

SB379 Favorable Submitted by Alan Banov.pdf

Uploaded by: Alan Banov

Position: FAV

SB379

Favorable

Submitted by Alan Banov

I enthusiastically support Senate Bill 379. I am a Member of the Montgomery County Board of Elections, but I submit this statement as an individual citizen who supports free and full elections.

While our Board of Elections has taken no formal position on SB379, in 2022 it did vote to support the provisions in SB163 which would have permitted local boards to begin processing mailed-in ballots 8 days before Early Voting (20 days before election day), with two provisos: (1) that in processing them, staff could begin scanning them into scanners, but not reporting them, and that (2) that the bill define “tabulating” to mean directing the scanners to add up the ballots for publication. New SB379 contains such provisos.

As you know, the current law, Maryland Election Code Section 11-302(b) prohibits local election boards from processing mailed-in ballots until 8 a.m. on the Wednesday following Election Day, while the State Board of Elections Regulations, COMAR Section 33.11.04.03, inconsistently provide that the local “board shall start to canvass the absentee ballots on the Thursday after the election” (emphasis added).

These restrictions unduly restrict local boards from processing mailed ballots at a time when mailed ballots are not only growing enormous popularity, but are also a safe alternative to voting in person for voters with disabilities or fears of being infected. In 2020, in recognition that the covid pandemic would deter many voters from voting in person, the State Board of Elections not only sent out mail ballots to all who requested them, but also authorized local election boards to start COUNTING mailed-in ballots on May 21, 11 days before the June 2 primary. Similarly, the State Board authorized local boards to start canvassing on October 1, 2020, 33 days before the Presidential Election. Last year the General Assembly, recognizing the

severe difficulty faced by local boards in having to process hundreds of thousands of mail-in ballots, passed SB379 to permit local boards to begin this complicated task 8 business days before Early Voting. We know that the governor vetoed the legislation at the last minute. Only because the judicial system intervened did local boards have adequate time to process mail-in ballots before December.

Voting by mail is enormously popular and is growing in popularity. In the 2020 Presidential election, 348,744 of Montgomery's 518,056 non-provisional votes were cast by mail (or by drop box). That's over 67%. Voting by mail continued to be popular in the gubernatorial election last year. In Montgomery County 118,530 mail-in ballots were received in the general; that represented almost 36% of the total votes. Statewide 541,990 mail-in ballots were counted; this was about 28% of the total votes!

You should also recall the many steps involved in processing votes cast by mail. Here is how the Montgomery County Board does it:

When the voter votes by mail, the ballot comes in an envelope either by U.S. mail or in a Board drop box. Either way, once it arrives, the envelope is "beeped" in, using the bar code on it, and receives a RECEIVED date stamp. Later, based on the bar codes, the envelopes are sorted by a machine which sorts them by precinct into trays or boxes. Ideally there are 50 in a batch, but sometimes there are fewer.

In addition, the Board staff needs to check the oath on the outside of the envelope to make sure it has been signed and dated. (If not, assuming the ballot is timely, to "cure" the ballot, they contact the voters to ask them to sign and date their oaths.) When it is appropriate to canvass the envelopes, staff runs them through a slitter machine, which opens the tops of the envelopes. (Sometimes it misses and slits only part of the envelope.)

The envelopes are then given to the bipartisan volunteer canvasser teams, generally in batches of 50. After that, canvassers will open the envelopes, take out the ballots, and flatten them for further processing. The canvassers count the number of ballots in the batch, check to make sure the envelopes are all signed and received timely, and review the ballots. In doing so, they will make sure there are no over-votes (such as votes for 4 candidates in a 3-member legislative district) and that the votes are clear on the paper (*i.e.*, the voter filled in the ovals sufficiently with ink for the ballot scanner to read them). If the voter used a pencil, the canvassers will cover the penciled-in votes with ink, under the observation of Board members or our staff. (The SBE must change the directions on the ballots to instruct voters to use black or blue ink, since penciled in ovals will not scan well and it takes minutes for canvass teams to cover the penciled ovals with ink.) The canvassers will also look to see if the voter signed their name on the ballot (failure to do so disqualifies the entire ballot, under current state law) or if there are other clearly identifying marks (which also disqualify the ballot). However, if the voter changes a vote and adds their initials and the initials do not clearly identify the voter, their ballot is accepted and counted. If the ballot is a regular mail-in ballot, assuming there are no issues of the voter's intent, the ballot is now ready for scanning.

