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

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

Re: HB 0099 – Election Law – Absentee Ballots – Signature Requirements and Verification –
Oppose

The Office of Attorney General (the “OAG”) urges this Committee to unfavorably report HB 99.

House Bill 99 would impose a witness requirement for absentee ballot envelope signatures (with exceptions for military voters and their dependents serving overseas) and to require local boards to verify absentee ballot oath signatures by comparison to the voter’s signature on file with the State Board of Elections. 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 99. 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 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.

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 99 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 99.

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