HB329   Favorable with amendments   Submitted by Alan Banov

I support House Bill 329 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

<u>Thursday</u> 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, even without a covid pandemic.

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 BUSINESS 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 personally 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's provision, "(3) A LOCAL BOARD MAY NOT CANVASS ABSENTEE BALLOT RESULTS DURING THE EARLY VOTING PERIOD." It would prohibit local boards from processing mailed ballots during the eight days of Early Voting. Given the enormous number of mailed ballots which local boards receive, they should be able to canvass ballots during that period. If not, I worry that boards 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.

Senate Bill 163, as amended, would cure that problem and, in addition, would define clearly what processes local boards may take on mailed-in ballots prior to Election Day. I urge you to amend HB 329 to conform to SB 163.

In January our Board of Elections voted on a bipartisan basis to support the amendments to Section 11-302(b) in Senate Bill 163 which would permit local boards to begin processing mailed-in ballots 8 days before Early Voting (20 days before election day), with two provisos: (1) that in processing them, staff could begin scanning them into scanners, but not reporting them, and that (2) that the bill define "tabulating" to mean directing the scanners to add up the ballots for publication.

In addition, HB 329 would require the State Board of Elections 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 practice 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)