

Steven Andrew Ellis
HB 1109
Favorable

“ Online petition gathering has been brought up before our board (by third-party officials), and it’s one of those things we looked at. We allowed it for COVID and it was successful, but over time, it’s definitely a policy shift that is in the domain of policymakers.”

-Jared Demaranis-Administrator of the State Board of Elections, Baltimore Sun, June 23rd 2023

I am one of the “third-party officials” Demaranis was referencing in this interview.

In April of 2020 I was the co-chair of the Maryland Green Party and our ballot access drive had been thrown into disarray by Governor Hogan’s COVID State of Emergency declaration. The in-person community meetings, fairs and farmers markets where the vast majority of petition signatures are collected were no longer happening, and were in many cases prohibited by law.

I, along with the representatives from the Libertarian Party, worked with Jared Demaranis and other SBE Staff to inform the development of emergency regulations for electronic signature gathering during the COVID State of Emergency(SBE Policy 2020-01).

I agree with Demaranis that the COVID emergency provisions were successful. I can’t speak for Demaranis about what he means by successful but, in my opinion, the 2020 policy was successful at allowing petitioning during the COVID State of Emergency. Beyond that I think it provided insight into three policy benefits that go beyond the emergency.

1. It was easier and more accessible for voters to digest the information in the petition and to provide their correct information for the form, when they could do so over the web instead of at a farmers market or a festival. Voters made more informed choices and could be relatively certain their signature would be counted.
2. It was more efficient and effective for the staff at the State and Local Boards of Election. They were able to read typed information, and electronic signatures instead of having to read handwriting and trying to compare it to information in the voter database.
3. It was easier for the sponsors of the petition because we knew the signatures we collected were much more likely to be validated when they were filled out electronically. It is typical practice for petition campaigns to collect 15,000 to 20,000 signatures when they need 10,000. Typically 25-35% of petition signatures in handwriting and on paper are invalidated, based on name standards, date standards, signature standards, and other issues with the paper sheets.

Since 2021, I have advocated electronic signature bills in the general assembly.

I think it is a COVID era experiment that makes sense to make permanent.

As the leader of the Green Party of the United States- Ballot Access Policy working group I have had the opportunity to do extensive research on Ballot Petition laws and best practices.

In my opinion the primary measure we should be using to evaluate ballot petition policy is the signature validation rate of legitimate expressions of voter preference. If a voter is qualified to sign a petition, and they make a reasonable effort to provide the information needed, then it is a policy success if their signature counts and policy failure if their signature is invalidated.

HB 1109 addresses this policy question at multiple points in the petition process. On the front end it improves the legitimate signature validation rate by allowing voters to use web based electronic signatures, which have a much higher validation rate. It also addresses it in the middle of the process by requiring the state and local boards to use reasonability standards for evaluating names. The current exacting name standard invalidates many potentially legitimate signatures. Finally, by giving voters the ability to correct technical errors which cause their signature to be invalidated, this bill provides another mechanism for voters to ensure their signatures are counted.

This bill modernizes processes in a sensible and measured way that makes it more likely that voters will have their legitimate expressions honored. For that reason I encourage the committee to provide a favorable reports on HB 1109

Attached is a sign on letter, and all the names of people who have signed and agreed to have their name include.

The sign-on form can be accessed here <https://forms.gle/vezN7mnmQ4cRmKsZ8>

Also Attached is A Daily Record Op-Ed Published 3/1/2024