when they find themselves not on the list. So I was interested to read some of the numbers of the people that registered this last election and in standing there, I applaud my opponent that day because he did an amazing job at getting people to come and register that day, and he probably thought they were supporting him and they probably did support him. But to me it is about the process and getting as many people to vote as possible.

Skowhegan being a rural district, I think of many of these other rural districts, we don't have a huge influx of people. You know those are folks that have typically lived there for multiple years but probably choose not to vote every year and they might get purged from the voter rolls. But this year alone there was 23 Democrats that registered. That's kind of cool. But there was also 24 Republicans that registered, so kudos there, and 36 Unenrolled. So I encourage folks to really think about our communities and how this will affect our communities and the rural district I represent. It's a big deal. When people show up to vote, if they're not registered, they expect to be able to register and vote and I think that is the same in many of our communities. So please oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Maloney.

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a large number of elderly assisted living communities in my district and the people who live in these communities, there is new people moving in every year. Most people do vote absentee, but every year people get rides to the polls and they register to vote and vote on the same day. It will really hurt the elderly population of my community to not be able to register on the same day because these are people in assisted living facilities. You have people moving in all the time. I just can't imagine voting to say that they can't vote. Why would you ever take away their right to vote? This is the most basic right that we have as citizens of the United States and to say that people can't register and vote on the same day, denying them that right to vote is denying them the most basic right that we have. So I ask that you vote red on this pending motion.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this motion as well and I am buoyed in that feeling by the testimony of the voter registrars and the clerks in my towns who have told me that same day registration does not pose a problem for them. I thought there might be a logistical problem of some sort, but they said no, and furthermore they said we think that this helps more people get out and vote. I'm talking about small towns on the coast of Maine, not big cities. I just was really impressed with their feedback to me when I called them to ask about their feelings on this bill.

As a matter of fact the data on Boothbay and Boothbay Harbor, in particular, in Boothbay in the last Presidential Election 100 people registered for same day and in Boothbay Harbor 80 people out of a total of about 4,400 voters overall, so it is three percent of the total voting public was coming out on the same day to register. I think it would be significantly bad if we were to, in essence by changing our rules here, would be disenfranchising at least for a time until people caught up with this, we would be disenfranchising them.

But I'm not so sure that we should in fact have people have to get used to a new set of rules like this. I've got fishermen in my community, waitresses, small business owners. These sorts of people are busy, busy, busy all the waking hours of their day and it comes as a last minute thing that they may have to get up and register to vote. We have a very high voter turnout. I want to keep that and I think this is part of that. So I think it is part of good democracy to keep same day registration and that's why I rise in opposition to the current motion, Mr. Speaker, and thank you, Men and Women of the House.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you know I work in the Mexico Town Office and another one of my hats is assistant town clerk. As I worked last Friday at the town office I asked our town clerk what she thought of this bill. She mulled it over for most of the day. In the end, she said to me to just leave it alone. To change this process would be much more complicated than it is right now. She also said in a perfect world it would be a good thing, but it is not a perfect world and it never will be. To have to deal with the citizens being so upset not being able to register and vote would be much worse to deal with in the long run, and I couldn't agree with her more. When people come here from another state or move from town to town, they never think or take time to come in to register to vote before the day of elections. They just come in to register to vote on Election Day. That is common practice throughout the state and has been for 38 years.

I live in Mexico, yet most of you driving through Rumford wouldn't know you passed into Mexico. In many respects, with school, mill, church, we are one community. Yet someone moving across town within Mexico on November 1st could still vote on Election Day. But someone moving across the line to Rumford would be disenfranchised. This is indefensible.

Another challenge is some municipalities are open on various days and hours, such as the town of Mexico, where we are closed on Mondays. So if they don't think or can register the Friday before elections, which is four days out, not even thinking about elections four days out, then they cannot vote. Citizens trust in their right to be able to register and vote on Election Day. Citizens and city and town clerks are willing to do whatever is required of us to ensure citizens are able to vote on Election Day. To take this away from citizens would be an unjust to the citizens of the State of Maine.

I would also like to read you an excerpt from an article in the *New York Times* dated back May 11, 2007. It is an op-ed by a Republican Secretary of State and our prior Secretary of State Matthew Dunlap. It is entitled "Never Too Late to Vote."

"While opponents are concerned that this option might encourage voter fraud, such crime is exceedingly rare or nonexistent in states that offer Election Day registration. Citizens of Maine, for instance, have benefited from same-day registration since the early 1970s.... With simple, fair and safe methods to verify voters, and by relying on effective poll-worker training and sophisticated election administration, our states have ensured the integrity of the process while allowing every eligible citizen to cast a ballot."

"We also reject the oft-used argument that voters not registered in advance should be effectively barred from voting as punishment for not heeding existing deadlines. While it's true even E.D.R. states have deadlines in place for registration by mail, we firmly believe that missing a deadline should not prevent interested and engaged parties from being able to register *in person* on Election Day. We are committed to leaving no voter behind, including first-time voters, newly naturalized citizens and those who may have recently changed addresses."

"Though one of us is a Republican and one is a Democrat, we can attest that political affiliation isn't relevant here: this is a policy that is good for voters, regardless of party, and good for our democracy. When it comes to elections, America is best served when all eligible voters cast their ballots — even those who missed the registration deadline."

And it is signed by Ben Yursa and Matthew Dunlap and they are the secretaries of state, back in '07 of course, for Idaho and Maine, respectively. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this issue first came to my attention many months ago at the beginning of the session, I was curious as a policeman that we shouldn't let a criminal go uncaught and just how many times have we confronted this. Someone not using their correct name or fraudulent address happened twice in 16 years, so it does occur but I don't think it is a crime wave. But I was concerned that we're changing the process for this.

For me this idea of same day registration is really about trust and it is not about us here in this chamber. It is about the folks we know back home and the individual polling sites that do that work. I vote in the city, but it can't be a whole lot different than back home in your own counties or towns. The folks that run the polls know us. When I walk in they report out whether or not my wife has arrived or my children have voted and why am I so late in the day, what's happened, and they know that for all of the neighbors. They know the people there.

When I worked the lines in this election with my Republican opponent, there were some kids we knew from high school that came up and they actually wanted to register that day. It was a bit confusing for them because they knew me as Mr. Dion and they loved his wife, my opponent, who was their favorite teacher. So we flipped a quarter to decide how the vote might go. But we were proud as adults that these young men had decided that. You know today is important. I think this is what I am supposed to do is show up to the polls and register to vote. Isn't that what it's really all about? I don't care which party they line up with. Most young people can't figure out what we are anyways, but the fact that they saw that there was a responsibility to go and vote is something that I wouldn't deter.

