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April 1, 2021

To: The Honorable Paul G. Pinsky  
Chair, Education, Health, and Environmental Affairs  
From: The Office of the Attorney General

Re: HB – Election Law; Mail-in Voting Enhancement Act – Support

The Office of Attorney General (the “OAG”) urges this Committee to favorably report HB 1047.

The 2020 elections saw increased reliance by voters on mail-in (or absentee) voting as well as the use of ballot drop boxes for the first time in Maryland statewide elections. Although the increase in mail-in voting was driven by the context of the pandemic, it is likely that more voters in the future will rely on mail-in voting to cast their ballots than have done so in the past. House Bill 1047 proposes several positive changes to the mail-in voting process to facilitate access and increase transparency for voters.

First, HB 1047 would require the use of ballot drop boxes in statewide elections going forward, and establish parameters for how many drop boxes should be used, for how long before an election they should be deployed, for how they should be allocated among and within jurisdictions across the state, and for how they should be deployed so as to ensure security and access for all. House Bill 1047 would also ensure that no electioneering zones extend to an appropriate distance around ballot drop boxes. The ballot drop boxes proved to be enormously popular among voters in the 2020 elections. House Bill 1047 would secure their continued use and provide a statutory framework for their deployment.

Second, HB 1047 would increase transparency for voters who choose to cast their ballot via the mail-in ballot process. It would require the Board of Elections to allow voters access to detailed information regarding the status of their application or their ballot, and give voters the option to decide how to receive such information from the Board of Elections. One of the frustrations that our office heard from voters in the 2020 elections related to a lack of information about the status of their mail-in ballots. While the emergency changes to the election formats brought on by the pandemic no doubt contributed to these problems, the

transparency provisions of HB 1047 would ensure that the Board of Elections is prepared to provide voters in future elections with timely and detailed information about the status of their mail-in ballots or applications.

Third, HB 1047 would enshrine the opportunity for voters to “cure” defective absentee ballots into law. This practice was implemented by local boards of elections throughout the State in 2020 as a matter of State Board of Elections policy, but HB 1047 would direct the State Board to promulgate regulations formalizing this practice.

In summary, HB 1047 makes several improvements to the mail-in ballot process that will serve to enhance access to mail-in voting to Maryland voters. For the foregoing reasons, the Office of the Attorney General urges a favorable report on House Bill 1047.

cc: Members of the Education, Health, and Environmental Affairs Committee