



LEAGUE OF WOMEN VOTERS OF MAINE

PO Box 863
Augusta, ME 04332-0863

(207) 622-0256
lwvme@gwi.net

TO: The Honorable Senator Lisa T. Marraché
The Honorable Representative John L. Patrick, Co-chairs
The Joint Standing Committee on Legal and Veterans Affairs

RE: LD 300 “RESOLUTION: Proposing an Amendment to the Constitution of Maine To Restrict the
Voting Privileges of Certain Incarcerated Felons” Sponsor: Rep. Hanley

Good afternoon. I’m Ann Luther, state president of the League of Women Voters of Maine and a volunteer member of its Legislative Lobby Corps. Protecting the right of every citizen to vote and encouraging citizens to exercise the right to vote is key to our democracy and central to the mission of the League of Women Voters. Because LD 300 would have the effect of limiting citizen access to the ballot box, we urge that you vote “Ought Not To Pass” on this bill.

Maine's constitution, which allows and encourages convicted citizens to vote in prison and after their incarceration, has the effect of promoting citizenship and keeps "justice" in the criminal justice system. It is a step toward rehabilitation and inclusion as opposed to punishment and alienation for people who will one day return to our communities and neighborhoods.

We understand that LD 300 concerns only incarcerated citizens, not those who have completed their sentence. But, quoting from Mark Mauer at The Sentencing Project:

 Serious questions can be raised ... regarding the loss of fundamental rights for people currently serving a felony sentence, whether in prison or on probation or parole. Our legal system generally makes a distinction between punishment – loss of liberty whether in prison or on probation – and the loss of rights. The only exceptions generally conceded by law and policy are those exercises of speech that might conflict with public safety concerns.¹

Because LD 300 concerns the loss of fundamental rights, with no discernable benefit in public safety or otherwise to the citizens of Maine, it represents an injustice equal to that of limiting the voting rights of citizens who have completed their sentences for felony convictions.

Problems in other states in past Presidential elections have drawn headlines and demonstrated the difficulty in maintaining accurate voting lists when “purging” citizen offenders from the list. In some states, otherwise eligible voters had difficulty in voting because their names were erroneously purged as being similar to those of ineligible citizens convicted of a felony. Implementing this proposal would make it more difficult to maintain accurate voting lists. This is a purely punitive measure that would burden our election officials and potentially disenfranchise eligible voters for an imperceptible public benefit.

¹ Mark Mauer, “Felon Disenfranchisement: A Policy Whose Time Has Passed?” published in *Human Rights* by the American Bar Association, Volume 13, No. 1, Winter 2004.

The magnitude of prisoner and ex-felon disenfranchisement elsewhere in the United States has serious implications for democratic processes and racial inclusion. Maine should not go down this path.

Around the country, disenfranchisement laws that restrict voting rights for citizens convicted of a felony are being challenged and repealed. Since 1997, 16 states have moved to expand voting rights to former offenders. Four states have repealed or effectively eliminated lifetime disenfranchisement provisions (Delaware, Iowa, Nebraska, and New Mexico). Three other states scaled back their disenfranchisement laws to apply to a narrower class of former offenders (Maryland, Nevada, and Wyoming). And three other states have reduced or eliminated the waiting period for restoration of voting rights (Connecticut, Rhode Island, and Texas).² Clearly the trend in other states is toward greater enfranchisement, not less. In this area where Maine is a beacon of civil rights, we should not amend our Constitution to roll back those rights.

Meanwhile, states which still retain these restrictive laws are facing increasing challenges in the courts from voting rights advocates such as the ACLU, the NAACP, and the Brennan Center for Justice. Limiting a fundamental right like voting raises a host of legal questions; preserving voting rights does not. In an area where Maine leads, we should not now make ourselves a target for this kind of litigation.

Maine has among the most inclusive voting laws in the country, making Maine one of the most truly democratic states in the Union. We should not now follow those whose practices are less inclusive. Most importantly, the practice of disenfranchising citizens based on a felony conviction is inconsistent with the basic democratic principles of allowing all citizens to exercise the right to vote. On behalf of the League of Women Voters of Maine, I urge that you vote "Ought Not to Pass" on LD 300.

Ann Luther, President
League of Women Voters of Maine
February 5, 2007

² Ryan S. King, "A Decade of Reform: Felony Disenfranchisement Policy in the United States," The Sentencing Project, October 2006. From their web site at www.sentencingproject.org: "The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice policy. Support for the organization has been provided by the Ford Foundation, JEHT Foundation, Norman Foundation, Open Society Institute, Public Welfare Foundation, Rockefeller Philanthropy Advisors, Wallace Global Fund, and individual donors."