SB163   Favorable with amendments   Submitted by Alan Banov

I support Senate Bill 163 with amendments. I am a Member of the Montgomery County

Board of Elections, but I testify here as an individual citizen who supports free and full elections.

As you know, the current law, Maryland Election Code Section 11-302(b) prohibits

election boards from processing mailed-in ballots until 8 a.m. on the Wednesday following

Election Day, while the State Board of Elections Regulations, COMAR Section 33.11.04.03,

inconsistently provide that the local "board shall start to canvass the absentee ballots on the

Thursday after the election" (emphasis added).

These restrictions unduly restrict local boards from processing mailed ballots at a time

when mailed ballots are not only growing enormous popularity, but are also a safe alternative to

voting in person. In 2020 in recognition that the covid pandemic would deter many voters from

voting in person, the State Board of Elections not only sent out mail ballots to all who requested

them, but also authorized local election boards to start COUNTING mailed-in ballots on May 21,

11 days before the June 2 primary. Similarly, the State Board authorized local boards to start

canvassing on October 1, 2020, 33 days before the Presidential Election.

Voting by mail is enormously popular and is growing in popularity. In the 2020 primary,

over 260,000 Montgomery County voters voted by mail, compared with about 4,500 who voted

in person. In the 2020 Presidential election, 348,744 of Montgomery's 518,056 non-provisional

votes were cast by mail (or by drop box). That's over 67%.

You should also recall what is involved in processing votes cast by mail. In this time of

covid, after mailed ballots are collected, local board employees must "cure" the envelopes for 24

hours. Then they need to check the oath on the outside of the envelope to make sure it has been

signed and dated. (If not, assuming the ballot is timely, they contact the voters to ask them to

sign and date their oaths.) Next, the envelopes need to be opened. Fortunately, there are

machines which can do that more efficiently than people. After that the staff will open the

envelopes, take out the ballots, and flatten them for further processing. Staff will review the

ballots to make sure there are no over-votes (such as votes for 4 candidates in a 3-member

legislative district) and to make sure the votes are clear on the paper (i.e., the voter filled in the

ovals sufficiently for the ballot scanner to read them. If the ballot is a regular ballot, it is ready

for scanning; if it is a web-based ballot, the votes must be copied meticulously onto a scannable

ballot. Finally, after it is clear that the scanner will accept the ballot, it is ready for scanning. All

of that takes time, measured in days, and the time is multiplied exponentially with increasingly

popular mailed ballots.

For these reasons, I support the provision in SB163 which would allow local boards to

"ACCEPT, REJECT, OPEN, OR PROCESS ANY ENVELOPE OF AN ABSENTEE BALLOT BEFORE 8 A.M. ON THE

DAY THAT IS 8 DAYS BEFORE THE FIRST DAY OF EARLY VOTING." At present Early Voting starts 12

days before the election, so this amendment would enable local boards to start opening and

processing mailed-in ballots 20 days before the election. While I think an earlier date would be

better, 20 days before is a great improvement over one or two days after the election.

However, I do not support the bill to the extent that the provision, "(3) A LOCAL BOARD

MAY NOT TABULATE ABSENTEE BALLOT RESULTS BEFORE ELECTION DAY," would prohibit local boards

from scanning mailed ballots before election day. Given the enormous number of mailed ballots

which local boards receive, they should be able to start scanning ballots in the scanners as they

are scanner-ready. If not, I worry that board may not be able to report election results until

sometime after elections. At present our local board has been able to scan ballots received

before and during Early Voting without anyone knowing the results until the scanners produce

printouts on request. Local boards should be able to start scanning ballots long before the election so they can report the final results after the end of the election day. Therefore, if the bill is amended to define "tabulate" as "publishing" the results, I would have no problem with that section.

In addition, SB0163 would require the SBE to adopt regulations requiring local boards to notify mail-in voters of their failures to sign their oaths on timely-submitted ballots and to give them a chance to correct their errors. That is already the policy of the Montgomery County Board.

Thank you for considering my testimony.

Alan Banov
9605 Hillridge Dive
Kensington, MD 20895
202-210-0041 (cell)
301-588-9699 (office)