If it is a web-based ballot, the votes must be copied meticulously onto a scannable ballot by pen. I have randomly timed this copying. It can take 2 or more minutes, even for experienced canvassers. (Multiply that by thousands, and you have a very time-consuming task!)

In Montgomery County we started our canvass for the gubernatorial election on October 15 and finished it on November 28, just days before some local elected officials needed to be sworn in. Indeed, we certified the County votes on November 30, and the new County Board of Education was sworn in on December 1! As many as one hundred canvassers worked most days,

and we spent 18 days canvassing mail-in and provisional ballots. We were very thankful that the courts allowed us to start the canvass when we did. If not, we could have been counting into December!

For these reasons, I support the provision in SB379 which would provide that local boards “SHALL BEGIN PROCESSING ABSENTEE BALLOTS ON THE DAY THAT IS 8 BUSINESS DAYS BEFORE THE FIRST DAY OF EARLY VOTING.” [Amendment to Election Code Section 11-302(b)(1)] Since some local board may not want to start their canvass then, the Committee may want to change “shall” to “may.”

I also support the provision of SB379 which would codify the practice of “curing” ballots for voters who timely submitted their mail-in ballots, but forgot to sign the oath (which is usually on the envelope). The Montgomery County Board of Elections already makes efforts to give forgetful voters the opportunity to cure their ballot.

Finally, I like the provision which provides that the first legally sufficient ballot from a voter will count. The vendor employed by the State Board to send voters mail-in ballots was late in sending some out, and some voters were not confident that their local board had received their mail-in ballots. (Others forgot they received mail-in ballots or misplaced them.) Thus, a good number of our provisional ballots were cast by voters who may have already submitted mail-in ballots. It makes sense for the first valid ballot to count.

Thank you for considering my testimony.

Alan Banov
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SB0379 Ballots - Processing and Reporting FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0379
Election Law - Ballots - Processing and Reporting Procedures

Bill Sponsor: Senator Kagan

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0379 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

How we all wish we could turn back the clock and had these procedures on the books for the last election. Because Maryland does not allow for early canvassing of absentee ballots, we were all forced to wait weeks to have the final election results known. In Frederick County, the County Executive race was called for Republican Michael Hough, but as the days trickled by, Democrat Jessica Fitzwater overtook him - all due to the delayed counting of absentee ballots.

This ridiculous delay gives talking points to the election deniers who think there is some great conspiracy to overturn Republican wins, which is completely, utterly false. We need to get rid of this delay and get all the votes counted in a reasonable time, while at the same time allowing people who filed absentee ballots cure them of any mistakes.

The changes that this bill would require are common-sense changes that are desperately needed to make the residents of Maryland have faith that the election process is clean, and results are accurate and timely.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

SB379_Maryland PIRG_FAV_Emily Scarr.pdf

Uploaded by: Emily Scarr

Position: FAV

Maryland PIRG

SB379: Election Law – Ballots – Processing and Reporting Procedures

EEE

February 16, 2023

Emily Scarr, Maryland PIRG

Favorable

Maryland PIRG is a state based, small donor funded public interest advocacy organization with grassroots members across the state. We work to find common ground around common sense solutions that will help ensure a healthier, safer, more secure future.

We support this bill to improve the administration of our elections systems..

