

February 18, 2021

**Testimony on SB 0036
Election Integrity Act
Education, Health, and Environmental Affairs**

Position: Unfavorable

Common Cause Maryland opposes HB 690 which aims to unreasonably limit assistance to voters casting their mail-in ballots, thus restricting many eligible voters ability to participate in our democracy.

Currently, Maryland voters may designate a duly authorized agent to pick up and deliver a mail-in ballot. This agent must be at least 18 years old; may not be a candidate on that ballot; shall be designated in a writing signed by the voter under penalty of perjury; and shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application; marked and placed in an envelope by the voter, or with assistance as allowed by regulation, in the agent's presence; and returned to the local board by the agent.

Twenty-six other states also have absentee ballot assistance laws that permit voters to designate someone other than a family member to return their absentee ballot. This is allowed because some voters need assistance in order to cast their ballot. Voters may lack access to reliable transportation, have irregular schedules, or be confined to their place of residence and the assistance available to them under Maryland law provides a critical lifeline that helps ensure their voices are heard in our elections.

HB 690 suggests that ballot assistance from trusted individuals who are not family members is a form of ballot harvesting when ballot collection is not indicative of fraud. There is also no proof of voter fraud in Maryland and we should be careful not to leverage the extremely limited cases of fraud in other states and widespread disinformation from the 2020 election as a means for limiting the critical assistance available to voters.

The restrictions proposed in HB 690 would also impact Black and brown Maryland voters the most. In January 2020, the 9th U.S. Circuit Court of Appeals struck down Arizona's third-party assistance to absentee voters restriction, holding that it had a discriminatory effect on American Indian, Hispanic, and African American voters in violation of the Voting Rights Act and that it was passed for a discriminatory purpose, in violation of the Fifteenth Amendment. According to Brennan Center, the court found minority voters were more likely than other voters to rely on assistance casting their absentee ballot for a variety of reasons including issues with public transportation and mail service.

Maryland has a responsibility to protect voters from illegal tampering, but HB 690 is not the answer. We instead of aim to ensure the State and local boards of election have adequate funding for robust public education aimed at encouraging voters to only seek assistance, if assistance is needed, from trusted individuals or election officials.

We urge an unfavorable report.