Really there are three things we know for sure. When we do go out to vote that date, one, as a candidate we're going to shake hands. That's an experience. Two, people will rush up to us as candidates and ask us questions about how they can vote and are they in the right place, as if we knew. But at least we could direct them to where they can get support and I wouldn't want to shut them out, and I can't say that they're the elderly or they're veterans or they're this or they're that because usually what I see is someone very frantic and for whatever reason hasn't gotten it all together in the months before. I'm a procrastinator so I understand that. But on that moment at that day they want to vote and why should we stand in their way? Third, somebody is going to win and did we really?

So that's what I want to do today, is to make sure we don't stand in the way of the process. You know your own senior leader once told me one day that it's not about personalities, it's not about philosophy, it's about process and we need to model that back home. Otherwise in that we're telling them, those elderly folks that we've known all these years, hey, we don't trust you, we don't trust the process. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to talk a lot about this. I will just make a comment about what I consider a doctor who has seen a problem but made an incorrect diagnosis. I agree with the Representative from Eagle Lake that we don't get this message out very well and the reality is that percentages of those voting from the '60s until the early '70s was dropping. In fact, the day we passed same day registration they were plummeting because these statistics have nothing to do with same day registration and everything to do with the

demographics of the nation. The oldest states in the country have the highest voting rate. Why, because in election result after election result the one thing we need not worry about is if the elderly are going to vote.

In 1972 what they needed to worry about is that they allowed 18-year-olds to vote and none of them showed up. So they had that go into the pool, the percentage drops. These follow demographics rates. The reality is you have 247 days to register in this state. To ask for three days to give clerks the ability to not be overwhelmed is not going to change anything and that percentage of voters as this state ages is just going to get higher.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the current motion also. When these bills on voting came out early in the session, I reached out to the clerks in my towns. They were shocked. They were shocked, first of all, that I contacted them and wanted their opinion on it. But I knew they are the ones who experience what's going on on Election Day and neither of them cared to see us lose this.

The one thing they were interested is some work done on absentee ballots. They found that much more of a burden than same day registration. They are just on a roll, they know it, they have probably 90 percent of the poll workers are the same every year. They know the people that are new. They know the people who have lived there forever and they very much would like to see this stay. I think that we should listen to our clerks. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an issue that I am very passionate about. For the last 40 years here in the State of Maine, we've allowed people to register to vote on Election Day. This bill seeks to take away these voting rights we've had since 1972. It is hard enough to get people to vote in elections these days and I've worked on several campaigns and I know that firsthand.

Why would we want to make voting more difficult? In the Veterans and Legal Affairs Committee during the public hearing on this bill we heard two reasons why. One, we were told it is a burden for the clerks, but we didn't have one clerk tell us it was a problem for them to process these new registrations. In fact, with the surge in absentee voting in recent years it is actually easier for the clerks to be able to process new registrations at the polling place because there are less people coming through the polling place. The second reason we heard was fraud, that it makes it easier for fraud to occur and people to vote in multiple addresses and so on. Yet when asked about fraud, there were only four cases the Secretary of State could cite for us that had been reported since 1972 and only two were prosecuted and those two would not have been prevented by this bill.

Maine currently has the third highest voter turnout in the country. Before 1972, when this bill was passed, we were number 21. Why would we want to turn back the clock and go back to being 21st in the country in terms of voter turnout? This bill has helped a lot in terms of increasing voter turnout since it has been enacted and the law has worked very well for 40 years, so I don't know why we'd want to change it now. The clerks have been very clear that being able to register to vote is part of the Maine tradition. This has been the law for 40 years, first initiated by a Republican Legislature and the bill was sponsored by a Republican. It boggles my mind that this Legislature is considering destroying that multi-partisan consensus. Maine is

better when more people vote. Restricting the right to vote without a cause is indefensible and it is not something I would want on my resume running for reelection next year.

According to the Secretary of State when I asked in 2008 how many people would have not been able to vote if this law had been in effect, the answer was 56,000 people. That is eight percent of the total turnout in that election. Heading into another Presidential Election next year, why would we want to disenfranchise another potentially 56,000 people from voting on that day? Whether you are Democrat, Republican, Green or Independent, everyone has a right to vote. Please join me in defeating this bill so that we can protect this basic right for all Maine residents, regardless of when they register. Thank you.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative KRUGER: Thank you, Speaker. I don't rise often, try not to say too much, but once again I rise and just observe that there is only one side of the hall that is speaking. If I may, sir, ask a question of the Chair?

The SPEAKER: The Representative may pose his question.

Representative KRUGER: To the sponsor of the bill, I am wondering if this provisional ballot program that is included with national elections, if that will have, in your opinion, a cost to the towns or a burden on the towns, and if so, who will bear that burden. Would it be the state, the Secretary of State, or the towns themselves? Thank you, Mr. Speaker.

The SPEAKER: The Chair would reply that if you have a procedural question the Chair is happy to answer it. From the rostrum, I don't intend to answer questions or make speeches. The Chair recognizes the Representative from Bangor, Representative Goode.

Representative GOODE: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative GOODE: Thank you, Mr. Speaker. I feel as though my district has a lot of people who move around a lot. I think a lot of people move to Bangor from more rural areas when they are down and out or when they need to be closer to services and I think there is a lot of people who move to Bangor once they've graduated college and are new registered voters. It is my understanding that a person who has moved who has not yet registered to vote could still go vote in their prior municipality where they were registered to vote previously.

I am just wondering is somebody could explain if there might be an issue with challenged ballots or confusion around people, say a person who has recently moved to Bangor from a place like Levant or Eddington to be closer to services, then realizing they can't vote and then going back to their municipality to vote on Election Day, and whether that might be a challenge in terms of work for municipal officials overseeing elections. Thank you.

The SPEAKER: The Representative from Bangor, Representative Goode, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Hinck.

Representative HINCK: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am wearing a pin today that has a Latin word on it, *peragimus*. It means "We Accomplish." It is the motto of the 358th Infantry Division. My father was in the 358th Infantry Division and this is the anniversary of D-Day. He was there. He landed on Utah Beach. I am going to connect it. When he came back after walking all the way across France and being part of the liberation of France and turning back tyranny, he became a participant in the American democracy. He voted every time the polls were open and, perhaps in honor of him or my own obsession, I vote every

time the polls open. It's probably true of most everyone here in this body. It may not be true of everyone who might be listening, in which case I take this opportunity, Mr. Speaker, that anyone who might be listening, I hope that they are receiving the signal on a mobile device and they are outside. If not, as soon as I'm finished speaking, you should go outside. But my advice would be to register to vote. We want the highest voter registration possible. We want the highest participation possible.

