STATE OF MAINE
OFFICE
OF THE
SECRETARY OF STATE

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SECRETARY OF STATE

Testimony In Support of H.R.1, For the People Act

Strengthening America Democracy Hearing

February 25, 2021

Dear Chairwoman Lofgren, Ranking Member Davis and Distinguished Members of the Committee,

Thank you for the opportunity to speak before you today in support of H.R. 1, which is so critical to safeguarding the citizenry's participation in our great democracy.

My name is Shenna Bellows, I am Maine's 50th Secretary of State and the chief elections officer and chief motor vehicles official for the great State of Maine.

The daughter of a carpenter, I grew up in rural Maine without electricity or running water until I was in the fifth grade. My parents worked hard. My dad started and grew his own carpentry business. Some years, my mother worked nights in the local Christmas wreath factory, so that we would have a Christmas. I worked my way through college, waiting tables, working retail and as a Subway sandwich artist. It is a great honor to come before you today.

The passage of H.R. 1 is a watershed moment for American participation in our democracy. For too many Americans across the country, participation in politics and service in elected office is out of reach – a privilege reserved for the wealthy instead of the constitutional right guaranteed in our beloved Constitution and Bill of Rights. It doesn't have to be this way.

In Maine, my story is not unique. Our Senate President is a working-class logger. Maine's Speaker of the House is 28 years old, our first openly gay speaker who speaks about growing up poor, the son of a single working mom. Our state legislature is economically diverse with farmers, lobster harvesters, small business owners, millworkers and teachers represented. I tell schoolchildren who used to visit the Capitol on tours before the pandemic, that in Maine you can grow up to be whoever you want to be, regardless of where you come from or how much money you have. That's because our laws and policies, many of which are consistent with the provisions of H.R. 1, have encouraged broad participation in elections and public service by people from diverse backgrounds and walks of life.

Democracy is stronger when it represents everyone, and when everyone can participate. H.R. 1 is critical because it eliminates barriers and lifts up the voices of ordinary people in our democracy. H.R. 1 builds upon tried and true best practices already proven to work in states like Maine and across the country.

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Those best practices in Maine include:

- Same day voter registration
- Voting rights for all citizens including people who are incarcerated or formerly incarcerated
- Paper ballots with clear chains of custody
- "No-excuse" absentee voting
- Absentee voting at least 30 days prior to Election Day
- Online absentee ballot tracking
- Convenient and secure absentee ballot drop boxes
- Maine Clean Elections – a public financing system for state candidates
- Strong campaign finance disclosure requirements

H.R. 1 also provides a forward-looking vision and the resources necessary for rural states like Maine to put in place the technology improvements necessary to make voting as convenient, accessible and secure as possible for every citizen. The pandemic has revealed serious challenges and opportunities to improve our elections systems. Cybersecurity is increasingly important as we witness outside attacks on our elections infrastructure. Pernicious disinformation and misinformation funded by dark money and foreign actors has also severely undermined public confidence in our systems. H.R. 1 is well crafted to help states like Maine meet the challenges of our time.

The states need help from Congress to effectively and efficiently implement modernization to improve security and accessibility through:

- Automatic voter registration
- Online voter registration
- Risk-limiting election audits
- Modernization of our central voter registration system

As Maine's chief elections official, my role is to guarantee that every Maine citizen, regardless of affiliation, background, location or party, is equally able to exercise their right to vote. Our elections are administered by municipal elections officials across Maine who work tirelessly to support the citizens of their towns and cities in exercising their right to vote- and because of these efforts, Maine consistently enjoys some of the highest rates of voter participation in the country. More than 75% of our voting age population participated in the 2020 election.

We know from experience that the free and fair ability to participate in our elections does not confer an advantage to one party over another. In Maine we see an electorate that routinely splits its votes among parties. This is born out by the results in 2020, when Maine voters chose a Democrat for President and a Republican for U.S. Senate in statewide elections. Mainers vote the person, not the party.

Our experience in Maine demonstrates that many of the provisions in H.R. 1 will expand voter participation and improve representation in our democracy, and I am happy to share details in the areas where we have direct experience.

Maine's Experience with Same Day Voter Registration:

Maine first established same day voter registration, allowing citizens to register to vote and cast their vote on the same day, in 1973. Representative Rodney Ross, a Republican from Bath, Maine who chaired the Elections Committee of the Republican-controlled legislature put forward the measure to apply to all elections, and it passed with little fanfare or debate. It is because of same day voter registration that Maine has consistently led the nation in the top five states for voter participation. Same day voter registration eliminates confusion and removes a barrier to voting. The Legislature temporarily repealed the measure in 2011, but Maine voters overwhelmingly turned out and rejected that change in a people's veto referendum vote in November of that same year. 60% of Maine voters cast a vote in favor of same day voter registration in 2011.

