



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony in Support of HB0355

Election Law - Registered Voter List Security and Electronic Signature Requirements for Petitions

Delegate Sheila Ruth

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Maryland law provides access to the ballot for petitioners who collect a required number of signatures. Petitioners with the required signatures may place on the ballot a local referendum, a charter amendment, a new political party, or an unaffiliated candidate.

Traditionally, petitioners canvass at public events or door-to-door to collect signatures on a paper form in a format prescribed by the State Board of Elections. However, during the pandemic, canvassing to collect paper signatures became a public health hazard, and the SBE issued *SBE Policy 2020-01: Temporary Electronic Petition Signature Acceptance* which authorized petitioners to collect signatures electronically on a temporary basis. The SBE has subsequently extended the temporary policy several times.

Even after the pandemic is over, allowing citizens to sign petitions electronically is a common sense reform that simplifies access to this right guaranteed in Maryland law, and for some types of petitions, the Maryland Constitution. In 2021, there is no reason why a petitioner and a ballot signer need to be in the same place at the same time. This simple reform will make access to this right easier for citizens who will find it difficult to meet with a petitioner, whether due to health issues, disabilities, or lack of transportation.

House Bill 355 directs the State Board of Elections to adopt regulations for the collection of electronic signatures. It gives the SBE latitude to determine the method for electronic collection. I expect that the SBE will continue its current policy of allowing petitioners to use a third party app to collect the signatures and submit printouts of the signatures collected by the app. The app confirms that the signer is eligible to sign by looking them up in the voter registration database.

We are not asking the SBE to develop a new system, or even new processes. What they receive from petitioners under this policy is a paper list of signers, which can still be verified using their usual processes. There are even some advantages in that the app “pre-verifies” the signers, so there should be a lower error rate as the SBE verifies the signatures, and the printed names may be easier to read in some cases than messy handwriting.

Because the petitioners are collecting personal data and comparing it to the voter registration data, some reasonable security precautions should be taken. House Bill 355 also directs the SBE to develop requirements for secure storage and use of voter data, not only for ballot petitions, but for anyone using this sensitive information.

There is also precedent in Maryland case law for the electronic collection of signatures. *Whitley v. Maryland State Bd. of Elections*, 429 Md. 132 (2012) found that “signatures obtained through internet site did not violate constitutional and statutory affidavit requirements.”

I’d like to leave you with a quote from the *Whitley* decision that expresses the advantages of electronic signature collection:

Allowing a voter to complete a computer-generated petition prioritizes citizen convenience.... Registered voters need not wait for a petition sponsor or circulator to find or stumble upon them, but may participate in the political process on their own initiative. Further, because the software confirms electronically that the information entered by a voter matches the information on the voter registration rolls, the process permits individuals to avoid many common errors, such as entering a nickname (instead of a full name), that result frequently in the invalidation of petition signatures.

This is a common sense reform that codifies and continues a policy already in place, a policy that prioritizes citizen convenience. I request a favorable report for House Bill 355.