This bill is a needed response to the increase of mail-in voting seen in recent elections. It creates a ballot curing process, where Marylanders who mistakenly did not sign their mail-in ballot envelope can do so after sending it in. It also makes adjustments to elections administration that improve the function of our elections by enabling early processing of ballots and requiring precinct level reporting

Enabling local boards of elections to tabulate ballots before Election Day is crucial as we see an increase in vote by mail both because it speeds up the timeline for results to be certified, increasing public confidence in the electoral process.

A ballot curing process is important to ensure that Marylanders who intend to vote are able to vote. Of all rejected mail-in ballots in Maryland during the 2020 general election, [42% of these ballots were rejected because they were not signed by the voter](#), totalling to 1,552 total rejected ballots. During the June 2020 primary, [3,290 ballots were rejected because of a lack of signature](#), totalling nearly 5,000 voters throughout 2020. In 2022, the State Board of Elections adopted regulations requiring local boards to notify voters who forgot to sign their oath, which meant [419 voters](#) were able to sign their oath so their ballots were accepted. When possible, voters should be alerted to a missed signature and be given the opportunity to fix it. This process should be codified into law.

[18 states already have statutes that require voters to receive notice if there is a missing signature or signature discrepancy on their mail-in ballot](#), and it's time for Maryland to join them. Nobody should lose their voice in our democracy because they forgot to sign a piece of paper.

We respectfully request a favorable report.

SB 379 Jim Shalleck Testimony.pdf

Uploaded by: Jim Shalleck

Position: FAV

WRITTEN AND ORAL TESTIMONY

FROM - JAMES SHALLECK, Former President Montgomery County Board of Elections

IN SUPPORT – SB379 (Earlier Canvassing)

I served for approximately six (6) years as President of the Montgomery County Board of Elections. Over those years, I saw the number of mail-in ballots increase dramatically. They have become very popular and have in more and more elections determined the winner of elections.

In 2022, 513,238 mail-in ballots were cast for Governor throughout Maryland. In a number of races, mail-in ballots determined the winner of the election. Further, election day tallies were, in a number of races, overtaken by mail-in ballot tallies to determine election winners. Mail-in ballots will only increase in the future. They are very popular and critical to our ballot counts.

Presently, the counting of mail-in ballots cannot begin for two (2) days after election day. We had 118,530 mail-in ballots in the 2022 General Election (2018 General Election had 37,538 mail-in ballots). This increase shows the popularity of mail-in voting. It will only increase. These numbers are just for Montgomery County.

SB379 is essential to relieve the extraordinary and time-consuming burden on our canvassers and the significant time delay in finalizing our canvass and informing the public of the election results. Now they wait weeks for results. This could extend to Christmas if this trend continues. We must begin the canvass at least 8 days before the start of Early Voting. This is a bi-partisan solution to an increasing problem with our canvassing of votes in Maryland.

SB 379 - MoCo_Boucher_FAV (GA 23).pdf

Uploaded by: Kathleen Boucher

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 379

DATE: February 16, 2023

SPONSOR: Senator Kagan, et al.

ASSIGNED TO: Education, Energy, and Environment

CONTACT PERSON: Kathleen Boucher (kathleen.boucher@montgomerycountymd.gov)

POSITION: Support

Election Law – Ballots – Processing and Reporting Procedures

State law currently prohibits a local board of elections from starting the canvass of absentee ballot envelopes before 8:00 a.m. on the Wednesday following Election Day. This bill modifies current law to allow the canvassing of absentee ballots to begin eight business days before the first day of early voting. The bill also prohibits a local board or employee of a local board from releasing absentee ballot vote totals before election day.

The bill creates a process that allows a voter to correct a mistake in failing to sign the oath on a ballot envelope or ballot/return envelope before 10:00 a.m. on the 10th day following Election Day. A local board must, as soon as practicable but no later than three days after determining that there was a failure to sign the oath, notify a voter of the mistake, provide an opportunity to correct the omission, and outline the methods that may be used by a voter to communicate with a local board to correct the failure. The bill also establishes procedures to be used in counting absentee and provisional ballots cast by the same individual and expands the current requirement that a local board of elections provide an electronic report of Election-day results by precinct to make it applicable to results for early, absentee, and provisional voting.

