MATTHEW DUNLAP
SECRETARY OF STATE

STATE OF MAINE

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Testimony of Maine Secretary of State Matthew Dunlap
to the
Subcommittee on National Security
and the
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Mr. Chairman and distinguished members of the committee; my name is Matt Dunlap from Old Town, Maine. I carry the honor of serving as Maine's Secretary of State, and in that role I serve as our state's chief election officer as well as chief motor vehicle official.

The context of the discussion today revolves around how we register voters, and what impact the President's executive orders on immigration will have on that process. I'm pleased to report that the process for registering to vote in Maine is, along with every other aspect of the elections process, highly accessible to qualified citizens, and is very secure.

These two aspects are paramount to the public legitimacy of the process. Citizens deserve to believe that the process belongs to them, and that they can trust it. The custody of the elections process is a sacred charge, and the processes and systems employed are time-honored in their effectiveness and accountability.

I can only speak with fluency on our processes in the State of Maine, but they are not structured outside the norm in comparison to other states and commonwealths in America.

In Maine, when a qualified elector reaches majority, they are eligible to register and participate in Maine elections for all municipal, county, state, and Federal elections. All qualified voters must be 18 years of age; in Maine, election law allows the voter registration of 17-year olds to participate in party nomination primaries if they will be 18 by the time the general election is scheduled to occur. Voter registration itself is a simple process.

In order to register, a prospective voter must complete a voter registration card with their name, address, date of birth, party affiliation if any, and citizenship status. They will also include information about their driver's license number or the last four digits of their Social Security Number (SSN) as part of the form. When applying, prospective voters must also present a government-issued photographic identification document or non-photographic identification, or other forms of official documents and

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official correspondence indicating their physical residence to the Registrar of Voters in the municipality where they live.

That information is entered into the Central Voter Registration (CVR) database by the municipal registrar.

Maine also offers Election Day Registration (EDR) to voters, so that they may register or update their registrations at any time up to and including Election Day. If a voter arrives at the polls intending to vote, but lacks the necessary documents, they are still allowed to participate by being assigned a challenged ballot. The challenged ballot is employed when a prospective voter lacks proper identification and/or residency documents; the ballot is assigned a secret number, and in the event of a recount challenge to the election, the ballots with secret numbers are segregated, the due diligence about the eligibility of voters conducted at that time, and once complete, either resubmitted in the recount or not. If there is no recount, then any voter who has cast a challenged ballot is followed up with after the election to complete the formal registration process. This process is not used commonly, but it is a good tool to ensure the integrity of voter access to the ballot.

Further, Maine offers by-request absentee balloting in all county, state and Federal elections. Sometimes this is called "No-Reason" or "No-Excuse" absentee balloting. This is available to voters until two business days before the election.

For citizens with disabilities, we have available in every polling station the IVS telephone voting solution that provides secure and private access to our election ballots. While deployed for people with disabilities, it is available to all voters to use if they wish.

Finally, our implementation of the Military and Overseas Voter Empowerment Act (MOVE) and the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) avails to all of our citizens access to our elections in an efficient, secure, and timely manner.

Taken together, these vectors allow Maine voters to access elections at a turnout rate that is among the highest in the nation. Indeed, in 2014, over sixty percent of voter-age eligible voters cast ballots in Maine's general election, which led the nation. Despite the relative ease with which our citizens can access the elections process, there has never been a question as to the integrity of our processes, and allegations of wrongdoing are so rare as to be virtually non-existent. In the ten years I have served as secretary of state, we have only forwarded two cases of misuse of a ballot to the Attorney General for investigation and prosecution.

It is important to note that in the President's executive orders that are designed to bring people who have come to this country outside of the administrative processes established by Congress out of the shadows, <u>no aspect of state or Federal election law has been changed</u>.

The concern that undocumented aliens will now take advantage of potential access to the Social Security system and to driver's licenses in order to unhinge the integrity of our elections systems is, I believe, completely without basis. Given that our systems are not now abused because of the barriers in

place to prevent fraud—and please, do not discount the ability of local elections officials to detect suspicious behavior—there really is no argument that I can discern that would follow that someone who is now ineligible to vote and ineligible to obtain a Social Security number or driver's license would throw their fortunes to the wind, and vote illegally just as they were finding a path to prosperity by coming out of the shadows. Because rest assured—we would catch them.

While no system is perfect or foolproof, there are plenty of safeguards in the process. In Maine, the penalties for willfully violating election law are precipitous; most violations are treated as felonies. In fact, under MRSA Title 21-A §32 sub-paragraph A, a person is guilty of a crime if they "knowingly violate a provision of this Title for which no penalty has been provided." The message? Don't even think about it. For non-immigrant aliens, the potential consequences are even steeper, including deportation (after serving a prison sentence) and exclusion from admission as a citizen.

That's assuming they get that far. The Maine Department of the Secretary of State also is home to the Maine Bureau of Motor Vehicles, where we license over a million drivers in our state. In order to obtain a Maine driver's license, you must pass an eye exam, a written test, and a road test; and to obtain the basic Class C credential, operators must provide proof of citizenship or legal presence, proof of residency, and if eligible, they must provide our department with their Social Security number prior to processing their license. The same process follows for an identification card.