Democracy is not a spectator sport, it is a participatory sport. It has been said before already here today that there is pride in the fact that we have a high voter turnout. But up until now, Maine has made every effort to make voting as accessible as possible. I suggest people go to register. You could do it any day in the City of Portland. In many small towns obviously it depends upon the schedule of the town office. It's not always easy to make voter registration simple. People don't always know when the town office is open. It has been very helpful for some people to be able to register on the day of the election. I don't see why we'd want to take that away from people.

The very first time I was running for office, not too long ago, I was going door to door and on this occasion several blocks from Maine Med I got into an apartment building. I didn't see any signs that say I couldn't be there. I later found out the door that I walked through was always locked, but on that day there was a power cord that had the door open, and I started knocking on doors inside the apartment building and I actually spoke to someone, a 63 or a 64-year-old woman, and we had a conversation that came up that her husband was recently deceased. She told me she only had a high school education, but I have to say she seemed like it was a very good high school education. She was quite educated. She seemed to follow current events, current issues, but when I discussed the upcoming election, she said, "I have never voted." She was 63 or 64 years old, she had never voted, and she must have seen the surprise on my face. What she told me was that her husband always took care of that. We had a bit more of a conversation about it and I convinced this woman to vote. It was Friday before the election, the day that she got to register was Election Day, and I haven't seen much of her since.

But I know one thing, that being a voter is habit forming. You get in the first time and you are likely to be a voter from then on. We want to make elections as accessible as possible. We want to make them open. We want to have same day voter registration and anything else that makes it easier for people. For that reason we really ought to vote no on the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative HASKELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have just a slightly different perspective on this because the off years when I am not running I serve as a deputy registrar at the polls in the city. I did it in my former community and I have done it in Portland for a while now. I enjoy it. It is a pleasure to sit there and talk to the people who come in. But there are a couple of things I would like you to know about.

First of all, as a deputy registrar I get trained in how to take a look at somebody's identification and their proof of residency, and it is not a very complicated process but there is training and I am required to take it every single time that I serve. You go in at night the week before or a couple of weeks before and take some training to make sure. So I feel like I am pretty well qualified to determine just exactly what a clerk would determine when they come in and folks come in and determine that they wish to sign up to vote. So I am not as concerned about the fraud, perhaps,

as some other people are because I have done this and I have done this for quite a number of years.

The reasons that people come in are quite varied. I will tell you one story that always impressed me a lot and this was a young woman, obviously pregnant, and she had her either boyfriend or husband, that I didn't know, and his dad. That I knew because the two of them looked exactly like each other, a few years apart. She plopped down in the chair in front of me. It was a fairly small voting area so she didn't realize she was sitting at my table. That was just the most available chair for her in her condition. She sat down there so we struck up a little conversation and she says "Oh yeah, Frank and John have gone over there to vote." She says "I wanted to go downtown and register, but I haven't been feeling very good and I don't have a car. I have to wait for them to come and haul me," was the term that she used, "to come and haul me around." I thought it was interesting that she had come with them, so I said, "Are you going to vote today too?" She said, "Well, I didn't get registered." I said, "If you have some ID with you, you can register today." You'd be amazed at the change in her face. She looked at me and said "I can?" I said, "Absolutely. You live here in this district obviously, the rest of your family is right here." She produced for me her ID which was a picture ID and her address which was on her driver's license. It wasn't on her driver's license. She had a driver's license but she also had another piece of paper which showed me what her address was and I sat down and went through the registration process with her. Just as her husband or father-in-law or boyfriend and father-in-law came out of the polls, she walked by them, stood up, put her shoulders back a little bit, she looked at them and she said, "I'm going to go vote." I will tell you that was a great feeling to think that here is somebody who had been empowered to be able to do what you and I might take for granted. That would not have happened without same day registration.

The other thing that I'd share with you is what happens in most places is if you don't vote every single time the polls are open, the potential is that you could have your name purged from the list. When they purge your name, they send a letter out. I can remember more than one person who came in fully expecting their names. "I have always voted here. Of course, I've lived here since 1947. Naturally I'm on the polls. How could my name not be on there? I was sick last time we had a presidential election, but I want to vote this time and they told me that my name wasn't on the list." There is a person coming into the polls who would have been disenfranchised that day and would not have been able to vote. That happens, I wouldn't say a huge number of times, but enough times so that if it was my mother or my aunt or my uncle or my brother that I'd want to be sure that after they had done their responsibility, that is they had registered to vote, not understanding that at some point in time somebody could simply erase their name from that list because the list gets too big and too unwieldy. So there is a classic example of people who are disenfranchised when they come to the polls. So I really would encourage you to vote Ought Not to Pass and reject the current motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative TREAT: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative TREAT: Thank you, Mr. Speaker. So far in this debate we've heard from one person who actually supports the pending motion and I'm actually unclear what the rationale is for potentially disenfranchising as many as 50,000 people. The only thing I heard was a burden on the clerks, but it is my

understanding that the burden issue is addressed exactly the same in both the Majority and Minority Reports dealing with absentee ballots. So my question is what is the reason that we need to eliminate same day registration?

The SPEAKER: The Representative from Hallowell, Representative Treat, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Valentino.

Representative VALENTINO: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support – that's right – to support the passage of LD 1376. Actually every member of our committee voted to support the passage of LD 1376. We just have two different versions of how it should be passed. I oppose the motion on the floor, but I do not oppose the passage of LD 1376. There was a problem that was created. I just want to address the problem that was created and not go looking for another problem that may not have to be addressed today.

As stated in the testimony from the Secretary of State that we've gone from a system where 10 percent of the voters used absentee ballots in 2000 to a situation where in the City of Bangor last year, over 60 percent voted absentee. In 2008, approximately 15 percent of all absentee ballots were cast in the last two business days before the election. We have spoken with municipal clerks and they have identified this trend as one of their biggest concerns. I agree. There is a problem and that is why I am supporting to pass this bill to address that problem on having the absentee ballots coming in for no reason the two days before.

