



# Maryland Association of Election Officials

## Representing the Local Election Boards of the State of Maryland

January 30, 2024

Senator Brian Feldman, Chair  
Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

### **SB99 – Information**

Chair Feldman, Vice Chair Kagan and Committee Members:

My name is John Michael Gudger, chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. While we recognize the intent of Senate Bill 99 to enhance democratic participation, we would like to address several concerns regarding its implementation and potential impact on the election process in Maryland.

#### **1. Increase in Provisional Ballots:**

Senate Bill 99 will likely lead to a significant increase in the number of provisional ballots cast during primary elections. Processing provisional ballots is labor-intensive and requires additional resources and time for verification and counting. This surge could strain our current capacities, potentially leading to delays in election results and increased costs.

#### **2. Confusion between Independent and Unaffiliated Voters:**

The bill may also cause confusion among voters not in the main two political parties, particularly in distinguishing between 'Independent' and 'Unaffiliated' status. Voters often use these terms interchangeably, though they have distinct meanings in the context of Maryland's election laws, as 'Independent' means "Member of the Independence Party." This confusion could lead to challenges at polling places during the Primary.

#### **3. Gaming the System:**

Permitting unaffiliated voters to align with a political party at early voting centers poses the risk of individuals affiliating merely to sway the results of a party's primary, not due to a true allegiance to that party. It is probable that such voters would revert to Unaffiliated status post-election to retain the flexibility to participate in either party's primary in future elections. This expected pattern of frequent affiliation changes would significantly increase the workload for our staff. Indeed, this arrangement could incentivize all voters to register as Unaffiliated, thus enabling them to selectively participate in the primary of their choice each election cycle.

#### **4. Impact on Ballot and Supply Orders:**

Typically, in primary elections, our ballot and supply orders do not account for a significant number of Unaffiliated (UNA) voters, except when there is a Board of Education contest. Implementing Senate Bill 99 could substantially alter our ordering processes, as we would need to anticipate a higher demand for ballots from newly affiliated voters. This change could lead to challenges in accurately predicting the number of ballots needed and might result in either shortages or excess, both of which have financial and logistical implications.

In conclusion, while we support efforts to increase voter participation and engagement, it is crucial to consider the practical implications of Senate Bill 99 on the administration of elections in Maryland. We recommend a thorough assessment of the potential impacts, including the development of strategies to address these concerns effectively. It is essential to ensure that any changes to election laws enhance the electoral process without compromising its integrity, efficiency, and the trust of Maryland voters.

Thank you for considering our perspective on this important matter.

Sincerely,

John Michael Gudger  
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Chair, MAEO Legislative Committee