It wasn't always this way. Getting a Maine license, or a license anywhere, was pretty much as simple as passing the tests. Photo ID's were adopted in the 1980's to prevent underage folks from using an older sibling's or friend's driver's license to acquire alcohol. When we began asking for proof of identity, we accepted any official document, including expired passports. Birth certificates were a common document, and still are, but the difference now is that there is a secure process in Maine to obtain a certified copy of a birth certificate—no longer can you simply go to a county seat or to Vital Records and get a copy of anyone's birth certificate. This new protocol protects the identities of our citizens and the integrity of these other processes. We began obtaining SSN's in the 1990's to facilitate the collection of back-child support payments, and later included aliens who were eligible for SSN's in the wake of the terrorist attacks of 2001.

The undocumented alien is a shadowy figure. When we talk about security of our driver's license and election systems, suspicion is immediately aroused when the discussion turns to undocumented aliens. "They've already broken the law by sneaking into the country," the charge lays. "How can you trust them to obey these other statutes?"

It's a fair question, but not all undocumented aliens sneak into the country. Some come here as small children with their families, and go through life *believing* they are Americans until they need paperwork. In many cases, the lack of documentation of an undocumented alien is mirrored in the lack of documentation possessed by American citizens. For many of our citizens, their documentation has been lost or destroyed, and we have to engage in an elaborate exceptions process to assist them. We spend an inordinate amount of time assisting natural-born Americans in complying with these laws.

A common example of this type of work is found in northern Maine, which is still largely farm country. In some areas the border with Canada runs through people's homes, down the middle of streets, and through back yards. It has been very common for expectant mothers to hie to nearest hospital when the blessed moment arrived—and the nearest hospital, in many cases,was in Canada. That's not an issue until the child reaches an age where they need proof of citizenship, and it's made complicated by the fact that their birth certificate is from New Brunswick.

We go through these episodes of customer service for both citizens *and* non-citizens because their chief aim is to comply with the law.

During the debate over the deeply flawed REAL ID Act of 2005 (which, by the way, was supposed to have been implemented fully by 2008, and has been deferred by the Department of Homeland Security yet again), the two goals of the Act were to arrest access to official state-issued credentials—the so-called "keys to the kingdom"—by potential terrorists and undocumented aliens.

The Act fails to deter terrorists, because the Federal government neatly exempted itself from the provisions of the Act, so potential terrorists still can get into the country by obtaining legitimate visas from the State Department using fake passports, and then obtaining state credentials with the bona fide visas. Likewise, if an undocumented alien wants to obtain a Maine driver's license, their only option is through expensive forgeries, which expose them to prosecution. Most don't bother. As I have said for the last ten years, undocumented aliens don't come here to drive, and they don't come here to throw elections. They come here to work for a better life. If they can't get a license, they just drive anyway. The difference is that we don't know who they are, where they are, or what they're doing.

The Executive Order, then, only brings us around to where we started. Before the terrorist attacks of 2001 and the media-based hysteria over undocumented aliens, motor vehicle officials often expressed their preference to license undocumented aliens, with the theory that once people can comply with the law, they will. And they keep complying—they pay taxes, obtain insurance, and contribute in every way to society.

Immigration law has whip-sawed back and forth in American history. My ancestors came to America by boarding a ship in Europe (probably one step ahead of a firing squad), and then disembarking in America, and starting new lives. But we have periodically closed off access to our shores and borders or made it profoundly difficult to get here. But they still come anyway, and whatever we call them, they're here.

I will never argue that a small amount of fraud is acceptable, or that even partisan concerns about the integrity of our systems should be dismissed because I think things are just fine as they are. We should always be vigilant for criminal behavior, we should always be guardians of the public trust, and we should embrace partisan concerns as ripe opportunities to remain accountable to the people.

But there's something larger in the mix, as well; the balance point. I've talked a little about the REAL ID Act; REAL ID is a legislative fantasy, a collection of statutes and rules that is nowhere anchored in reality or common sense. In implementing even those most basic elements that are parallel to the

requirements of the Act, our citizens have been so frustrated in trying to find ways to comply that Maine's Legislature voted unanimously to not participate in the REAL ID Act. You see, it's easy to target "terrorists" and "illegal aliens". But in administrative processes, you have to treat *everyone* as if they are a potential terrorist or illegal alien, even if you know better. By closing off access to government, many will simply walk away—it's too hard, they'll say. And my vote doesn't really matter anyway.

While security is important and vigilance is our task, we must take care that we do not risk excluding rightful Americans from exercising the voting franchise in order to squelch suspected fraud that, frankly, we do not experience. The purpose of our election laws, as I stated, is dual; we must have security, but we must also preserve access. I do not believe potentially discouraging any American citizen from expressing their vision for this country at the ballot box is worth solving problems that we do not have with solutions that will not meet your goals. I thank you for your attention today, and I am available to answer any questions you may have.