Montgomery County believes that it serves the public interest to allow canvassing of absentee ballots as soon as possible, allow voters to correct honest mistakes with signature omissions, ensure accurate counting of absentee and provisional ballots, and make all precinct level results electronically available to the public. The County respectfully requests that the Ways and Means Committee give the bill a favorable report.

LWVMD - SB 379 - Election Law - Ballots - Processi

Uploaded by: Linda Kohn

Position: FAV



**TESTIMONY TO THE SENATE EDUCATION, ENERGY AND ENVIRONMENT
COMMITTEE**

SB 379 – Election Law – Ballots – Processing and Reporting Procedures

POSITION: Favorable

BY: Nancy Soreng, President

DATE: February 16, 2023

In 2020 the League of Women Voters of Maryland conducted a study of best practices for a system allowing voters to vote by mail. One of our recommendations as a result of that study is that the canvassing of mail-in ballots should be allowed to begin before Election Day. We therefore support Senate Bill 379 because it will put this provision into law, an improvement that both legislators and advocates have supported in previous sessions. According to data from the National Conference of State Legislatures, Maryland is the only state that currently requires mail-in ballot processing to wait until after Election Day (Maryland Election Law, §11–302).

In the General Elections of 2020 and 2022, however, permission to start early canvassing was granted by the courts on an emergency basis based on the anticipated volume of mail-in ballots to be processed. Statewide, that amounted to over half a million ballots in the 2022 General Election, about one-quarter of the total number of ballots cast. In the larger counties, this meant hiring additional canvassers and arranging additional workspaces that were both secure and observable.

Allowing early canvassing will help relieve some of the time pressure on these local Boards of Elections and ensure that results can be certified by the statutory deadline. Note that this bill proposes that even with early processing, results will still be held until the polls close on Election Day.

Maryland should join the rest of the nation in permitting ballot processing to start at a sensible date. We strongly urge a favorable report on Senate Bill 379.

SB 379 - Election Law - Ballots - Processing and R

Uploaded by: Morgan Drayton

Position: FAV

February 16, 2023

Testimony on SB 379
Election Law - Ballots - Processing and Reporting Procedures
Ways & Means

Position: Favorable

Common Cause Maryland supports SB 379, which would alter procedures for the canvassing of and curing of errors on absentee and provisional ballots and require that all election results (including reports of early, absentee, and provisional votes) be reported by precinct.

Last legislative session, the General Assembly passed identical legislation to give election workers a head start on the pre-processing of ballots - this was in response to increased strain on the mail-in ballot system. Unfortunately, that version of the bill was vetoed by former Governor Larry Hogan at the eleventh hour, leading the State Board to seek emergency relief through the court system ahead of the general election. A Montgomery County Circuit Court judge suspended current Maryland law and allowed candidates to begin canvassing on October 1st of last year, but this was just a temporary solution to a long-term problem that must be corrected through legislation.

According to State Board of Elections data, Maryland voters requested more than 640,000 mail-in ballots during the 2022 general election, and we will likely see this number increase as we head towards the 2024 Presidential elections. With that in mind, it is important that we take necessary measures now to support our State and local election boards in the secure administration of our elections.

During the 2022 election cycle, we also saw more than 2500 mail-in ballots rejected - many of these ballots could have been accepted with a clear process for ballot curing in place. Ballot curing is a process when election officials reach out to voters and give them a chance to fix or “cure” any remediable issues with their submitted ballot, such as missing oaths or signatures. We want to give local boards an adequate window of time to notify and give voters an opportunity to correct these errors, ensuring that those who intend to vote are able to have their ballot counted in that election.

