



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

March 3, 2020

The Honorable Delegate Anne Kaiser, Chair
Maryland House of Delegates Ways and Means Committee
House Office Building
Annapolis, MD 21401-1991

RE: HB1379

Dear Delegate Kaiser and Committee Members:

My name is David Garreis, President of the Maryland Association of Election Officials (MAEO) and Anne Arundel County Board of Elections Deputy Director. I am here today representing MAEO to discuss House Bill 1379 – Election Law – Multiple Ballots Cast by an Individual - Canvassing. MAEO represents the local boards of elections throughout the State of Maryland.

MAEO supports HB1379 with amendments.

Under current election law, when a voter casts both an absentee ballot and a provisional ballot in the same election, both ballots are rejected. This is rightfully intended to penalize those who would intentionally vote twice. However, in our professional observation, many voters are not trying to vote multiple times intentionally; specifically, voters will submit an absentee ballot weeks before Election Day, then go to their polling place on Election Day to vote, casting a provisional ballot, having forgotten they submitted an absentee ballot or because they are concerned the absentee ballot would not be returned to the Board of Elections on time by USPS. Under current law, these voters have unknowingly forfeited their fundamental right to vote.

The proposed changes to election law section 11-302 in HB1379 will allow the absentee ballot to be accepted and the provisional ballot to be rejected, and MAEO supports this. Passing HB1379 would be an equitable solution for voters who are acting in due diligence to ensure their vote is counted.

Additionally, MAEO supports accepting the absentee ballot and rejecting the provisional ballot to ensure that all ballots are accurately canvassed at the Absentee Ballot 1 Canvass following Election Day. In our experience, large local boards of elections have a substantial risk of inadvertently violating state regulations by counting the initial Absentee Ballot during the Absentee Ballot 1 canvass because the Provisional Ballot cast on Election Day has not been processed by the time the Absentee Ballot 1 Canvass occurs. Therefore, as far as the local board of elections is aware, at the time of the canvass, the voter has not cast more than one ballot. It is only after all of the Provisional Ballots have been processed that the error is discovered. By eliminating the constraint that both ballots must be rejected, it will assist the local board of elections during the canvassing process by eliminating a rule that is not fair to the voter and may be inadvertently violated by the local board of elections due to the narrow window of canvass process deadlines.

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Finally, if HB1379 is passed, it will be another step in modernizing and updating the Maryland Absentee Ballot canvassing process. Out of 50 states, 49 states begin counting their absentee ballots on or before Election Day, a policy MAEO would also like to see Maryland adopt in future elections in order to increase canvass process efficiency and expedite the release of election results. The changes to section 11-302 in HB1379 afford this opportunity, and MAEO looks forward to working with the Ways and Means Committee to adopt legislation to that end for future elections.

MAEO proposes the following amendments to HB1379:

Page 3, line 27 – keep original language, remove line 28

There are multiple ways that a voter can cast more than one ballot for the same election, not just by absentee ballot. Removing the original language and inserting the proposed language would make the law too narrow and not give provision for other scenarios, such as a voter casting a ballot at Early Voting, then casting a provisional ballot.

Page 4, lines 12 through 25 – remove all proposed changes

If the original language in page 3, line 27 is allowed to remain, then the above proposed changes are not needed. The original language addresses rejecting a provisional ballot in any case that more than one ballot is cast in the same election.

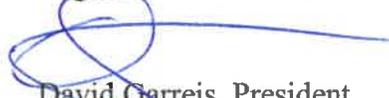
Page 5, line 2 – strike “AND 11-303”

Because of the above amendments, no changes would have been made to section 11-303.

Again, MAEO supports the acceptance of an absentee ballot and rejection of the provisional ballot when both an absentee ballot and provisional ballot are cast by a voter in the same election. If the above requested amendments are made, MAEO will support HB1379

Thank you for your consideration, if you have any questions or need additional information, please contact me at 410-222-0405 or david.garreis@maryland.gov.

Regards,



David Garreis, President
Maryland Association of Election Officials

Attachment: HB1379, pages 3, 4 and 5 Edited