Same day voter registration is a nonpartisan reform. The party or candidates with the most momentum and support on Election Day benefit from same day voter registration. It is also an important safeguard against accidental or improper voter purges, as a voter who has been erroneously removed from the voting rolls can simply reregister and cast their vote on Election Day. Our experience in Maine demonstrates that same day voter registration works to increase participation, it's non-partisan and it is popular among voters because it is a safe and reliable measure to increase voter convenience.

Maine's Experience With Voting By People Who Are Incarcerated or Formerly Incarcerated

Article II of the Maine State Constitution makes explicit that *all* United States citizens, age 18 or older, who are residents of the State of Maine have a right to vote.

> "Section 1. Qualifications of electors; written ballot; military servicemen; students. Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State; and the elections shall be by written ballot." – Maine State Constitution, Article II

Maine citizens never lose their right to vote, even upon conviction or incarceration. People in prison or jail in Maine may register to vote from their place of residence prior to incarceration and may cast an absentee ballot. We have provided assistance with voter registration drives at the Maine State Prison and procedures to facilitate absentee voting by incarcerated persons. The constitutional guarantee to the right to vote eliminates confusion: when the same set of rules apply to all people regardless of background or circumstance, then there is less opportunity for discriminatory or prejudicial treatment. Similarly, universal franchise strengthens civic participation. A person who is incarcerated maintains closer ties to the community to which they will return after incarceration if they are able to continue to have a vote in who represents them.

Voter Verified Paper Ballots

The paper ballot is the gold standard in election security, and we applaud provisions mandating a paper ballot. We utilize paper ballots in Maine with a clear chain of custody from issuance to collection and counting on Election night. Public confidence is strengthened by knowing and observing that paper ballots are available for recounts as required.

Early Voting

Of the more than 828,000 Mainers who voted in the 2020 election (the highest turnout in nearly a century), approximately 62% voted absentee, either prior to Election Day or by mail, up from just one-third of voters in 2016. Clearly, an overwhelming majority of voters in our state expressed a clear preference for voting prior to Election Day.

Maine permits people to vote in person, no-excuse absentee at least 30 days prior to Election Day at the municipal clerk's office through the Thursday prior to Election Day. We have found that voters appreciate the convenience of being able to go in person to cast an absentee ballot prior to Election Day. This is particularly important in a rural state like Maine where it is not uncommon for a worker to travel an hour or more each way for work, so flexibility as to when to vote is important in protecting the franchise. In contrast, limiting the right to cast a ballot to Election Day penalizes workers with inflexible work schedules and particularly workers with children who may be balancing work and childcare. The early voting provisions of H.R. 1 are pro-worker and pro-working parents.

Additionally, permitting votes to be cast prior during an early or early absentee voting period reduces the burden on clerks on Election Day. It reduces wait times for voters at the polls on Election Day. It also provides an extended opportunity for voters to correct problems with registration or to cure a challenged ballot. Our municipal clerks report a high level of satisfaction with the 30-day period prior to Election Day to smooth workflow and make election administration more efficient.

It is important to note that Maine administers elections at the municipality rather than county. Therefore, the provisions for hours made explicit in the bill might be modified to accommodate municipal-administered elections. In my sister's hometown of Waltham, Maine for example, there are fewer than 300 eligible voters. Under Maine law, they can cast an in-person absentee ballot up to 30 days prior to Election Day at the municipal clerk's office. Due to the small size of the municipality, the Waltham clerk's office is not open ten hours each day. There are some municipalities like Glenwood Plantation that are even smaller. 1 registered voter cast his vote in 2020 in Glenwood Plantation.

Voting By Mail

Maine does not impose any additional requirements on voters seeking to cast their vote by absentee ballot through the mail, and we applaud the guidance from H.R. 1 that would ensure that states do not impose a different standard or limitations on absentee voting by mail. Neither absentee voters nor election day voters are required by Maine law or policy to provide an ID to vote. (Voters who register to vote for the first time in Maine are required to show proof of ID.) Maine law does require the voter (or an assistant to the voter) to sign the absentee ballot envelope. If there is a problem with the absentee ballot, the municipal clerk grants the voter the opportunity to cure the ballot. We think this is important, especially in an election when well over half of the electorate is choosing to vote by mail. In Maine, only about 2% of rejected absentee ballots were rejected for a curable reason.

