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To: The Honorable Vanessa E. Atterbary
Chair, Ways and Means Committee

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

Re: HB0212 – 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 212.

House Bill 212 requires verification of the signature of a voter on (1) a State Board of Elections (SBE)-approved absentee ballot application, a form provided under federal law to request an absentee ballot, or a written request for an absentee ballot; and (2) the return identification envelope of an absentee ballot. A signature must be verified by comparing the signature with the signature on the voter’s registration record in accordance with regulations adopted by SBE. At a cost of \$940,000 annually, SBE must provide to each local board of elections machines required to electronically verify the signatures.

We oppose HB 212 for a number of reasons. First, 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 212. In 2020 we 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. 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.

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 212 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 212.

cc: Delegate Parrott & Members of the Ways and Means Committee