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Health and Government Operations  
Committee

Chair

Government Operations and  
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House Chair

Joint Committee on Administrative,  
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Testimony of Delegate Samuel I. Rosenberg

Before the House Ways and Means Committee

In Support of House Bill 538

**Voters' Rights Protection Act of 2022**

*"I've pledged that as long as I'm in a position to uphold the Constitution, no barrier will come between our citizens and the voting booth."*

- Ronald Reagan upon signing an extension of the 1965 Voting Rights Act

Madam Chair and Members of the Committee:

The Right to Vote is an integral part of how Americans define our democracy. Whether voting for local representatives, state level officials, or in national elections, casting a ballot is one of the most accessible and essential ways for Americans to participate in their government.

House Bill 538 would expand Maryland's in-person, early voting window to include two Sundays. Currently, early voting starts on the second Thursday before an election and ends the Thursday prior to the election. With the amendment I am offering today, HB 538 would begin the voting period on the second Sunday prior to an election or primary and conclude the following Sunday. The early voting window would remain open for eight days.

This modification is crucial to ensure better access to the ballot box for all Marylanders, not just those fortunate enough to make it to the polls on Election Day, or the day of a primary.

Crucially, two of these additional early voting days are on the weekend. Instead of only two days of weekend early voting, the change proposed by HB 538 would mandate four days of weekend early voting. This is important for those who are unable to take off work, have children or eldercare obligations, or are otherwise unable to make it to their polling place during the week.

The change is also important because it allows people to participate in early voting just prior to the election or primary. Voters who make their decision the weekend before an election or primary must have just as much access to the polls as people who decided weeks before.

In recent months, Sunday voting has come under attack nationwide. Sundays have particular importance historically in America, specifically because prior to the Civil War, enslaved people were sometimes allowed to travel, make their own clothing, prepare food for themselves, and even attend church services on Sundays.<sup>1</sup> Even after slavery ended, mail delivery used to take place on Sundays, leading people to collect their mail and converse with each other after Sunday worship.<sup>2</sup> Although mail is no longer delivered on Sundays the spirit of community engagement after Sunday worship lives on in the “Souls to the Polls” movement.<sup>3</sup> Elected officials in Maryland should embrace this effort to encourage a historically disenfranchised group to organize and vote.

It is important to remember that the goal of an election should be to ascertain the will of the people by having as many registered voters casting a ballot as possible. The goal should not be to explain why these registered voters should have made it to the voting booth on Election Day.

Even as some states seek to roll back Sunday voting, others are already providing their citizens with the option to vote on the Sunday before elections and primaries. Large states like New York,<sup>4</sup> New Jersey,<sup>5</sup> Illinois, and Ohio already provide for voting the weekend before elections. Smaller states like our neighbors in Delaware also allow for in person early voting for ten days, “up to and including the Saturday and Sunday immediately before an election.”<sup>6</sup> Other states that send ballots to all registered voters allow those mail-in ballots to be returned on dates up to Election Day. Still others, like Michigan and Wisconsin allow for local elections officials to make the decision whether to open polling places on the Sunday prior to elections.

Nothing worth doing is easy. But allowing ballots to be cast up until the Sunday prior to an election is important, and worth doing.

I urge a favorable report on this bill.

February 15, 2022

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<sup>1</sup> <https://www.washingtonpost.com/outlook/2021/03/04/attacking-sunday-voting-is-part-long-tradition-controlling-black-americans/>

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<sup>3</sup> <https://www.washingtonpost.com/outlook/2021/03/04/attacking-sunday-voting-is-part-long-tradition-controlling-black-americans/>

<sup>4</sup> <https://www.nysenate.gov/legislation/laws/ELN/8-600>

<sup>5</sup> <https://www.nytimes.com/2021/03/29/nyregion/new-jersey-voting-rights.html>

<sup>6</sup> 15 Del. C. § 5402.