



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Garrett P. Mason
The Honorable Representative Louis J. Luchini, Co-chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: January 3, 2018

RE: LD 1726 An Act to Amend the Laws Governing Elections

Good morning. My name is Ann Luther. I'm the Advocacy Chair of the League of Women Voters of Maine, a volunteer, and a resident of Trenton. The League of Women Voters of Maine submits the following testimony Neither For Nor Against LD 1726.

The League of Women Voters of Maine believes that voting is a fundamental right of citizenship, and we have been working for almost one hundred years to defend and protect that right. We believe that eligible citizens should have unencumbered access to the franchise and the polls. We also support measures that provide for the smooth conduct of elections, improve the professional administration of the election process, and insure that our elections in Maine are free from operational errors. Apart from the provisions of Section 13, we would be testifying in favor of this bill.

At the same time, the League of Women Voters is a consensus-based membership organization that takes no position on any issue without first conducting a full and thorough analysis leading to member understanding and agreement. We have an important study coming up later this year regarding the citizen initiative process, its appropriate uses and whether any constraints are merited. Pending the completion of that study, we take no position on whether the citizen initiative process is a boon or a bane to democratic lawmaking. We have supported citizen initiatives in the past (e.g. the Maine Clean Election Act), and we have opposed them (e.g. term limits).

We note the citizen initiative provision was added to the Maine State Constitution during early part of the 20th Century, when many ordinary citizens believed that their legislatures had been captured by corporate, monopolistic, and big-money interests. The populist reforms stemming from that era, including direct election of U.S. Senators and others, sought to return power to ordinary people. The debate that began a century ago over the relative merits of populism or professionalism in politics, over direct vs. representative democracy, is still argued to this day, a century later, with no clear partisan alignment.

That said, we would like to make these points regarding the proposal in Section 13 of this bill:

1. Whether you favor direct or representative democracy, at least for now, the right of citizens to initiate new law by petition is enshrined in the Maine State Constitution, and like other constitutional rights, should be defended and preserved.
2. The Legislature has been considering numerous constitutional amendments over the last couple of years regarding constraints on the initiative process. The extra-constitutional measure proposed here, if it passes, will certainly have the effect of making it harder – really, much harder -- for citizen initiatives to qualify for the ballot. The 1996 Clean Elections Initiative, where the League was instrumental, gathered ALL of its signatures on Election Day 1995. To my knowledge, there were no paid signature gatherers in that campaign. The 2015 Clean Elections initiative similarly gathered almost all of its signatures on Election Day in 2014.
3. It will also have the perverse effect of ensuring that the only measures that can succeed are those that are well-financed from the beginning, increasing the role of big, out-of-state money in the process. All-volunteer efforts like some of those where the League has been active will have a near-impossible task to gather enough signatures to qualify.
4. This is no mere housekeeping measure, but a significant policy change to the citizen initiative process with serious consequences for the decades-long tradition in the way that this provision of the Maine State Constitution has been implemented. We believe a policy change of this magnitude is inappropriate to a short-session agency bill.

We recognize that voters sometimes complain about seeing candidates at the polls on Election Day, or being addressed by volunteers working on political issues. The same complaints are also made about lawn signs, television advertisements, turn-out calls, mailings, and even candidate door-knocking. Yet these are vital to our democratic heritage and banning them would be unthinkable. Gathering signatures at the polls is part of the same tradition and deserves the same protection.

While we support measures to ensure an orderly process for voters on Election Day, we believe the current law already provides election officials with the tools they need to maintain a safe and well-regulated polling place for voters. Based on our own experience collecting signatures at the polls, we have seen that it can be an opportunity for voter education about both issues and process, and it can lead to increased discussion and civic discourse. This bill takes elections and the polling place out of the public square and puts them under glass. The polling place and its surroundings become a sterile, single-purpose, no-talking environment: no bake sales, no community boosters, no candidates, no exit polls, no nothing. We do not believe that is good for civic engagement at all.

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We raise no concerns to the provisions of this bill except those contained in Section 13.

Thank you for your consideration.