SB 379 provides common sense steps to improve our mail-in voting process, addressing issues that have long been a challenge for voters (especially those in vulnerable communities like voters with disabilities, students, and the elderly) that have relied on this method of voting for years. For these reasons, we request a favorable report.

SB379_MDSierraClub_fav 16Feb2023.pdf

Uploaded by: Richard Norling

Position: FAV



P.O. Box 278
Riverdale, MD 20738

Committee: Education, Energy, and the Environment
Testimony on: SB 379 Election Law – Ballots – Processing and Reporting Procedures
Position: Favorable
Hearing Date: February 16, 2023

The Maryland Chapter of the Sierra Club urges a favorable report on SB 379. The bill establishes uniform statewide procedures for the canvassing of and curing of errors in submission of absentee and provisional ballots, and requires that all election results be reported by precinct.

The Sierra Club and its members care about both the natural and human environments, including ending racial and social injustice. As a grassroots organization, we believe that voting should be as accessible and convenient as possible for all eligible voters, regardless of whether they choose to vote in person at Early Voting Centers or on election day or by mail.

In Maryland, some mail-in ballots get rejected because of relatively minor problems. According to the 2020 Election Administration and Voting Survey that the State Board of Elections sent to the U.S. Election Assistance Commission, 1,511 Maryland voters' ballots were rejected in the November 2020 election because the voter's signature was not on the outer return envelope.

As many as 24 states have formal processes that allow voters to cure minor problems so their votes can be counted. While at least some local boards of elections in Maryland did alert voters and allow them to cure problems in the 2022 elections, there is not currently a uniform statewide standard or process. This bill would establish a uniform ballot curing process that will ensure all voters are treated fairly and equitably no matter where they live in the State.

The bill requires election officials to examine absentee ballot envelopes for missing voter signatures promptly after receipt, and to begin processing of absentee ballots eight business days before early voting begins (unless waived by the Administrator of Elections). The bill stipulates that absentee ballot vote totals may not be tabulated before the polls close on election day.

Reporting all election results by precinct will increase transparency and confidence in the election process.

Voting is the foundation of our democracy, and we believe it is essential to our democracy and to racial and social justice to make the process of voting as accessible and convenient as possible for every individual who is eligible.

We urge a favorable report on SB 379.

Rich Norling
Chair, Voting Rights Committee
Rich.Norling@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

DRM_SB 379 FAV.pdf

Uploaded by: Samuela Ansah

Position: FAV

EDUCATION, ENERGY, AND ENVIROMENT COMMITTEE

February 15, 2023

SB 379– Election Law - Ballots - Processing and Reporting Procedures

Position: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities through voting by advocating for equal and equitable access to the ballot.

Disability Rights Maryland (DRM) supports SB 379 which will allow for the early preprocessing of absentee ballots, ensuring timely election results. During the pandemic, emergency measures were put in place to accommodate the influx of absentee ballots as most voters chose to vote by mail. The emergency measures allowed election officials to begin pre-processing absentee ballots earlier than usual, so as not to overwhelm officials and ensure results would be announced in a timely manner. This proved helpful, as the past two elections have been just as secure and timely, just as they were prior to the pandemic.

Although the state of emergency is over, policies and practices that were implemented during the pandemic are still needed today. Since the 2020 election, a many voters still choose to vote by mail. In the 2022 General Election, almost 30% of voters cast their ballot by mail, and nearly 500,000 voters opted to be on the permanent vote by mail list. Clearly, voting by mail continues to be a popular option for voters. Currently, as absentee ballots flood our local boards of elections, officials are not allowed to begin opening absentee ballots until the Wednesday following Election Day. This was feasible when absentee ballots accounted for 5-6% of all ballots in elections prior to the pandemic. However, as voting by mail becomes increasingly popular, it is important to account for the time it will take election officials to process these ballots and tabulate the votes. Doing so after Election Day will be too late. As such, we should give election officials the opportunity to begin preprocessing absentee ballots to ensure they will not be overwhelmed on election day and can provide accurate and timely election results.



