

**February 11, 2022**

**Testimony on HB 629**  
**Election Law – Polling Places and Early Voting Centers – Electronic Devices**  
**Ways and Means**

**Position: Informational**

Common Cause Maryland advises careful consideration before any vote to pass HB 629, which would allow voters to use electronic devices at polling places and early voting centers, including to photograph or record video of the voter or the voter's ballot and to publish or otherwise share such photos and videos. Common Cause Maryland has serious concerns regarding HB 629 and takes no position on the legislation at this time.

Election officials and voters are operating under very difficult circumstances since the 2020 election. According news accounts, academic research and monitoring from democracy organizations like the Carter Center, harassment and intimidation of election officials has risen to new and shocking levels.<sup>1</sup> The Department of Justice has now established a [task force](#) to combat threats to election workers.<sup>2</sup>

As you consider moving this legislation forward, we urge you to creatively and thoroughly consider the potential unintended consequences of this legislation. Specifically, it is critical that steps are taken to ensure that this legislation does not lead to increased harassment and intimidation of voters and election officials or encourage vote buying or voter coercion. Consider the following scenarios that could put voters and election workers at risk.

- A voter takes a "ballot selfie" photo and shares that photo on a social media platform, but captures in the background of the photo another voter who did not consent, perhaps even capturing in the photo the marked ballot of the non-consenting voter. This might be particularly egregious for a voter whose safety is at risk, such as survivor of domestic violence.

---

<sup>1</sup> See, e.g., Zack Beauchamp, "'We are going to make you beg for mercy': America's public servants face a wave of threats," *Vox*, Nov. 18, 2021, <https://www.vox.com/22774745/death-threats-election-workers-public-health-school>; Michael Wines, "Harassed and Harangued, Poll Workers Now Have a New Form of Defense," *N.Y. Times*, Sept. 18, 2021, <https://www.nytimes.com/2021/09/18/us/election-workers-legal-aid.html>; Sam Levine, "'It's been a barrage every day': US election workers face threats and harassment," *Guardian*, Nov. 1, 2021, <https://www.theguardian.com/us-news/2021/nov/01/us-election-workers-threats-violence>; Brennan Center for Justice, "Election Officials Under Attack," June 16, 2021, <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>.

<sup>2</sup> U.S. Dept. of Justice, "Justice Department Launches Task Force To Combat Threats Against Election Workers," July 29, 2021, <https://www.justice.gov/opa/blog/justice-department-launches-task-force-combat-threats-against-election-workers-0>.

- A voter takes a “ballot selfie” video documenting their election experience and posts or livestreams the video of election workers to a social media platform. These poll workers are later doxed and harassed.
- An employer urges employees to take pictures of themselves and their ballots and post them to social media platforms—leading employees to feel pressured and coerced to vote in a manner the employer would prefer.
- Voters are enticed into vote-buying schemes, with photos of marked ballots used as proof in the exchange of votes for money.
- Election workers are attacked while trying to “police” a voter who claims a First Amendment right to film a polling place.

All of the above imagined activities are not explicitly permitted under current law or by HB 629, but may be the unintended consequences of this legislation. In this current threat environment, all of scenarios should be considered and foreclosed before going forward.