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TO: The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs Committee

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

RE: SB 36 – Election Integrity Act – **Letter of Opposition**

The Office of Attorney General (the “OAG”) urges this Committee to unfavorably report SB 36.

Senate Bill 36 would purport to narrow the circumstances in which a voter can obtain the assistance of an agent to pick up an absentee ballot from a local board of elections, deliver the ballot to the voter, and return the voted and sealed ballot on behalf of the voter to the local board of elections, under Md. Code Ann., Elec. Law § 9-307. Under current law, a voter can designate an agent to perform these tasks so long as the agent is over the age of 18 and is not a candidate on the ballot. Senate Bill 36 would impose several additional restrictions on who can serve as an agent in this capacity: It would require the agent to be a family member or member of the household of the voter; it would prohibit campaign volunteers of candidates on the ballot from serving as agents (while, inexplicably, allowing paid campaign staff to do so); and it would prohibit agents from serving in this capacity for more than three voters in a single election.

There is no justification for these changes. The OAG is unaware of any evidence that the assistance authorized by § 9-307 has been utilized in any manner that would call into question the integrity of any election. On the other hand, if SB 36 were to pass it may have the effect of foreclosing participation in this program to voters who do not have family or household members that are available or eligible to serve as agents under this statute. In short, SB 36 is an imperfect solution in search of the very problem it purports to remedy.

Election integrity is preserved by the current statutory scheme. Under existing § 9-307, the agent must execute an affidavit under penalty of perjury that the ballot the agent is returning 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." Md. Code Ann., Elec. Law § 9-307(b)(4)(i)-(iii). The restrictions imposed by SB 36 are unnecessary and will impact the rights of voters who require the assistance guaranteed by Elec. Law § 9-307.

For the foregoing reasons, the Office of the Attorney General urges an unfavorable report on SB 36.

cc: Members of the Education, Health, and Environmental Affairs Committee