April 1, 2021

Testimony on HB 1047
Mail-In Voting Enhancement Act
Education, Health, and Environmental Affairs

Position: Favorable

Common Cause Maryland supports HB 1047 which aims to modernize the mail-in voting process, putting an infrastructure and processes in place to ensure voters aren't disenfranchised during the receipt, verification, and tallying of mail-in ballots.

During the 2020 election cycle, Maryland experienced a larger-than-average demand for mail-in voting due to the COVID-19 pandemic. While election changes had to be quickly adopted, these changes presented a unique opportunity to test vote by mail. This experience proved two things – the convenience of vote by mail presents an opportunity to boost overall participation in our elections and the existing mail-in voting process needs improvement.

HB 1047 provides common sense steps to improve our mail-in voting process, addressing issues that have long been a challenge for voters using this method of voting prior to the pandemic. The proposed steps also set the state on path to being able to easily expand the mail ballot process in the future.

Accessible and Secure Drop Boxes
Drop boxes give voters a safe, secure method to return a vote-by-mail ballot that is controlled and operated by the local boards of election, without requiring voters to visit an in-person site or use of mail. According to the State Board of Elections 2020 election final reports, 13% of voters used a ballot drop box to return their ballots in primary. About 2/3 of voters, over 1 million voters, who received a
mail-in ballot used a ballot drop box to return their voted ballots during the general. Once more drop boxes were made available, voters overwhelmingly opted to return their ballot using this method and many have expressed wanting to continue using this method of delivery in future elections.

HB 1047 aims to make drop boxes a permanent staple in our elections. Similar to the previous election cycle, video surveillance or in-person security would be required. Election officials would also be required to collect ballots at least once a day that are managed with tight chain-of-custody controls. Any new purchase of drop boxes would need be designed to be indestructible and able to sufficiently protect ballots. It also would require that drop boxes be accessible to all voters, addressing issues where voters with disabilities experienced issues accessing the boxes due to placement. The increased accessibility to these secure and accessible boxes help to address voter issues with mail and will ultimately save counties money as the use of pre-paid postage decreases.

Improved Ballot Tracking
Under current law, voters are able to access the Voter Lookup Page to see the status of their mail-in ballot. However, during the 2020 and 2018 election cycle, Common Cause Maryland got multiple requests from Marylanders who had difficulty finding this tool or were unaware of its existence. Additionally, many also reached out concerned about the overall status of their ballot.

HB 1047 would help to address these concerns by bringing our mail-in tracking system into line with Marylander's technological expectations in the 21st-century. Once Marylanders sign up for a mail-in ballot, they would be able to sign up for updates in multiple methods, giving them up to date tracking, reminders, and clearer piece of mind that their vote is being handled properly. This would increase transparency and accessibility of the handling of Marylander's voters.

Ballot Curing

More than 38,000 mail-in ballots were rejected in the 2020 election cycle. While majority of these ballots were rejected during the primary and mostly due to late receipt, many of these ballots could have been accepted with a clear curing process in place.

When mail-in ballots are received in a timely manner or preprocessing of ballots allowed, election officials are able to check for the presence of a signature and identify any errors with a ballot that can be "cured" by a voter. This process provides for a window of time in which voters can correct their mistake for reasons varying from missing signatures to identification to ensure their vote still counts. Some local boards of election have put together an unofficial process to try and contact voters when there is an issue, but these efforts are not consistent and typically rely on election official's willingness to contact voters as we saw during the 2020 election. HB 1047 aims to establish an official process where the State Board of Elections puts regulations in place to ensure voters are notified of a problem and provided with an opportunity to correct the problem. This process will ensure those who intend to vote are able to have their voices heard in that election.

Usability and Design of Mail-In Voting Materials

In our conversations with voters in 2020, we found that many just were confused about the mail-in voting process. The instructions were confusing, the translated materials did not match instructional images on the materials, they were multiples pages that just seemed to cause more confusion, and others never realized a ballot came in the mail.

The mail-in voting experience needs to be improved. Improving the design and usability of mail-in voting materials will make the overall process more seamless for voters and ensure that voters can vote the way they intend. Plain language use will help voters make fewer mistakes when completing ad returning their ballots. More than 38,000 mail-in ballots were rejected in the 2020 election cycle and thousands more in previous elections. Many of the mistakes could have been avoided with more clear instructions, helping to reduce the rejection rate of ballots.

HB 1047 provides common-sense steps to ensure we are ready to meet the demands of the increased interest in our mail-in voting system as well as ensure those needing to vote at home the most are confident in the process.

We urge a favorable report.