

**Gallion\_SB36\_FAVORABLE.pdf**

Uploaded by: Gallion, Senator

Position: FAV

JASON C. GALLION  
Legislative District 35  
Harford and Cecil Counties

Education, Health, and  
Environmental Affairs Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 16<sup>th</sup>, 2021

The Honorable Paul Pinsky, Chair and Members

Senate Education, Health, and Environmental Affairs Committee

Re: SB 36 – Election Integrity Act

Position: Favorable

Chairman Pinsky and EHEA Committee Members:

This bill establishes that an agent of an absentee voter (authorized by the voter to pick up and deliver the voter's absentee ballot), in addition to meeting existing requirements, (1) must be a family member or member of the household of the voter; (2) may not be a campaign volunteer of a candidate on the ballot; and (3) may not pick up or deliver more than three ballots during each election.

The intent of this legislation is to place safeguards in effect to limit the possibility of ballot harvesting. For those unaware, ballot harvesting occurs when a voter has possession of a ballot and is approached by an individual to offer assistance in completing and returning a ballot. If the voter accepts, the individual is given the ballot. The individual could repeat this process unlimited times and collect a large number of ballots.

As we saw in this last election with widespread mail in voting and drop boxes, it creates a large number of absentee ballots. Allowing campaign volunteers to collect an unrestricted number of ballots in an unsupervised setting opens the door for fraud in elections. This bill would also protect vulnerable voters from undue influence if a campaign volunteer were to approach them to collect a ballot.

I respectfully ask for a favorable vote on SB36.

Sincerely,

A handwritten signature in blue ink that reads "Jason Gallion".

Senator Jason Gallion

District 35 – Cecil & Harford Counties

# **SB0036- Election Integrity Act.pdf**

Uploaded by: Demnowicz, Cristi

Position: FWA

# REPRESENT MARYLAND

#FIGHT FOR DEMOCRACY

.ORG

**BILL: SB0036**

**BILL TITLE: Election Integrity Act**

**BILL SPONSOR: Senator Gallion**

**COMMITTEE: Education, Health, and Environmental Affairs**

**POSITION: FAVORABLE WITH AMENDMENTS**

**HEARING DATE: 2/18/2021**

## TESTIMONY IN FAVOR WITH AMENDMENTS FOR SB0036

While giving voters the opportunity to let their voices be heard by allowing family or household members to turn in their ballots or pick them up is very much needed, limiting it to just those two parties is not sufficient to ensure that everyone would still have equal access to voting enough. As a social worker, I have worked with a number of people who have a very small circle that they can rely on to assist with certain tasks. Not everyone has interactions with family members often or lives with someone. In addition, a fair number from that population do not always have access to transportation or have someone reliable to transport them to turn in their ballots.

While I support the premise of this bill that partisan actors shouldn't be collecting ballots, widening the list of people who can assist those that are limited in accessing their voting right is an essential amendment for HB0690. I work at an agency where our clients rely on their community worker to assist with accessing benefits and resources, sometimes even driving them to appointments or to gather essential items from a store or food bank. It is, quite literally, their sole purpose: to help the client become a more independent and functional member of society. How better to do that than assist with voting?

Where I work, these community workers are called PRP (psychiatric rehabilitation program) counselors. But they are not the only group that helps voters. Many voters are elderly or have certain physical and mental limitations and may be aided by a home health aide, PRP counselor, residential caseworker, etc. In addition, we believe the State Board of Elections should create a program to provide non-partisan volunteers to assist voters in casting their ballot.

Expanding this bill to include allowing helpers outside of a family or household bubble would make this bill more inclusive and encourage more people to exercise their right to vote. It will give true meaning to what democracy should stand for. If HB0690 is amended to ensure everyone still has easy access to voting through non-partisan means, I would urge a favorable report out of committee.