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Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

This bill will also allow voters to cure their absentee ballots should they forget a signature on their ballot envelope. This is particularly important for voters with disabilities as this bill will allow them to provide a signature and communicate with the State Board of Elections in an accessible manner. Allowing for ballots to be cured provides voters with confidence that their ballot will be counted as they correct their mistake. SB 379 is in the best interest of voters, our efficient election officials and promotes secure elections. As such, we urge a favorable vote on SB 379. Please feel free to contact us at SamuelaA@DisabilityRightsMD.Org or 443-692-2512

SB379_ Canvassing Reintroduction Testimony (MJM 1_

Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Energy, and
the Environment Committee

Joint Audit and Evaluation Committee
Joint Committee on Federal Relations



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB379: Canvassing Reintroduction
Education, Energy, Environment (& Elections!) Committee
Thursday, February 16, 2023 1PM

Former Gov. Larry Hogan's unexpected veto of SB163, an emergency [canvassing bill](#) (2022), caused inexcusable delays in the certification of Primary Election results-- until more than four and a half weeks after Election Day!

Maryland is unique among states in our prohibition on starting to process mail-in ballots until **two days after** Election Day. Our residents reasonably expect to have their ballots counted accurately, transparently, and in a timely manner. They also expect election results on Election Night-- or very soon afterwards.

Early canvassing has become critical as our laws now allow "no-excuse absentee ballots." More and more Marylanders are choosing to have a ballot mailed to them rather than traveling to a polling place to vote in person. In the 2018 Primary Election, a paltry 30,122 ballots were cast by mail; by contrast in the 2022 primary, due to both the COVID-19 pandemic and the increased interest in voting from home, the number of mail-in ballots exploded to 346,114-- a whopping tenfold increase.

[SB379](#) would initiate the canvassing of mail-in ballots eight days before the start of Early Voting. This bill is essentially the same as the version we passed last year, but with three changes worth noting:

- Require local boards of elections to log mail-in ballots as soon as practicable (and not later than two business days) to reassure voters that their ballots have been received. This will also help to reduce the number of provisional ballots.
- Ensuring that only the first "legally sufficient" ballot from a voter is counted
- Permit smaller counties with fewer ballots to seek a waiver from the SBE Administrator, who could determine that early canvassing is not necessary there

Rather than emergency canvassing regulations by the SBE Board followed by lawsuits, this bill would provide an answer to delays in vote tabulation. Mail-in ballots must be tabulated in a timely manner, especially as we expect mail-in voting to continue to rise.

I urge a favorable report on SB379.

SB 379 David Naimon Senate EEE Testimony FWA 2-16-

Uploaded by: David Naimon

Position: FWA

My name is David Naimon and I'd like to thank you, Chair Brian Feldman and Vice Chair Cheryl Kagan, for the opportunity to testify today. As you know, I'm the Secretary (and Democratic Leader) of the Montgomery County Board of Elections but I'm testifying today only on my own behalf as an individual.

I enthusiastically support Senate Bill 379, and I'd like to thank Senator Kagan for being a leader on election law issues in general and on the need for local Boards of Election in Maryland to start the mail-in ballot canvass earlier in particular. We received almost 120,000 mail-in ballots in the 2022 general election, and canvassed about 50,000 of those ballots between October 15 (the Saturday before the date that is used in Senate Bill 379) and Election Day. We continued our canvass after Election Day, meeting a total of about 18 days, and certified our results on November 30. Last year I testified in favor of similar legislation when it was pending in the Senate. Then-Governor Hogan's veto of last year's legislation on the Friday afternoon before Memorial Day – six weeks after the session ended and the last legally possible day – caused a lot of issues for us, and only the courts' willingness to intervene made it possible for us to finish our count just in time for new elected officials to start being sworn in on December 1.

