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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 0022 – Election Law – Absentee Ballots – Signature Requirements and  
Verification (Oppose)

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The Office of Attorney General urges an unfavorable report on House Bill 22, because it would unnecessarily disenfranchise eligible voters. House Bill 22 creates a new § 9-310.1 and amends § 9-303 of the Election Law Article. The new provision creates a signature verification requirement for mail-in ballots. Under the bill, local boards may not remove a mail-in ballot from an envelope without first verifying the signature on the oath of the ballot's envelope. "Verify" here means "comparing the signature with the voter's registration record."

There already exists a robust and intricate framework of case law and rules for verifying voter signatures—the petitioning process. Local boards of election are already tasked with verifying each individual signature on a petition by comparing it (and the demographic information supplied with it) to the voter's registration file. This verification process (conducted pursuant to Election Law §§ 6-203 and 6-207) necessarily results in petition signatures being struck because of minute or technical errors. Petition organizers routinely litigate these verification determinations, requiring intensive in-court factfinding in most cases.

It is likely that local boards would import the standards and rules governing petition signature verification into the ballot signature verification context. Likewise, courts would likely use the petition signature verification case law to determine ballot signature challenge cases. Petitions may contain upwards of 10,000-15,000 signatures. Larger jurisdictions in Maryland received 75,000-140,000 mail-in ballots during the past gubernatorial election. Large quantities of mail-in ballots would likely be rejected (and require large-scale curing efforts) because of technical mismatches between *envelope* signatures and *registration* signatures. In turn, local

boards and the State Board of Elections would see a dramatic increase in litigation as campaigns in close races would move to litigate the acceptance or rejection of mail-in ballot signatures. This litigation would be fact-intensive and, thus, time-consuming.

We should endeavor to increase suffrage and expand the electorate—not disenfranchise eligible voters. For all of the foregoing reasons, the Attorney General urges an unfavorable report on HB 22.

cc: The Honorable Robert B. Long & Committee Members