Sincerely,  
Cristi Demnowicz, Chair  
Represent Maryland  
Maryland Voter-LD07

Represent Maryland is a grassroots anti-corruption group of citizen advocates that #FightForDemocracy in Maryland. Our democracy solutions include: Public Election Funds, Independent Redistricting, Special Elections, Ranked Choice Voting, Increased Ethics and Transparency, and Increased Voter Participation.

Learn more about our work at [www.RepresentMaryland.org](http://www.RepresentMaryland.org)  
Authorized by Represent Maryland PAC, T Miller, Treasurer

**2021-02-18 SB 36 (Oppose).pdf**

Uploaded by: Kemerer, Hannibal

Position: UNF

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.  
410-576-7036

WRITER'S DIRECT DIAL NO.  
410-576-6584

February 2, 2021

**TO:** The Honorable Paul G. Pinsky  
Chair, Education, Health, and Environmental Affairs Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, The Office of the Attorney General

**RE:** SB 36 – Election Integrity Act – **Letter of Opposition**

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The Office of Attorney General (the “OAG”) urges this Committee to unfavorably report SB 36.

Senate Bill 36 would purport to narrow the circumstances in which a voter can obtain the assistance of an agent to pick up an absentee ballot from a local board of elections, deliver the ballot to the voter, and return the voted and sealed ballot on behalf of the voter to the local board of elections, under Md. Code Ann., Elec. Law § 9-307. Under current law, a voter can designate an agent to perform these tasks so long as the agent is over the age of 18 and is not a candidate on the ballot. Senate Bill 36 would impose several additional restrictions on who can serve as an agent in this capacity: It would require the agent to be a family member or member of the household of the voter; it would prohibit campaign volunteers of candidates on the ballot from serving as agents (while, inexplicably, allowing paid campaign staff to do so); and it would prohibit agents from serving in this capacity for more than three voters in a single election.

There is no justification for these changes. The OAG is unaware of any evidence that the assistance authorized by § 9-307 has been utilized in any manner that would call into question the integrity of any election. On the other hand, if SB 36 were to pass it may have the effect of foreclosing participation in this program to voters who do not have family or household members that are available or eligible to serve as agents under this statute. In short, SB 36 is an imperfect solution in search of the very problem it purports to remedy.

Election integrity is preserved by the current statutory scheme. Under existing § 9-307, the agent must execute an affidavit under penalty of perjury that the ballot the agent is returning was “delivered to the voter who submitted the application”; “marked and placed in an envelope

by the voter, or with assistance as allowed by regulation, in the agent’s presence”; and “returned to the local board by the agent.” Md. Code Ann., Elec. Law § 9-307(b)(4)(i)-(iii). The restrictions imposed by SB 36 are unnecessary and will impact the rights of voters who require the assistance guaranteed by Elec. Law § 9-307.

For the foregoing reasons, the Office of the Attorney General urges an unfavorable report on SB 36.

cc: Members of the Education, Health, and Environmental Affairs Committee

# **SB 36 Election Integrity Act.pdf**

Uploaded by: Walmsley, Keith

Position: UNF





## Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

### Education, Health, and Environmental Affairs Committee

#### SB 36: Election Integrity Act

February 18, 2021

Position: Opposition

The Maryland Developmental Disabilities Council (DD Council) is an independent, public policy organization that works to improve policies, programs and services that support people with developmental disabilities and their families in our communities. The DD Council is led by people with developmental disabilities and their families. From that perspective, **the DD Council opposes SB 36** which requires a voter's agent to only be a family or household member.

