



TESTIMONY IN OPPOSITION OF HB 1145

Election Law – Absentee Ballots – Requests and Signature Verification

House Ways and Means Committee

March 2, 2021

Submitted by Stacey Jefferson and Julia Gross, Co-Chairs

Member Agencies:

Advocates for Children and Youth
Baltimore Jewish Council
Behavioral Health System Baltimore
CASH Campaign of Maryland
Catholic Charities
Episcopal Diocese of Maryland
Family League of Baltimore
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Maryland Family Network
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Marylanders Against Poverty (MAP) strongly opposes HB 1145, which requires anyone requesting an absentee ballot to include in their submitted materials a copy of a REAL ID compliant license or ID, a document that proves residency, and to sign an affidavit stating they are a United States citizen. Additionally, the bill requires all signatures on absentee ballots to be verified against signatures from voter registration records.

HB 1145 is unnecessary. HB 1145 is a solution to a non-existent problem. There is no evidence to support widespread instances of voter fraud or non-citizens attempting to vote via absentee ballots. One of the most comprehensive national studies on instances of voter fraud found there were only 2,068 alleged election-fraud cases since 2000 out of over 1 billion votes cast, and only 491 of these cases were related to absentee ballots. Moreover, only two of the alleged cases were in Maryland and neither were for in-person voter fraud or absentee voter fraud.¹

HB 1145 creates new, overly burdensome requirements for verifying absentee ballots, requirements that would be among the harshest in the country.

Currently, only two states require a copy of an ID to verify an absentee ballot: Alabama and Arkansas. Wisconsin and Kansas require a copy of an ID request the absentee ballot, but not to verify it upon submission.² As all of these states have been subject to expensive legal battles due to their draconian voter ID and proof of citizenship laws, these are not states Maryland wants to emulate. Just a few months ago in October 2020, a federal appeals court ruled Kansas' law requiring proof of citizenship to vote was unconstitutional, citing Kansas had no evidence that these laws were necessary to prevent voter fraud and as such do "not justify the burden imposed on the right to vote."³

HB 1145 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 requirements – like HB 1145 imposes - concluding there is clear racial disparity on voting rights.⁴ 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%).⁵ Moreover, the signature requirements for absentee ballots have a disparate impact on black and brown communities. A recent paper published by a University of Florida professor found that, in the 2018 midterm elections in both Florida and Georgia, Hispanic and black voters were more than twice as likely to have their absentee ballot rejected as white voters.⁶

HB 1145 is costly. In order to inform voters of the changes in required documentation needed to vote absentee, the state will have to pay for additional voter outreach. That does not include the millions that would be lost from the Transportation Trust Fund for providing free identification, or the need to hire additional staff in order to properly implement the verification requirements required by this bill. Cost estimates prepared by states that have already adopted various types of voter laws that require ID show

that – over the course of three years – it will cost these states \$18.5-\$25 million between voter education, providing identification, and administrative implementation costs.⁷ As Maryland struggles to recover from a worldwide pandemic, inserting an expensive new voting requirement - when there is no research to indicate widespread voter fraud exists - is a grossly inefficient use of State resources.

We support providing no-cost photo identification to Marylanders who need IDs, but not as a prerequisite for voting. While waiving the cost of photo IDs does provide a resource, it does not equate to “free” identification: in order to obtain an ID, individuals need other costly forms of identification, including birth certificates and social security cards. Obtaining a birth certificate – especially an out of state birth certificate – is a costly and timely endeavor. Obtaining and replacing these documents can be a long, costly, and difficult process. For instance, for individuals experiencing homelessness, even if they are able to obtain the documentation required by HB 1145, keeping personal identification safe and secure without stable housing is nearly impossible. No eligible Marylander should have to pay to cast their vote in an election.

HB 1145 creates an excessive – and unwarranted – barrier to the constitutional right to vote. Marylanders living in or near poverty are already economically disenfranchised, and HB 1145 will generate voter disenfranchisement for Marylanders who lack proper photo identification and the means to obtain the required documentation in this bill to vote absentee. 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 HB 1145.

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 National Conference of State Legislators. (2020). *How States Verify Voted Absentee Ballots* <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-14-how-states-verify-voted-absentee.aspx>

³ ABC. (2020). <https://abcnews.go.com/Politics/wireStory/court-proof-citizenship-voter-registration-unlawful-70406760>

⁴ *A Dead Simple Algorithm Reveals the True Toll of Voter ID Laws.* (2018). <https://www.wired.com/story/voter-id-law-algorithm/>

⁵ Brennan Center for Justice. (2006). “Citizens Without Proof”. Retrieved from <http://www.brennancenter.org/analysis/citizens-without-proof>

⁶ Baringer, Herron, & Smith. (2020). *Voting by Mail and Ballot Rejection: Lessons from Florida for Elections in the Age of Coronavirus.* https://electionscience.clas.ufl.edu/files/2020/04/Baringer_Herron_Smith_VBM_FL.pdf

⁷ The Institute for Southern Studies. (2011). *NC Voter ID Law Could Cost State \$20 Million or More.* http://www.funderscommittee.org/files/ISS_Cost_NC_Voter_ID.pdf