What we did several years back is allowed citizens to vote absentee for no reason. Before you had to have a reason to vote absentee, now you don't have to have a reason. We did create a problem that we need to take a step back for and take a look at it and see what we can't do to help the clerks on those days. That's the problem that's been created recently. The second part though is the same day registration which we have not been hearing as the major problem. The problem has been in the absentees. On same day registration, as you've heard many times today, that was passed in 1973. For my entire adult life I've had the opportunity to move and go into any town and vote on the same day as election. That opportunity has always been there. That was put in by Senator Elden Shute who was a Republican from Farmington at the time and it was unanimously passed. This has been going very, very effectively for 38 years.

What happened is when we added the absentee ballots, the glut of absentee ballots, that's when the clerks started to push back and said, wait a minute, this is a little bit too much. And that's why I think our committee says, yes, let's address that situation on the absentee ballot. If that doesn't unburden the clerks, then we can always go back in two years and we can address the same day registration. But not to do both of them at the same time, not to run the risk of disenfranchising those 50,000 people that are voting same day registration and have for the last 38 years.

So I called my city clerk and maybe you all can shut your eyes and envision your city clerk. I can. My city clerk is like Patton on Election Day I will tell you. She is unbelievably organized and I called her and I asked her about this and we asked her about the bill because the city clerks were polled only on the entire bill, not on each part of the bill mind you. So of course she said get rid of those absentee ballots the two days ahead of time. I said, "What about same day registration?" She said, "Well, that would help but I'm not quite sure we don't really have any problems with it." So then I said, "Lucette, well if we do that, if we eliminate same day registration we're going to go to provisional ballot." Well didn't she jump through the phone at me.

"Provisional ballots? Linda, they are going to take 10 times as more time than if I just filled out a registration. Why are you going to go to provisional ballots?" Once I calmed her down and said, well, that's just a suggestion, we're not sure on that, she said "With the new CVR right now, I can register people very quickly." We have not had the CVR for many years now, but with the new CVR it is very, very quick. So when we went through provisional ballots she said, "Is it going to be the way you've always done it?" I said, "Yes." I'm sure a lot of you don't know how to cast a provisional ballot, so I will just inform you a little bit how a provisional ballot is cast.

In order to cast a provisional ballot a person must complete and sign a provisional ballot affidavit swearing to it. It must include a minimum name, address, party affiliation, and if for any reason not known by the person, they need to have photographic proof. Then the provisional ballot has to be completed. The election clerk in charge of the ballots shall give the provisional ballot and a provisional ballot envelope to the warden. The warden writes the ballot number on the affidavit form, the ballot envelope in the envelope then go to the voter. Then the warden gives that voter a notice about the provisional voting and then they include the provisional number on the voter's ballot. Then the form must clearly state to the person that that person has three days to come into the warden to provide proof that they are there. Then after that we have to separate out the provisional ballots and we have to put them in a tamper proof container and it has to be verified. Then we have to have a provisional ballot log and if the person comes in that same day, then they can come through and open up the tamper proof ballot log and then they can take out their provisional ballot, show that it was resolved and recast, and then the tamper proof containers go back in and are returned to the municipal clerks. Then all of this has to be done and verified and then they have to keep a log of all of that, and then they have to wait the three days after to see if anybody has come in and do all of that. So she said, "My goodness Linda, just let me register the person and let them vote because people can challenge the ballot afterward." So we do have a provision already in there.

And I guess coming down to that, when we talk a lot about registering voters, I've heard a lot about the Democrats being registered, the Republicans being registered. But I will tell you we are outnumbered 2:1, both of us, our sides. The absolute largest amount is people who enroll on Election Day are Unenrolled voters. Twice as many of them come at the last minute and decide I'm going to vote. So we're really not even disenfranchising either side of the aisle. It's the Unenrolled. Those are the ones that decide at the last minute, let's come down. Actually, out of the State of Maine, 251 towns signed up more Republicans than Democrats, 110 towns had equal amounts, and 164 towns had more Rs than Ds, which shows why I am sitting on this side of the aisle, because you guys really did a great job, 251 towns. You got the people out there. So same day registration, I think, is crucial to all of the people in the State of Maine. The problem is the absentee ballots that we're trying to address on that.

I just want to close by saying that I think that I want to pass the bill, I just don't like the form that it's in now. If we have a problem with clerks being overburdened, let's address the absentee ballot issue this time. Let's see how that goes about. That's something new. People aren't even used to it yet, but don't go in and fiddle with something that's been here for 38 years and people expect they can come into do.

I guess I want to close with one thing. We all know our driver's license expires on our birthday and we all know when our birthday is, but have any of you waited until your birthday to go

down and renew your driver's license? Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want you to know my button was pushed a long time ago. It's just there were a lot of people lined up over on the other side. But I have enjoyed listening to the debate. A couple of things I don't really agree with, that it's going to discourage and disenfranchise voters. We've still got all year long to register to vote and you can register at the town office when you are in there registering your car or when you are registering for the infamous saltwater fishing registry. Or you can register by mail to vote all year long. You can register at any motor vehicle office or any social service agency. So I don't think that is really a valid argument, that it's going to disenfranchise voters.

I also heard that voter participation will drop. Well voter participation has stayed pretty much exactly the same since 1960. I don't have the statistics from before 1960, but it was around 72 percent in 1960 and in 2008 it was around 72 percent. And the same day registration was somewhere in the middle. It hasn't changed. I don't necessarily agree with the statement that we shouldn't be concerned with voter fraud. Just because you know we haven't prosecuted that many voter fraud issues, we all know that around the country there is a lot of voter fraud. Over the last election we saw it. It's happening around the country. There is no reason to think that it might not happen here or that it in fact may be happening. We have a lot of races that were determined with just a handful of votes, that just a little bit of fraud could turn elections around. Voter patterns have changed and the options have changed. There are many options for voters now that there weren't before.

The title of this bill is "To Preserve the Integrity of the Voter Registration and Election Process." That's what this is all about. The right to vote is too precious to not want to protect it as dearly as we can. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I think of new registrants, I immediately think of my students. Now my students are hardworking, they do a good job. But as most parents and maybe some teachers can relate, when they have an assignment due two weeks out, a large percentage of them wait until the last minute to do it. So I'm afraid that is quite a real possibility for these students, that they will indeed wait until the last moment to register. It's true. You register the rest of the year. But still in the last election 50,000 people decided to wait until the last minute. That's a pretty big number.

