

EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

February 26, 2025

SB 838 – Election Law – Mail-in Voting – Proof of Identity

Position: OPPOSE

Disability Rights Maryland (DRM) is the Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM opposes SB 838, which would require anyone voting by absentee or mail-in ballot to provide a signature on their ballot that matches their registration record. The proposed requirement would create significant potential barriers to voting for Maryland's disability community.

Absentee or mail-in ballots are important options for all voters including individuals with disabilities. In the 2020 general election, 52% of voters with disabilities voted by mail.¹ Due to many voters with disabilities taking advantage of the mail-in ballot system, any change or attempt to restrict this practice will undoubtedly impact Marylanders with disabilities.

Not only does this piece of legislation target a form of voting important to individuals with disabilities, the nature of the restriction to mail-in voting proposed in SB 838 makes voting more inaccessible for many people with disabilities. Signature requirements that compare one's signature at the time of voting to a registration record have been shown to disproportionately delegitimize the vote of individuals with certain disabilities. Individuals with some forms of degenerative diseases, for example, may result in tremors and other symptoms that may cause their signature to change year-to-year.² Individuals with visual impairments similarly may have difficulties signing

¹https://www.eac.gov/sites/default/files/document_library/files/Fact_sheet_on_disability_and_voter_turnout_in_2020_o.pdf

²<https://www.aclu.org/news/voting-rights/signature-match-laws-disproportionately-impact-voters-already-margins>

documents consistently.³ These are just some of the reasons a person with a disability may be unable to produce consistent signatures. If enacted, SB 838 would mean those voter's ballots would be disqualified, a clear form of selective disenfranchisement. When the state of Ohio instituted similar signature matching mandates, 97% of the ballots that were rejected were due to signature mismatching.⁴

Not only do signature matching mandates for voters cause an undue burden on those with disabilities, but the concept also is intended to address a relatively small-scale problem. Research from The Brennan Center for Justice has found the rate of documented voter fraud in the United States is less than 0.0009%.⁵ That number is certainly smaller than the 52% of disabled voters whose ballots might be thrown out due to an obscure and uninformative signature requirement.

This piece of legislation provides requirements that would likely serve to throw out the votes of Marylanders with disabilities. The bill takes no consideration of older adult voters and voters with disabilities, nor does it seem to recognize its heavy-handed disenfranchisement of those groups so reliant on mail-in voting. It is for that reason that we respectfully urge you to oppose SB 838.

Please do not hesitate to contact me at GillianJ@DisabilityRightsMD.org or 443-692-2498 with any questions.

Respectfully submitted,

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³<https://www.aclu.org/news/disability-rights/new-hampshire-disenfranchised-94-year-old-legally-blind-woman-because-her?redirect=blog%2Fnew-hampshire-disenfranchised-94-year-old-legally-blind-woman-because-her-signature-now-were>

⁴<https://lawyerscommittee.org/wp-content/uploads/2020/08/Ohio.pdf>

⁵<https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth>

Disability Rights Maryland