



TESTIMONY IN OPPOSITION OF HB 113

Elections – In-Person Voting – Proof of Identity

House Ways and Means Committee

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Submitted by Julia Gross and Kali Schumitz, Co-Chairs

Member Agencies:

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Marylanders Against Poverty (MAP) strongly opposes HB 113, which proposes an amendment to the State's constitution – contingent on a referendum vote in November 2022 – that would require individuals voting in-person to prove their identity by presenting a valid government-issued photo identification or a valid nongovernment-issued photo identification and one government document with their name and address.

HB 113 is unnecessary. HB 113 is a solution to a non-existent problem. The most comprehensive national study on instances of voter fraud found there were only 2,068 alleged election-fraud cases since 2000 – and only ten of these cases were in-person voter fraud. The majority of the fraud cases were related to absentee ballots and registration errors – things that would not be addressed by voter ID laws. Of the 2,068 cases, only two of the alleged cases were in Maryland and neither was in-person voter fraud.¹

HB 113 will disproportionately affect communities of color, women, and seniors. A study out of Harvard and Tufts Universities found that Black voters are still more likely to lack adequate identification to vote under voter ID laws, concluding these laws clearly create a racial disparity on voting rights.² This complements the study conducted by the Brennan Center which found that 11% of voting-age United States citizens do not have current and valid photo ID and that the percentage was even higher for low-income individuals (15%), minorities (25%), and the elderly (18%).³ Another recent study conducted after the proliferation of voter ID laws in other states demonstrated that voter ID laws depresses Latino turnout by 9.3 points, Black and African American turnout by 8.6 points, and Asian American turnout by 12.5 points.⁴ To quote the study, "we find that voter identification laws do, in fact, substantially alter the makeup of who votes and ultimately do skew democracy in favor of whites [...] Voter ID laws may represent one of the Nation's most important civil rights issues."⁵

HB 113 will disenfranchise individuals experiencing homelessness. Keeping personal identification safe and secure without stable housing is nearly impossible; people often become the victims of theft or their documents deteriorate when exposed to the elements. Institutions such as hospitals, jails, and shelters often discard all of an individual's belongings – including identifying documentation. A person leaving a domestic violence situation may not be able to retrieve important documents. Although HB 113 does allow for sample ballots, government documents, and voter notification cards to count as identification, individuals that experience homelessness do not often have an addresses where such mail can be delivered and accessed reliably. Regarding the list of accepted government documentation, many individuals living in poverty – and especially those experiencing homelessness – often do not have utility bills, pay stubs, and other such documents. Ultimately, HB 113 would create significant barriers to voting – especially for the most vulnerable Marylanders.

HB 113 proposes a constitutional amendment, which is a rare and dangerous way to make legislative changes related to election law. Only two other states in the entire country have enacted a voter ID law through constitutional amendment – Arkansas and Missouri.⁶ North Carolina did pass a constitutional amendment, but it was struck down just four months ago by the State Superior Court after it was found unconstitutional.⁷ Changes to the State’s election law should be made by amending the Election Code, not the State’s Constitution. In the event the proposed changes in HB 113 prove discriminatory, harmful, burdensome and/or ill-defined, the only way to address those issues is by re-amending the constitution. Furthermore, the definitions used in this constitutional amendment are not specific – what kinds of nongovernment photo ID are accepted? – and as such, voters will be asked to decide if the constitution should be amended before there are defined parameters of what qualifies as voter id.

HB 113 is costly. In order to inform voters of the changes in required documentation needed to vote, past fiscal notes indicates it would cost upwards of \$500,000 just for voter outreach for one year. That does not include the additional provisional ballots that would need to be printed, or the need to hire additional election judges in order to properly implement the voter identification requirement in populated jurisdictions. Moreover, most of the states with voter ID laws are facing expensive legal challenges, and through litigation several state laws have been overturned.⁸ In states who used the referendum process to enact voter ID, hundreds of thousands of dollars were spent in the campaigns for and against the measure. Inserting an expensive new voting requirement decided by referendum - when there is no research to indicate widespread in-person voter fraud exists - is a grossly inefficient use of State resources.

HB 113 creates an excessive – and unwarranted – barrier to the constitutional right to vote. Marylanders living in or near poverty are already economically disenfranchised, and HB 113 will generate voter disenfranchisement for Marylanders who lack proper identification and the means to obtain required documentation for voting. The right to vote is central to our democracy; therefore, it must be protected. Any initiative that might disenfranchise eligible voters must meet the highest burden of proof. This bill cannot meet that burden.

MAP appreciates your consideration and urges the committee to issue an unfavorable report for HB 113.

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

¹ Khan & Carson. (2012). Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo Id Is Needed. “Who Can Vote? Project.” News21. Retrieved from <http://votingrights.news21.com/article/election-fraud/>

² *A Dead Simple Algorithm Reveals the True Toll of Voter ID Laws*. January 2018. <https://www.wired.com/story/voter-id-law-algorithm/>

³ Brennan Center for Justice. (2006). “Citizens Without Proof”. Retrieved from <http://www.brennancenter.org/analysis/citizens-without-proof>

⁴ Hajnal, Z., Lajevardi, N., and Nielson, L. (2016). *Voter Identification Laws and the Suppression of Minority Votes*. University of California at San Diego. <http://pages.ucsd.edu/~zhajnal/page5/documents/voterIDhajnaletal.pdf>

⁵ Ibid.

⁶ National Conference of State Legislatures. (2021, October). Voter ID: Where are we going, and where have we been? <https://www.ncsl.org/research/elections-and-campaigns/the-canvass-october-2021637668734.aspx>

⁷ NC Board of Elections. (2021, September). Voter ID. <https://www.ncsbe.gov/voting/voter-id>

⁸ National Conference of State Legislatures. (2014, May). *Voter ID in the Courts: An Introduction to legal challenges to voter ID laws*. http://www.ncsl.org/documents/legismgt/elect/Voter_ID_Courts_May2014.pdf