You know I also think about the economic downturn. The reality is that people are on the move. People are moving for jobs. People have been evicted from their housing. People have been evicted from their apartments and they are going where they need to go to do the best for their family. A lot has been taken away from these people. Let's not take away the right to vote. A lot of people wait until the last minute. Many times people lead busier lives. I know all of us do. But that doesn't mean just because they wait until the last moment they don't have the right to vote.

I don't think we're in the business of legislating when people should register and saying, oh, you who waited too long, you're unacceptable. The right to vote is precious. It is extremely precious. That's why everybody has that right. It is a right that belongs to everyone, whether you register on January 1st, well your town hall is probably closed, January 2nd, or if you wait until



the last second. That is your right if you are age eligible and you live in that district. You have the right to vote and I strongly, strongly oppose anything that discourages our citizens from voting. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As has been verbalized by many of my colleagues previously, this seems to be an unneeded solution looking for a nonexistent problem. It's all about disenfranchisement of voters, discouragement of voting of Maine citizens.

We've all stood at the polls. We've all stood there for hours on end, election after election, whether it be municipal or county or state, and we all see the people coming and going. Mothers with kids tagging along, maybe teaching them the process that all Mainers value and cherish, the right and the ability to vote on Election Day. We see the process. We visualize the registrar, the assistant registrar, the clerks, the poll watchers. They've got a pretty smooth system in place and it seems to work quite well, in my community anyway, and the last thing we want to do is prevent somebody who may be a first time voter from being able to vote on Election Day, which they are able to do now. I would just encourage that you not support this piece of legislation because I think it does disenfranchise voters. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is about making this system efficient. I agree with the Representative from Newcastle, the title says it all, "An Act To Preserve the Integrity of the Voter Registration and Election Process." I stand in overwhelming support for our Secretary of State and this bill and say that before this system falls apart, we have a chance to fix it now before we have major problems.

Early voting combined with a dramatic increase in last minute absentee voting in recent years makes this bill a responsible thing to do. There currently exists a tremendous burden on municipal clerks who don't have the resources to bring in extra staff to handle the sudden influx of absentee ballots and execute their own other municipal duties. I find it hard to believe that the clerk in Topsham is that different from all the other clerks that I've heard about today because I've been lobbied pretty hard on this bill, passionately lobbied, called, visited and emailed, and she's not just speaking for herself but for all the surrounding clerks in my area. So I find that very difficult to believe that maybe we have a bigger problem in Topsham that I'm not aware of. I admire her opinion on this because she's a perfectionist like Representative Valentino's clerk. She runs a tight ship. She wants to do the job right and she wants to protect the integrity of the process. We need to keep the system accessible but at the same time it needs to be efficient, as efficient as possible.

LD 1376 would move the deadline for absentee ballots to just two business days prior to Election Day, which would give these clerks the breathing room to handle the growing number of absentee ballots. And don't forget early voting. It's not taking anyone's right away, it's just a small adjustment for this precious right to vote. LD 1376 contains language that allows those who truly need to vote at the last minute to do so. Those that have hardship cases, that maybe are homebound. I know that those exceptions are in this bill. Maine voters will still have 247 days a year to vote. Where is the denial of the voter rights here? Do we want to wait, have something go wrong and then fix it, or be responsible and cast our vote for the best and most efficient and

stable process possible? I know we all in this chamber strongly, strongly value the right to vote. We need to protect the integrity of this process. Please support me in voting green in support of LD 1376. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Cornell du Houx.

Representative **CORNELL du HOUX**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I deployed with the Marine Corps for a year in and around Iraq and then came back shortly before Election Day, and like many, because I came back to a different district, I had to register there. As we demobilize one of the last things we're thinking of doing is registering to vote when you are trying to build your life after a year overseas deployed. So the basic point I wanted to make is this bill solves no problem. There is no good reason to put limitations on our ability to vote, especially for those who serve to ensure that we have the freedom to vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Olsen.

Representative **OLSEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. For what it's worth, I spoke to clerks and staff in my district and they support the effort of this bill to reduce stress on the system. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to thank the good Representative from Topsham and from Saco for talking about the problems that we might have with absentee balloting. I know a thing or two about that.

When I ran for the 123rd Legislature I originally won by 13 votes. At a recount it was determined that I had lost by six and I ended up losing the election. One of the reasons because of that was because of the absentee ballots. When people come in at the last minute, they have their ballot, they have their envelope. Instead of handing them the ballot they make them fold it all up, put it in the envelope, and the ballots didn't go through the machine properly.

Both reports on this bill solved the problems that they have with absentee balloting. The only difference is the same day registration. If people are concerned about having more work for their clerks to do, then you pass the Majority Report because of the problems that they are going to have with the provisional ballots.

I'm from District 102. Most of you guys know that I'm sure. District 102 is just about all of Standish. I do share a very small portion of it with the good Representative from Raymond, Representative McClellan. He represents a small portion of Standish. In Standish we have one voting place so everybody goes to the same place, which now is the town hall. One of the problems that they have there is we have to have separate lines for each House district.

I talked to my town clerk. My town clerk and I see eye to eye on just about every single issue out there that I've ever talked to her about. We happen to be from different parties, but we still agree on just about everything. She does not want to get rid of same day registration, which is what this report does. The report on the floor right now gets rid of the same day. I think everybody is in agreement that there have been problems with absentee balloting. I don't think there has been much fraudulent activity in that regard. More problems with ballots getting stuck in machines and things like that. People showing up with the absentee ballot in the envelope on the night of election, they probably should have voted that night instead of requesting the

absentee ballot, and both reports fix that problem. The only difference is the same day voter registration.

I hope that folks reject the current motion so that we can move on to the Minority Report, fix the problem that's out there. Folks, when we talk about fraud, I'm sure everybody knows this but I will just reiterate it real quick. After the election the town clerks enter the data into a computer system. If you have voted twice, if you have voted in one district and then went to another town and voted in another district, a couple days later the Secretary of State is going to know that. This wasn't the case just a few years ago. This is a new system that was developed to stamp out voter fraud, which was pretty much nonexistent previous to that anyways. So I would ask that the body reject the current motion, move on the Minority Report, and then we can move on to further debate on some other good contentious bills. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I offer only a couple of simple thoughts because that's all I'm capable of and I know nobody's mind is going to be changed during the course of this debate or it is highly unlikely.

First of all, we need to mention the rankings. We are number three in the nation and it is a proud position. We were once number 21 when the same day registration was enacted. Our voting percentage is the same now as it was then. Other states have fallen off so our ranking has gone up. We are victors by default I guess.

