

LWVMD testimony - HB 862 - Election Law – Ballot C

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**TESTIMONY TO THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS
COMMITTEE**

HB 862 – Election Law – Ballot Canvassing – Multiple Ballots Cast by an Individual

POSITION: Favorable

BY: Nancy Soreng, President

DATE: March 23, 2022

The League of Women Voters of Maryland, a nonpartisan organization with 1500 members statewide, supports offering all registered voters the option of voting by mail (absentee). The League supports HB 862 because it will make permanent one of the valuable temporary procedures from the last election regarding how mail-in ballots are canvassed.

The unprecedented conditions of 2020 resulted in emergency changes to Maryland's election process, some of which were codified during the 2021 legislative session. For instance, voters can now choose to be placed on a permanent absentee voter list, and the continued use of convenient ballot drop boxes has been assured. A return to pre-2020 levels of absentee voting is unlikely, however. For the 2022 elections, the Board of Elections (BOE) has already received hundreds of thousands of requests for mail-in ballots. Therefore, additional legislation is needed to ensure the continued smooth administration of our elections.

Before 2020, if more than one ballot was received from the same individual, the BOE would discard both. In 2020, however, many voters submitted multiple ballots out of justifiable concern that the U.S. Postal Service might not deliver their first ballot by the deadline. There was no intent to defraud the system, and the emergency regulation ensured that these Marylanders didn't lose their votes completely.

HB 862 provides that the first legally sufficient ballot received will be counted, and any later-arriving ballot(s) rejected. No one would get a "do-over" on their votes, but neither would they be disenfranchised due to a simple error or innocent action.

The League of Women Voters of Maryland urges a favorable report on HB 862.

HB862Canvassing Multiple Ballots Cast - crossfile

Uploaded by: Katherine Berry

Position: FAV



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

March 23, 2022

The Honorable Paul G. Pinsky, Chair
Maryland Senate Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: HB862 – Support

Chair Pinsky, Vice Chair Kagan and Committee Members:

My name is Katherine Berry. I am the Election Director in Carroll County and the co-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 in support of HB862 – Election Law – Ballot Canvassing – Multiple Ballots Cast by an Individual.

This bill would allow a local board to accept the first ballot that is received as legally sufficient in the event that more than one ballot is received by a voter using different envelopes. Prior to the 2020 election, Maryland rejected both ballots if there was more than one ballot returned. Due to the emergency measures in 2020, we were able to count the first ballot that was received.

MAEO would like to continue the practice of ensuring all voters have a voice during elections, so codifying the practice of counting one ballot and rejecting another in a uniform manner is acceptable. Some of the most common examples of a voter submitting two ballots are 1.) due to lack of confidence that the absentee ballot was received by the local board of elections, 2.) because the voter changed who they wanted to vote for and went to vote on election day, 3.) the voter forgot they submitted a mail-in ballot and request a new ballot be sent to them, and 4.) the voter requested a web delivered ballot and they print is more than one time. It is necessary to have a consistent requirement either in law or simply in regulation to ensure all local boards of elections are counting the same ballot because some counties have canvasses for a day while others have canvass for weeks. This bill also suggests to the voter that they cannot simply “change their mind” in who they’re voting for since it’s not allowed for someone to vote at early voting and then come back on election day because they “changed their mind”.

MAEO asks the committee for a favorable report as it pertains to HB862. This bill assists us in effectively managing ballots during the canvass process.

Thank you for your time. If you have any questions, please contact me at (410)386-2958 or Katherine.berry@maryland.gov.

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