



TESTIMONY IN OPPOSITION OF SB 838

Election Law – Polling Places – Proof of Identity

Senate Education, Health and Environmental Affairs Committee

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Submitted by Stacey Jefferson and Julia Gross, Co-Chairs

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Marylanders Against Poverty (MAP) strongly opposes SB 838, which would require the identity of voters to be verified via current government-issued photo identification, certain government documents with an address, a voter notification card, or sample ballot mailed to the voter.

SB 838 is unnecessary. SB 838 is a solution to a non-existent problem. The most comprehensive national study on instances of voter fraud found there were only 2,068 alleged election-fraud cases since 2000 – and only ten of these cases were in-person voter fraud. The majority of the fraud cases were related to absentee ballots and registration errors – things that would not be addressed by voter ID laws. Of the 2,068 cases, only two of the alleged cases were in Maryland and neither was in-person voter fraud.¹

SB 838 will disproportionately affect communities of color, women, and seniors. A study out of Harvard and Tufts Universities found that Black voters are still more likely to lack adequate identification to vote under voter ID laws, concluding there is clear racial disparity on voting rights.² This complements the study conducted by the Brennan Center which found that 11% of voting-age United States citizens do not have current and valid photo ID and that the percentage was even higher for low-income individuals (15%), minorities (25%), and the elderly (18%).³ Another recent study conducted after the proliferation of voter ID laws in other states demonstrated that voter ID laws depresses Latino turnout by 9.3 points, Black and African American turnout by 8.6 points, and Asian American turnout by 12.5 points.⁴ To quote the study, “we find that voter identification laws do, in fact, substantially alter the makeup of who votes and ultimately do skew democracy in favor of whites [...] Voter ID laws may represent one of the Nation’s most important civil rights issues.”⁵

SB 838 will disenfranchise individuals experiencing homelessness. Keeping personal identification safe and secure without stable housing is nearly impossible; people often become the victims of theft or their documents deteriorate when exposed to the elements. Institutions such as hospitals, jails, and shelters often discard all of an individual’s belongings – including identifying documentation. A person leaving a domestic violence situation may not be able to retrieve important documents. Although SB 383 does allow for sample ballots, government documents, and voter notification cards to count as identification, individuals that experience homelessness do not often have an addresses where such mail can be delivered and accessed reliably. Regarding the list of accepted government documentation, many individuals living in poverty – and especially those experiencing homelessness – often do not have utility bills, pay stubs, and other such documents. Ultimately, SB 838 would create significant barriers to voting - especially for the most vulnerable Marylanders.

SB 838 is costly. In order to inform voters of the changes in required documentation needed to vote, past fiscal notes indicates it would cost upwards of \$500,000 just for

voter outreach for one year. That does not include the additional provisional ballots that would need to be printed, or the need to hire additional election judges in order to properly implement the voter identification requirement in populated jurisdictions. Moreover, most of the states with voter ID laws are facing expensive legal challenges, and through litigation several state laws have been overturned.⁶ As Maryland struggles with a difficult budget, inserting an expensive new voting requirement - when there is no research to indicate widespread in-person voter fraud exists - is a grossly inefficient use of State resources.

SB 838 creates an excessive – and unwarranted – barrier to the constitutional right to vote. Marylanders living in or near poverty are already economically disenfranchised, and SB 838 will generate voter disenfranchisement for Marylanders who lack proper identification and the means to obtain required documentation for voting. The right to vote is central to our democracy; therefore, it must be protected. Any initiative that might disenfranchise eligible voters must meet the highest burden of proof. This bill cannot meet that burden.

MAP appreciates your consideration and urges the committee to issue an unfavorable report for SB 838.

***Marylanders Against Poverty (MAP)** is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.*

¹ Khan & Carson. (2012). Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo ID Is Needed. "Who Can Vote? Project." News21. Retrieved from <http://votingrights.news21.com/article/election-fraud/>

² *A Dead Simple Algorithm Reveals the True Toll of Voter ID Laws.* January 2018. <https://www.wired.com/story/voter-id-law-algorithm/>

³ Brennan Center for Justice. (2006). "Citizens Without Proof". Retrieved from <http://www.brennancenter.org/analysis/citizens-without-proof>

⁴ Hajnal, Z., Lajevardi, N., and Nielson, L. (2016). *Voter Identification Laws and the Suppression of Minority Votes.* University of California at San Diego. <http://pages.ucsd.edu/~zhajnal/page5/documents/voterIDhajnaletal.pdf>

⁵ Ibid.

⁶ National Conference of State Legislatures. (2014, May). *Voter ID in the Courts: An Introduction to legal challenges to voter ID laws.* http://www.ncsl.org/documents/legismat/elect/Voter_ID_Courts_May2014.pdf