The second point is one of the reasons we're at that level is because of our absentee voting. We have one of the most open policies in the country. By mail, you can come in, you can do it in the clerk's office, you can register by mail. We have a great process and nobody really wants to change the core of that, which brings me to my next point.

The bill says same day registration. You can still get a group of people from an elderly housing, bring them to the town office prior to an election as long as it is more than two days, register them and vote them in the same day so nobody is disenfranchised. That was never the intent of this bill, which brings me back to the last point.

We are one of 10 states that currently operate as we do. The other 40 do not. This bill brings us back more into the mainstream. This is not an extremist bill by any means.

And the last point, it was mentioned earlier about being deployed and voting. I was the company commander in 2006 during the election, the primary and the general election, and my soldiers voted. I made sure they voted and I made sure they had the opportunity because voting is not just a right in a republic. It is a responsibility. As the good Representative from Portland said, it is not a spectator sport. Democracy is not a spectator sport. If someone is not interested enough to vote and they have the chance to do it by mail for the homebound, they have a chance to go to the town office for weeks ahead of the election and register and vote in the same day and they choose not to, is our problem in this society same day registration and voter Election Day registration or is it a much larger issue of participation and getting off the bench and getting in the game? I just offer that thought and I know I probably didn't sway anybody's mind, but I will be supporting the pending motion.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. There are some of us, Men and Women of the House, I just want to say I know that we're likely to not think it's more of an issue. If

it's not here, it's not here. But I do rise in response to a statement by the good Representative from Farmington, Representative Harvell. He suggested that elderly status as a state was responsible for high voter turnout. If you take a look at the numbers, that can't be true.

Maine is tied with Minnesota for the highest voter turnout in the 2010 general election at 55.5 percent. Both of us had the same turnout. Maine is the oldest averaged state in the nation, Minnesota is 29th. It isn't age that is causing us to get out and vote. It is something else. Alaska, which is 49th, almost the youngest state in the nation, had a voting rate of 52.5 percent, almost as high as ours. So it is not age that is getting us out to vote. It is a robust political culture and I think we should value that and I think we are tinkering with an important part of that. When you see 50,000 people coming out on the same day to vote that's an important part of our electoral culture. I think it is so too bad that we are thinking of diminishing our political culture by taking this aspect of our political life away. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. I wanted to rise again and as I've been reading through this provisional balloting piece here, I guess there is a question that I've had and I will start at that question. Why is there not a municipal mandate on this bill? As I read the provisional voting requirements, they seem to be pretty steep. Before, Representative Valentino has gone through them. I won't read them again. I count 23 steps in the process. As I read this and I've read it over and over again and I think I finally understood the answer. The provisional ballot – and I am in section 21 of the bill for anyone who would like to follow – only applies to federal elections and I'm going to read 673-A. "Provisional Voting. If a person declares that the person is a registered voter in the jurisdiction in which the person desires to vote and that the person is eligible to vote in an election for federal office...."

Now it appears upon some research that this comes from the Help America Vote Act. The Help America Vote Act language excludes from a mandate any state that follows that law. So that can't be a mandate if we are doing provisional balloting in line with that law. That also means as I read this that state elections, county elections, local elections will not have a provisional ballot opportunity for a voter who feels disenfranchised, though they will not be able to register to vote in those elections in the three days before.

So I guess I conclude with a question to my colleagues on the committee who were present who present this report to the body, and I guess I will state this as a rebuttal presumption in the event. There was no discussion in the committee that this provisional ballot requirement would apply only to federal elections and I just want to make sure that that's clear because it seems there might be a difference between the fiscal note and what's in the bill, unless any of my colleagues can tell me that I am mistaken. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **GRAHAM**: Thank you, Mr. Speaker. Are there legal consequences to voter fraud and, if so, what are they? Is this proposed law in conflict with federal voter law?

The SPEAKER: The Representative from North Yarmouth, Representative Graham, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the

Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. To answer the question, voter fraud in the State of Maine is up to a Class C felony. That carries up to a \$5,000 fine and if, as those of you may remember when you last registered to vote on an address or so forth, we have to sign an oath that we are legal to vote in the State of Maine and one of the things that is explicit on that green card is that we are a citizen of the United States. If aliens falsely swear, they can never get their citizenship. Those are the penalties for voter fraud. Mr. Speaker, I am just wondering if anybody has answered my previous question. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the opportunity to speak. I can't answer Representative Carey's question, I apologize for that. I will look up the answer and I will get it back to you, Representative Carey, if you just wait for me.

I did want to though point out a couple of things which I thought were important relative to some of the remarks that have been made. Number one, the provisional balloting system is not, at least according to what I've read, going to be an expensive proposition because it will only apply to a small number of individuals across the state. One of the reasons for that is that in order to get a provisional ballot someone will have to have made a mistake on your registration and as a result you will not be on the list even though you may have very well registered. At that point in time if they cannot resolve the issue, then you ask for a provisional ballot. Certainly the local municipality should have the responsibility and assume the responsibility of doing that, solving a problem which in fact they were responsible for causing. I did want, however, not to concentrate on that.

I wanted to just read from a piece of testimony that came that day of the meetings from an individual who, according to this letterhead, represents over 400 municipalities, and she writes cities and town clerks across the State of Maine are in support of this LD. This change will significantly alleviate the crunch most clerks encounter the day before election, the processing of absentee ballots. Currently most clerks are at their breaking point when it comes to absentee ballot voter turnout. A large portion of our time is spent on tracking and processing absentee ballots and is an almost impossible task for a clerk's office which is only staffed with one person, especially when we are working with a deadline.

To move on, she also says, we are also in support of a three day cutoff for voter registration as well. Voter registration is open to residents all year long and is very easy to do. Unlike absentee voting, there is no starting date for voting registration. Residents are able to register at the town office via mail during a voter registration drive while obtaining their licenses at the Bureau of Motor Vehicles any time of the year, Social Security Office, other social service agencies, nursing homes, schools.

I, myself, having taught for many years, registered on an annual basis probably 250 to 350 students, many of them 17 years of age because you could register at 17 years of age. As a matter of fact you can actually vote at 17 in a primary election. That was never a problem. They were very willing to get that done and I was very willing to help them out, and I certainly don't want to walk away from this meeting this afternoon with the inference that somehow I'm not in favor of or I am in favor of disenfranchising people no matter what age, because I'm not. I spent a lot of time in the classroom. I taught a lot of students. I loved every one of them. I would go back in a minute given the

opportunity and probably continue to do what I did when I was there for 40 years.