The Maryland courts made clear that their intervention was a one-time fix, and I appreciate that you are wasting no time in addressing this issue. While we received almost 120,000 mail-in ballots in Montgomery County in the 2022 gubernatorial election, we received more than 348,000 mail-in ballots in the 2020 presidential general election. I would expect that we'll get something between those two numbers in 2024, but we crucially need the ability to start counting votes 8 business days before early voting begins and about three weeks before Election Day.

I offer the following additional thoughts for your consideration:

1. We would like to thank both the State Board of Elections and our County Government for getting us the mail sorting equipment that is helping us handle the volume of mail-in ballots. We are working with the State Board. We are currently working with the State Board to use this equipment to its highest capacity. If we can successfully get the mail sorting equipment so that it communicates correctly with MDVOTERS, we should be able to record the receipt of mail-in ballots within two business days *for U.S. mail-delivered mail-in ballots*. We of course know that not every jurisdiction has the mail sorting equipment, but it has been a gamechanger for us given our volume of mail-in ballots.
2. Thus far, we're not able to use the equipment for web-delivered ballots, given the wide variety of forms in which such ballots arrive, and it would be extremely difficult, if not impossible, to record the receipt of those ballots within two business days. For those ballots, our hard-working staff must find the voter in the system, print a label for them, affix the label to the envelope and then put the envelope into a batch organized by ballot style. This is very time consuming.
3. On page 4, line 28, the legislation requires the State Board to adopt regulations requiring local boards to "notify" a voter with a missing oath of that failure and the opportunity to cure it. I wholeheartedly agree with this provision and it's what we do now. My only suggestion would be to change "notify" to "send notification" as it is very difficult to know when the voter has actually been notified. Our staff typically sends an email or calls voters if we have their email

address or phone number. Otherwise, we send a letter by U.S. mail. As you know, none of these methods can guarantee when the voter opens their mail or email, answers their phone, or listens to voice mail.

Thank you for the opportunity to present these concerns to you, and I'd be happy to respond to any questions you may have.

HB535_SB379 Processing and Canvassing.docx (2).pdf

Uploaded by: Katherine Berry

Position: FWA



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

February 16, 2023

Senator Brian J. Feldman, Chair
Maryland House Ways and Means Committee
Room 131, House Office Building
Annapolis, MD 21401-1991

RE: S379 - Support

Chair Atterbeary and Committee Members:

My name is Katherine Berry. I am the Election Director in Carroll County and the chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. MAEO represents the local boards of elections throughout the State of Maryland. I am writing today representing MAEO to support HB535 – Election Law – Ballots – Processing and Reporting Procedures with an amendment.

MAEO believes that allowing mail-in ballots to be canvassed prior to the start of early voting will

1. Help voters to feel that their vote is more inclusive in election night results
2. Gives more flexibility to candidates who wish to attend the canvass
3. Allows for a larger portion of results to be provided on election night

This bill allows for us to open, duplicate, and scan ballots beginning 8 days prior to election day, but also allows for a waiver to be granted by the State Board of Elections if there are not a substantial number of ballots to canvass. As evidenced in the 2022 Election Cycle, the majority of mail-in ballots are not returned to our offices until closer to the start of early voting, so flexibility for a waiver to be granted is helpful in unique circumstances that an LBE may be managing.

MAEO supports the bill's allowance of opening, duplicating and scanning the mail-in ballots ahead of time. The local boards of elections have already been curing ballots to the greatest extent possible, so this would just codify that practice.

The 2-day receipt period for ballots outlined in the bill will prove to be a significant challenge, especially with the rise of web-delivered mail-in ballots. These ballots require manual review and data entry, unlike mail-in ballots with barcodes. Factors such as daily returned ballot volume, staff availability, and other office responsibilities will make it difficult to complete the process within a 2-day window. MAEO respectfully requests an extension to a 5-business day window to address these challenges.