#### **WHY are we opposed?**

- One of the most cited barriers for people with developmental disabilities in achieving full participation in community life is the availability and reliability of a broad network of support.
- Many people with developmental disabilities do not live with family, and even more rely on direct support professionals, not family members to meet their needs ranging from the every-day to the medically complex.
- Voting is a fundamental right that Maryland's citizens with developmental disabilities want and need to participate in.
- All of Maryland's voters must be able to access their fundamental right to vote simply.
- **There can be many barriers to voting for a person with a disability, this bill creates one more.**

#### **WHAT does this legislation do?**

- Requires that a voter's agent be only a household family member.
- The agent may not be a campaign volunteer and may not collect more than three ballots

Contact: Keith Walmsley, Director of Public Policy Initiatives  
kwalmsley@md-council.org

# **SB 0036 - Election Integrity Act**

Uploaded by: White, Kadi-Ann

Position: UNF

**February 18, 2021**

**Testimony on SB 0036  
Election Integrity Act  
Education, Health, and Environmental Affairs**

**Position: Unfavorable**

Common Cause Maryland opposes HB 690 which aims to unreasonably limit assistance to voters casting their mail-in ballots, thus restricting many eligible voters ability to participate in our democracy.

Currently, Maryland voters may designate a duly authorized agent to pick up and deliver a mail-in ballot. This agent must be at least 18 years old; may not be a candidate on that ballot; shall be designated in a writing signed by the voter under penalty of perjury; and shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application; marked and placed in an envelope by the voter, or with assistance as allowed by regulation, in the agent's presence; and returned to the local board by the agent.

Twenty-six other states also have absentee ballot assistance laws that permit voters to designate someone other than a family member to return their absentee ballot. This is allowed because some voters need assistance in order to cast their ballot. Voters may lack access to reliable transportation, have irregular schedules, or be confined to their place of residence and the assistance available to them under Maryland law provides a critical lifeline that helps ensure their voices are heard in our elections.

HB 690 suggests that ballot assistance from trusted individuals who are not family members is a form of ballot harvesting when ballot collection is not indicative of fraud. There is also no proof of voter fraud in Maryland and we should be careful not to leverage the extremely limited cases of fraud in other states and widespread disinformation from the 2020 election as a means for limiting the critical assistance available to voters.

The restrictions proposed in HB 690 would also impact Black and brown Maryland voters the most. In January 2020, the 9th U.S. Circuit Court of Appeals struck down Arizona's third-party assistance to absentee voters restriction, holding that it had a discriminatory effect on American Indian, Hispanic, and African American voters in violation of the Voting Rights Act and that it was passed for a discriminatory purpose, in violation of the Fifteenth Amendment. According to Brennan Center, the court found minority voters were more likely than other voters to rely on assistance casting their absentee ballot for a variety of reasons including issues with public transportation and mail service.

Maryland has a responsibility to protect voters from illegal tampering, but HB 690 is not the answer. We instead of aim to ensure the State and local boards of election have adequate funding for robust public education aimed at encouraging voters to only seek assistance, if assistance is needed, from trusted individuals or election officials.

We urge an unfavorable report.

# **SB36 Election Integrity Act.pdf**

Uploaded by: Berry, Katherine

Position: INFO



# Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

February 16, 2021

The Honorable Paul G. Pinsky, Chair  
Maryland Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, MD 21401-1991

**RE: SB36 – Information**

Senator Pinsky and Committee Members:

My name is Katherine Berry. I am the Election Director in Carroll County and the co-chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. MAEO represents the local boards of elections throughout the State of Maryland. I am writing today representing myself and MAEO with information regarding SB36 – Election Integrity Act.

This bill would require that in order to act as an agent for a mail-in ballot, the agent must be a family member or member of the household for the person who requests the use of an agent. MAEO would like the committee to consider how this law would be enforced and how proof would be provided to the local board of elections offices. Additionally, many local boards of elections coordinate this agent process with hospital employees for patients that they are caring for. This was particularly common during the COVID pandemic. Some people who need an agent live alone and do not have any family that live nearby. In some instances, agents do assist more than three people due to their specific circumstance.

Thank you for your time. If you have any questions, please contact me at (410)386-2958 or [Katherine.berry@maryland.gov](mailto:Katherine.berry@maryland.gov).

[www.maeo.net](http://www.maeo.net)