

The Maine Heritage Policy Center Testimony to Support LD 1438

"An Act To Clarify the Intent of Referendum Questions for Voters"

Senator Luchini, Representative Schneck and distinguished members of the Committee on Veterans and Legal Affairs, my name is Adam Crepeau and I serve as a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to testify in favor of LD 1438.

LD 1438 intends to make the ballot initiative process as transparent as possible for voters. Currently, the Secretary of State is required to include information about ballot initiatives in the *Citizen's Guide*. While this resource is worth producing, it is not always read by voters before entering the voting booth. It is also less convenient for voters than having a summary printed directly on the ballot. A summary on the ballot would ensure the information has, at minimum, been provided to each voter.

In addition, the language used for ballot initiatives is not always understood by all voters. A 2011 study featured in *Political Research Quarterly* found that the complexity of ballot question language correlated with higher rates of voter roll-off, which is when referendums are left blank on voters' ballots.¹ According to the same study, voters would need a Master's Degree to comprehend the language used for ballot initiatives in Maine.² In 2018 alone, over 10,000 ballots were left blank for Question 1.³ A printed summary that explains, or clarifies, an initiative in further detail may decrease the number of blank ballots cast and alleviate confusion at the ballot box.

Opponents of this bill will likely cite the cost of printing additional pages as a downside to this proposal. While we certainly share this concern, the cost would be minimal to ensure voters have a greater understanding of the initiatives they are voting on. The fiscal note for a similar proposal showed that additional pages would cost \$436,000 over the biennium.⁴ In some circumstances, additional pages may not be needed, so the cost of this proposal would subsequently decrease.

Lastly, this summary will be carefully crafted by the Secretary of State, Attorney General, and the Revisor of Statutes to protect against biased phrasing. Several other states include a summary

¹ <https://journals.sagepub.com/doi/abs/10.1177/1065912909349629>; https://ballotpedia.org/Ballot_measure_readability_scores,_2017#cite_note-RR2011-1

² Ibid.

³ <https://www.maine.gov/sos/cec/elec/results/2018/referendum11-6-18.xlsx>

⁴ http://www.mainelegislature.org/legis/bills/bills_129th/fiscalpdfs/FN029401.pdf

on their ballots. For example, Arizona includes a summary of the initiative and an explanation of what the outcome of a “yes” and “no” vote would be.⁵

In sum, LD 1438 would make the ballot initiative process more transparent and give voters greater clarity about the questions they are voting for or against. The Maine Heritage Policy Center urges the committee to vote, “Ought to Pass” on LD 1438. Thank you.

⁵ <https://www.azleg.gov/FormatDocument.asp?inDoc=/ars/19/00125.htm&Title=19&DocType=ARS>