Secure Absentee Ballot Drop boxes

Maine utilized ballot drop boxes in the 2020 election with great success. Because voting in Maine is conducted at the municipal level, ballot drop boxes were located outside municipal clerks' offices with appropriate security measures in place to safeguard against theft or destruction. Because our elections are not county-based, we recommend that this language be adapted to include the word "or municipality" where "county" appears.

Absentee Ballot Tracking

Maine already facilitates requests for absentee ballots online and by telephone. We also implemented an online absentee ballot tracking system in 2020. The tracking system increased voter confidence in the absentee voting system and helped reassure voters during a time when stresses and delays at the US Postal Service were significant. We support the absentee ballot tracking measures in H.R. 1 as an important measure in increasing public confidence that their vote will be received and counted.

Maine Clean Elections & Public Financing

While Maine's voluntary public financing system, known in our state as Maine Clean Elections, is administered by the Maine Ethics Commission, independently of the Department of the Secretary of State, I have direct experience with Maine Clean Elections in my former role as state senator serving two terms in the Maine Legislature. The public financing and disclosure requirements contained within H.R. 1 are consistent with long-standing practice in Maine and will benefit our democracy by increasing transparency and participation as well as limiting the influence of money in politics.

Maine voters approved of the Maine Clean Elections public financing system for state candidates in 1996, and it was implemented for candidates for the Maine Senate and Maine House of Representatives in 2000. After a Supreme Court decision in 2015 struck down one provision of the law, Maine voters again approved a referendum restoring the public financing system and strengthening disclosure requirements.

Under the system, candidates voluntarily agree to participate in the system and to not spend or raise private funds outside the system. They qualify for participation by gathering contributions of $5 each from registered voters within their district. The $5 contributions trigger matching public funds from the state.

What's particularly exciting about Maine's clean elections system is that it allows anyone to run for public office regardless of economic background or connections to wealthy donors. Like Maine's clean elections system, the centerpiece of H.R. 1 is a small donor matching program. It's incredibly exciting because it empowers the small donor and weakens the influence of the traditional mega-donors. This will also transform who can and does run for office – low income and working-class people; women; Black, indigenous, and other people of color; and others who have traditionally been shut out of the pipeline for public office – just as we have seen in Maine.

Through campaign finance reforms, H.R. 1 would level the playing field, reduce partisan influence in primaries and general elections and return electoral power to working class Americans.

Future Reforms & Efforts in Maine

Additional provisions of H.R. 1 would be new requirements for Maine but ones that we are excited to implement as ways to serve the citizens of our state with a goal of increasing voter participation and election integrity.

Automatic & Online Voter Registration

We applaud the provisions for online and automatic voter registration. We are in the process of implementing automatic voter registration in Maine, and we are working with the Maine State Legislature on advancing online voter registration. The pandemic revealed challenges and opportunities for online civic participation. Increasingly, the citizenry expects the convenience and security of engaging with government services from the comfort of their living room or workplace. Citizens should be able to register to vote and update their registration from their personal computer or smart phone and H.R. 1 will ensure uniform access of these services across the country. Moving voter registration online and making it "opt out" versus "opt in" will increase efficiency and convenience and most importantly, eliminate any uncertainty for the voter about whether and how to register.

Access to Youth and People With Disabilities

We applaud the provisions of the Act seeking to support states who register youth prior to their eighteenth birthday. In Maine, we are working to implement a new law that allows pre-registration of sixteen-year-olds, so that they can serve as volunteer poll workers. We are also working closely with organizations who advocate on behalf of people with disabilities to strengthen participation by people with disabilities in our elections. For the Nov. 3, 2020 General Election, we added the option of an accessible absentee ballot for voters with print disabilities, giving them the opportunity to vote independently from home for the first time.

Resources for the States & Election Security

There is nothing more important than the integrity of our elections, and H.R. 1 establishes vital resources and forward-thinking measures to empower states to implement election security measures like risk-limiting audits. Maine has been constrained in our ability to implement risk-limiting audits for example because of resource constraints. Similarly, our central voter registration system dates back to 2007. The states require adequate resources to carry out federal elections and are grateful for H.R. 1's emphasis on resources for implementation.

Conclusion:

Public confidence in our elections and the results is strengthened through transparency and equality. If the rules are fair and known to all and applied equally to all people, then the people can have confidence in the fairness of the outcomes. Voting rights undergird all other constitutional rights and privileges. The power in a democracy rightly resides with the people. Passage of H.R. 1 will move us closer to the goal of a more perfect union in which all people in every corner of our great nation have equal access to exercise their power to decide who represents them at every level of government.