I also, however, had a couple of other things I wanted to mention from testimony that appeared on a bill that was not relevant to this one here but did deal with an election issue. It is written by the Cape Elizabeth Town Clerk, I believe, Assistant Town Manager and Town Clerk. She says I am concerned about our election staff holding up to the demands and pressures of elections. Most of our staff has assisted 30 days prior to the election with absentee voting. We can assure their efficient use of time by accounting for declared candidates rather than miscellaneous write-ins that never intended to be a candidate. It had nothing to do with the voting process, the registration process, but another issue that involved elections. Clearly, they point out that stress, overburdened with the activities of a registrar and a clerk, was certainly something that they had to face.

So in closing I think I understand the issue as to why this was put forth. I support the reason why it was put forth and I want to make certain that everyone here understands that I am in favor of democracy, love it, lived here all of my life, voted in as many elections as I could. I actually registered on my own. My dad taught me that was a major thing I should be doing. I didn't have anybody help me and I'm proud of that. I adhere to deadlines. Deadlines are important. I wouldn't go the day after the election and ask them for a ballot because I know certainly they would not give me one. I fully accept that as being a mistake of mine, indeed, if I miss that deadline. I hope that you all understand, and I'm sure you do, that deadlines are significant, even when it comes to registration and absentee balloting. So I would urge you to support the green light on this motion and I thank you for the opportunity of speaking to you and hope to do it again. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **TREAT**: Thank you, Mr. Speaker. I want to emphasize this is a question; this is not a rhetorical question. I represent among other communities the City of Hallowell, which despite being the smallest city in the State of Maine has five wards. They are all voted in the same place, the elementary school. My question is if someone in Hallowell moves from Ward 1 to Ward 5 without reregistering and they go to vote on Election Day, what happens?

The **SPEAKER**: The Representative from Hallowell, Representative Treat, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. I am not certain for this because we didn't talk about this in the committee, but I am going to take a guess from my reading of the statute. Again, this is section 21, 673-A, "If a person declares that the person is a registered voter in the jurisdiction in which the person desires to vote and that the person is eligible to vote in an election for federal office...." So as I read this provisional voting is only applicable to federal offices and the jurisdiction, I would have to believe, is the election for the office. So essentially if the person is registered CD-2 and both places in Gardiner I would presume, or in CD-1, I think, and that Gardiner would be in CD-1. That would be sufficient, but it's not clear to me and either way it appears that we will now have to go and have separate ballots for federal offices than for state offices, as I read this, and a

provisional ballot wouldn't be able there. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise at a Paul Harvey moment for those of you who know what a Paul Harvey moment is, and I would like to read the rest of the story as my wonderful chair from Auburn, who I greatly admire on the committee, he forgot to read to you the last paragraph in the letter. So I would read that to you, from the cities and clerks. With that being said, the clerks would still be very comfortable supporting this bill if an amendment was made to still provide same day voter registration, but provide a three-day business cutoff for absentee voting unless that voter signs an application stating one of the three accepted reasons. The absentee voting portion of the election process is what takes the most time to process and that is the main source of our concern. She also spoke at the mic and she was asked specifically on that. She said that they would still support the bill with taking out the restrictions on the same day registration. So that's the last paragraph of her bill, saying that the important thing to them was us addressing the absentee vote, which is exactly what is done in the Minority Report.

The other question I wanted to answer because it was posed from my good friend from Newcastle was in regard to the title of the bill. The title of the bill was "An Act To Preserve the Integrity of the Voter Registration and Election Process" and he mentioned about voter fraud. I just wanted to let you know and I can make copies available for you on that, we do have a report from the Secretary of State dated March 2011. This is an investigation of suspected voter fraud done by the Secretary of State's office. They go through the three different crimes on voter fraud is voting or attempting to vote knowing that you are not eligible to do so, voting or attempting to vote by using the name of another, and on those first two counts, it says our office has not received a complaint alleging one of the first two types of voter fraud in the past 16 years. The last one, voting or attempting to vote more than once at the same election, that they usually call that dual voting, and that was the purpose of the report. They went through, they looked at what's happened since the CVR and basically since the CVR has gone in, there have only been two pending cases that they are looking at right now. All of the others that they looked at, that they thought there might have been an instance, actually came right back to the clerks who were checking them off. Sometimes checking off they check two names in a row, when spouses came in together they checked off the son's name instead of the father's name. They checked off from the top versus the bottom. So those were errors that they just found which were clerical errors on that. So, in essence, in the last 16 years, I think we thought, run a very tight ship.

The secretaries of state and our clerks, I applaud all of them for this incredibly low instance of voter fraud and we only have two pending cases. What they felt is even on both of those that there was nothing that could have been done to have stopped that. So again, I wanted to address those two points that were made and urge everybody to take a look at just addressing the absentee voting this year and if there is still a problem, then we can always come back and take a look at same day registrations, but that has been in place 38 years. Please, let's not do that now. Let's address it one step at a time. Let's do the absentees. Let's vote Ought to Pass on 1376, but let's vote for the Minority Report and not the Majority. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative MCKANE: Thank you, Mr. Speaker, and just a response to a couple of questions and a couple of statements. In response to the Representative from Lewiston, Representative Carey, according to the Secretary of State's office and the Attorney General, provisional ballots will apply in any election under Title 21-A.

In response to the Representative from Saco, Representative Valentino, nationally fraud is a huge issue. Voter fraud is a huge issue. There is no reason to believe that if we are immune to it at this moment in time, there is no reason to believe that we will continue to be immune from it. We need to make sure that we protect our system from voter fraud. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative RUSSELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can imagine there are others who have some heartburn over voting to repeal Election Day registration whether or not they have stood up to speak. I recognize this is the Speaker's bill as well as the Secretary of State's and there has been significant lobbying on its behalf. Before I have to say what I have to say, I just wanted to respond to a couple of things.

One, regarding fraud, the Secretary of State himself in an op-ed said "I have never argued that this is a measure necessary to prevent fraud.... In fact, I have stressed repeatedly that this bill has been designed to relieve some of the stress on the system." I would point out that in June 1977 in the other body when they were discussing this, they were discussing fraud as well and there was going to be a huge amount of fraud that has happened, that has not transpired to my knowledge and, according to the Secretary of State, still has not transpired.