MAEO would like to bring to your attention that the bill calls for the publication of election results by precinct. This was implemented in 2022 and presented a significant challenge due to the high number of ballot styles, including multi-page ballots, made available for early voting in some areas. Managing this volume of ballot styles comes at a cost and puts additional pressure on election judges to distribute the correct ballot to each voter. Some counties may also face the challenge of relocating early voting sites due to limited space in the centers to accommodate the necessary ballots for the Presidential election cycle.

We are hopeful that this committee will support this bill and consider our amendment request. Thank you for your time. If you have any questions, please contact me at (410)386-2958 or Katherine.berry@maryland.gov.

SB379-2023 Ballot Process and Reporting -final.pdf

Uploaded by: Ella Ennis

Position: UNF



Ella Ennis, Legislative Chairman
Maryland Federation of Republican Women
PO Box 6040, Annapolis MD 21401
Email: eee437@comcast.net

The Honorable Brian Feldman, Chairman
and Members of the
Committee on Education, Energy and Environment
Senate of Maryland
Annapolis, Maryland

RE: **SB 0379** – Election Law - Ballot Processes and Reporting Procedures – **OPPOSED**

Dear Chairman Feldman and Committee Members,

The Maryland Federation of Republican Women have concerns about the security and accuracy of the processes for conducting the election canvas set out in SB 0379.

Protecting counted ballots in the most secure manner possible and preventing premature disclosure are paramount to a fair election and voters' confidence and acceptance of the election results.

- 1) The time allowed to process ballots is too long. SB 0379 requires the local Board to begin processing absentee ballots 8 business days prior to the first day of Early Voting. Absentee ballots will be opened and read by the tabulating machine at least 20 days before Election Day. That is a very long time to maintain security of the opened ballots, the vote tabulators and the vote count, greatly increasing the possibility that the vote count will become public knowledge.
- 2) The stated process does not indicate if a bi-partisan team must conduct the canvass. Whether you have a smaller team process ballots for 8 business days before Early Voting or a larger team process ballots for 1 day, the cost would be similar.
- 3) Accuracy of signature added by electronic means. The bill allows a voter to submit a missing signature on the oath on the absentee ballot envelope by a picture in text message, e-mail or an accessible online portal. It does not require signature verification to the voter's original voter registration on record. This is open to fraud. Someone voting in place of the voter could submit a signature or have a copy of the voter's signature and submit it. There is no mention of signature verification. A mailed form or an in-person visit to the local Board is the only secure method for submitting the signature. A mailed ballot process that requires a witness to the voter's signature on the ballot envelope or the correcting document could improve security of the process as well.



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- 4) Equal treatment of missing signatures on the oath for mailed and provisional ballots. The process for adding a signature to the oath on the ballot envelope for a mailed ballot is more generous than for a voter voting with a provisional ballot. While the person who uses a mailed ballot is contacted and given 10 days to add their signature, a person who fails to sign the oath on a provisional ballot application has their ballot rejected. These voters are not treated equally.
- 5) Which absentee ballot will be counted if more than one ballot is received from a voter? SB 0379 assumes that the first sufficient ballot received is the one to be counted. However, it is possible that a voter didn't receive their requested mailed ballot, requested a replacement, and sent it in. Someone else could have intercepted the first ballot, fraudulently voted the first ballot and sent it in first. The bill does not require contacting the voter to find out if they submitted two ballots, or when they mailed their ballot. The process is arbitrary.

Ensuring that the integrity of the election process is maintained is vital to our democracy. Citizens must believe the election process is fair and accurate. The desire to make voting easy and accessible must be balanced against the need to protect the integrity of the election. Flaws in SB 0379 bring that integrity into question.

Please vote an **UNFAVORABLE** report for **SB 0379**.

Sincerely,
Ella Ennis
Legislative Chairman
Maryland Federation of Republican Women