



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

February 21, 2024

Senator Brian Feldman, Chair
Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

SB802 – Information

Chair Feldman, Vice Chair Kagan and Committee Members:

My name is John Michael Gudger, Chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. Thank you for allowing me to present this informational testimony on SB802 - Election Law - Voters With Disabilities - Electronic Ballot Return.

Current Practice

Under our current policy, known as webmail delivery, we offer every voter the opportunity to access their ballots electronically. Once accessed, it is the responsibility of the voter to accurately complete their ballot, print both the ballot and the accompanying oath page, sign the oath page, and then send the entire ballot package back to their local board of elections using the provided envelope template.

Upon receiving the ballot package, the local board acknowledges its receipt to the voter and securely stores it until the mail-in ballot canvass. During the canvass, the ballot package is opened, and the oath document is inspected for the voter's signature. If the signature is missing, we ensure the voter is provided with an opportunity to correct this oversight.

SB802 Requirements

MAEO recognizes the paramount importance of the Americans with Disabilities Act (ADA). The ADA aims to eliminate discrimination against individuals with disabilities in all aspects of public life, including the essential act of voting, by requiring the provision of necessary accommodations to ensure equal participation. Moreover, the ADA safeguards the privacy of individuals with disabilities by forbidding the compulsory disclosure of their disability status. As a result, we are not permitted to ask individuals about their disability status.

In order to adhere to the requirements of both Title II of the ADA and Senate Bill 802, it would be essential to extend the option of electronic ballot returns to all voters. By adopting this approach, voters can choose this method without the need to reveal any disability status. Furthermore, this strategy ensures that individuals with disabilities can preserve the confidentiality of their ballot, preventing the automatic association of every electronically returned ballot with a voter with a disability.

We are grateful for the opportunity to provide informational testimony to the committee and are eager to address any questions you may have regarding the processes of local boards.

Sincerely,

John Michael Gudger
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Chair, MAEO Legislative Committee