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TO: The Honorable Vanessa Atterbary
Chair, Ways and Means Committee

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

RE: HB 0035 – Elections – In Person Voting – Proof of Identity (Oppose)

The Office of Attorney General urges an unfavorable report on House Bill 35. This bill amends § 10-310 of the Election Law Article to require an election judge to further establish a voter's identity by having the voter present a photo identification (governmental issued or non-governmental issued) or other form of documentation proving the voter's name and address. Under current law, a voter must already provide their date of birth and address to be verified against the election register. The bill further amends the criminal provision of Election Law § 16-201 to criminalize voting or attempting to vote under a false form of identification. Under § 16-201(a)(1), voting under a false name and voting while impersonating another person are already crimes.

Voter identification requirements are unnecessary and serve to disqualify otherwise eligible voters. They disparately impact the elderly, people of limited means, and people of color.¹ They are, in short, a solution in search of a problem because there is no evidence of widespread voter fraud. Maryland law should seek to expand the franchise to as many eligible citizens as possible, not to constrict the franchise to only those individuals with ID and proof of address.

¹ Sari Horwitz, Getting a Photo ID So You Can Vote is Easy. Unless You're Poor, Black, Latino or Elderly, Wash. Post (May 23, 2016), available online at: https://www.washingtonpost.com/politics/courts_law/getting-a-photo-id-so-you-can-vote-is-easy-unless-youre-poor-black-latino-or-elderly/2016/05/23/8d5474ec-20f0-11e6-8690-f14ca9de2972_story.html (last visited Jan. 27, 2023); *see also*, Issie Lapowsky, A Dead-Simple Algorithm Reveals the True Toll of Voter ID Laws, Wired (Jan. 4, 2018), available online at: <https://www.wired.com/story/voter-id-law-algorithm/> (last visited Jan. 27, 2023).

For the foregoing reasons, the Office of the Attorney General urges an unfavorable report on House Bill 35.

cc: The Honorable Robert B. Long & Committee Members