You know it's interesting because in this op-ed by the Secretary of State, it says ending same day registration protects the "integrity of Maine's elections." In that op-ed it says "It is a proactive step aimed at securing the integrity of Maine's elections." Further down it says "As secretary of state, I have been charged with preserving the integrity of the voting process." which is why I am really confused by a report that was given to our committee. We have a centralized voter system now, the CVR, the Centralized Voter Registration, and that is designed to be a technological improvement, a major technological improvement over the existing system.

Let me read you a couple of pieces to this and for those of you who have a little heartburn and have been lobbied a lot on this, you may want to listen up. The 2010 election cycle generated significant interest in activity with a large number of candidates for Governor, in both the primary and general elections, and the number of contested legislative races. The gubernatorial election cycle is the second primary and general election cycle in which the Maine CVR system was used by all municipal election officials to conduct their voter registration and absentee vote activities. As in the 2008 election cycle, the CVR was again put to the test and succeeded. The debate that I have heard to data centers around the integrity of the voting process and relieving stress on our members of the municipalities.

It goes on to say the system maintained by the Department of the Secretary of State and containing over 1 million voter records was regularly accessed and updated over the internet in real time by municipal clerks and registrars from over 500 municipal jurisdictions. Not only did the CVR help election officials smoothly administer a very busy and closely watched election, it also facilitated the use of innovative online services accessed through Maine's e-democracy site.

Later on it says, in 2010, the CVR was put to the test. Clerks and registrars across the state were able to efficiently process 50,761 new voter registrations. Then at the very end, throughout the department's effort to deploy the CVR and through its first uses, our primary objective has been to seamlessly implement a reliable system that facilitates the voter registration process and assures the accuracy and integrity of Maine's elections. I am confident that we have met and exceeded that goal and we have begun to enjoy many additional benefits of the CVR. Sincerely, Charles E. Summers, Jr., Secretary of State.

This is the same Secretary of State who publicly said that ending same day registration protects the integrity of Maine's elections. Now I have two documents here that both say integrity of Maine's elections and one is in direct conflict with the other.

In terms of as far as the town clerks go, let me read you a piece from the *Bangor Daily News* which was an article. "The absentee issue prompted the Maine Town and City Clerks Association to endorse LD 1376. However, during the bill's public hearing the organization said it was concerned that eliminating same day registration would disenfranchise voters." "During the hearing, Bangor City Clerk Patti Dubois said that she'd rather keep the same day registration while imposing the two business-day ban on absentee voting."

If the entire arguments in support of this bill center around fraud or center around protecting the integrity of Maine's elections, the Secretary of State himself has said that our elections work great and that there is no instances of fraud that we need to worry about. And by the way, he has never stated that this measure is necessary to prevent voter fraud. Ladies and gentlemen, I do not put words in people's mouths. This is in writing. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the Majority Ought to Pass Report. In order to reduce stress on municipalities on Election Day, this bill eliminates registration of new voters on Election Day and during the two business days prior. The bill also changes the deadline for issuance of absentee ballots to the third business day before the election day, but makes exceptions for people with allowable reasons for voting after that deadline.

In addition, it sets up a provisional voting procedure to ensure compliance with federal election law. Someone just a few moments ago had asked about federal election law and under Title 21-A in Maine, federal election means all elections. Someone also asked about if a person were to move within a town or a city, would that person still be able to vote on Election Day. Yes, as long as it is in law that it would be possible for them to vote within that same town or city.

Over the last few weeks the fear mongering and information out there in opposition has been quite a thing to behold, and I'd like to address some of that now. This bill will not disenfranchise a single person, not one. Every single voter will still be able to vote on Election Day. Just to give you a little background information, someone also mentioned that this bill will disenfranchise the elderly. Well let's put it into perspective. In 2008, nearly 50,000 people registered to vote on Election Day. Of those, nearly 30,000 were first time voters. Of those, 593 were over the age of 65. So no, I would say, it will not disproportionately affect the elderly. The sky is not falling. Citizens will still have 247 days a year to register to vote.

Now someone had mentioned that most of the people register to vote on those last few days. Well, let me tell you something. I just want you to think about our tax system. You know nearly half

of the people in this country send their taxes in, send their 1040s in on April 15th. So we could say that we have to keep April 15th as tax day. But I'll tell you what. I guarantee you if you made April 10th tax day, 50 percent of the people would send in their tax paperwork on April 10th. A deadline is a deadline. People follow the law because it is the law.

We're talking about a bill that would put into place a reasonable cutoff time so as absentee voting increases in the future, the clerks will be able to handle that increase. Again, every person who wants to vote will still be able to vote. This is 2011. It's not the 1970s. It's time to bring the election system which has been increasingly based on that absentee balloting, something that they never envisioned in the '70s or '80s or '90s or even 10 years ago, up to date with current voting trends. The municipal clerks have been placed under a tremendous burden considering that in 2008 15 percent of the voting populous voted absentee in the last two business days before the election. Don't base your vote today on some sky is falling agitprop designed to leave you quaking in your boots that our republic will come to a crumbling end because of this bill. It won't because if people want to be engaged in the process, if people want to be engaged in the election process they will.

The bill contains language that allows those who really need to vote at the last minute to do just that, and by being able to do just that we preserve the franchise. So I again ask you to put aside partisanship and support the pending motion. Mr. Speaker, it's been so long, if a roll call hasn't been requested I request a roll call.

The SPEAKER: A roll call is already in order. The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. I really didn't plan to speak on this. I know there has been a lot of debate, but in listening to it, it would be interesting if somebody from another planet heard us. I don't think they'd know what the heck is going on. Here we are putting stumbling blocks in front of one of our basic rights and privileges, the right to vote.

The United States has gone to war many times. We've become a beacon of freedom. We preach to the world and we do the right thing, that our people have the right to participate in our government. I've heard we have 247 days to vote. What's the difference between 247 and 250? I don't see a big deal. We got rid of the literacy tests. We got rid of the poll tax. We encouraged the young 18-year-olds to vote. I taught school for many years and I taught social studies and I urged, one of my goals really was to get the kids out to vote. I will always remember when they came back after Election Day and "Coach, we went out and voted yesterday" and how proud they were. It sounds like we have something good here.

Well, we have a problem with absentee ballots, let's fix it. But you know that's like me as a coach. I have a play that really works. I run it and I pick up 10 yards every time. I don't sit down and say well I better change that because we're too successful. Let's put in a play that doesn't work. I wouldn't be a coach very long and I think that people who are advocating these types of things might not be around here either much longer. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 123

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford,