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March 9, 2021

TO: The Honorable Anne R. Kaiser
Chair, Ways and Means Committee

FROM: The Office of the Attorney General

RE: HB 1192 – Election Law; Signature Verification of Absentee Ballots and Absentee
Ballot Applications and Ballot Canvassing – **Oppose**

The Office of Attorney General (the “OAG”) urges this Committee to unfavorably report HB 1192.

HB 1192 would purport to add signature verification requirements to both the absentee ballot application and the absentee ballot return envelope. Under the bill, a local board of elections would be required to reject a voter’s absentee ballot application if the signature on that application did not match the signature in the voter’s voter registration record, and if the voter failed subsequently to produce an acceptable form of identification after being notified of that fact. Similarly, the local board would be required to reject an absentee ballot if the signature on the ballot-return envelope did not match the signature in the voter’s voter registration record, and if the voter failed subsequently to produce an acceptable form of identification. These verification requirements appear to be intended to combat voter fraud – specifically, the fraud that could arise from someone applying for, and casting, an absentee ballot in another voter’s name. But in fact, they are far more likely to result in the exclusion of validly cast ballots than in the prevention of fraudulently cast ballots.

For one, there is no evidence that absentee ballot fraud by voter impersonation occurs on any sort of level that would justify imposing the requirements of HB 1192. We just completed statewide primary and general election in Maryland in which approximately 97%, and 50% of the ballots, respectively, were cast by mail. And yet we did not see complaints of voter impersonation via the absentee ballot process to the Office of the Attorney General. This is

evidence that the State Board of Elections' current practices already sufficiently prevent such fraud from taking place.

On the other hand, the imposition of signature verification requirements will operate to foreclose absentee voting to many eligible Maryland voters. For example, some voters' signature exemplar in their voter registration record may be decades old; many of these voters' signatures may have changed over time. Other voters only have digital signatures entered at MVA kiosks as the exemplar in their voter registration record; how can such signatures be meaningfully compared to "wet" signatures on ballot return envelopes? Still other voters may not even have signatures on file with the boards of election.

The fact that voters are given the opportunity to "cure" a signature mismatch under the proposed bill would only partly alleviate these concerns. It places the burden on voters to come forward with proof (in the form of an ID or other accepted verification of residency such as a utility bill) to affirmatively establish that they indeed submitted an absentee ballot application or cast an absentee ballot. Some voters may not be able to avail themselves of this opportunity, with the result that their otherwise valid ballots are rejected.

The fact that voters are given the opportunity to vote in person if they are notified that their signatures mismatch under the proposed bill is also an imperfect remedy. For voters who elect to vote by absentee ballot because they are unable to vote in person, or who are not informed about the signature mismatch until after voting has closed, voting in person would be unavailable; the rejection of their otherwise valid absentee ballots would mean the denial of their vote.

Without question, signature verification requirements will result in the rejection of validly cast ballots. In the absence of meaningful evidence of voter impersonation fraud in connection with the casting of absentee ballots, HB 1192 is unnecessary and would deny Marylanders access to the ballot.

For the foregoing reasons, the Office of the Attorney General urges an unfavorable report on House Bill 1192.

cc: Members of the Ways and Means Committee