

**David Naimon MoCo Board of Elections on SB 543 at**

Uploaded by: David Naimon

Position: FAV

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**TESTIMONY BY BOARD PRESIDENT DAVID A. NAIMON ON SENATE BILL 543  
REGARDING COUNTING VOTES IN NONPARTISAN BOARD OF EDUCATION  
CONTESTS ON CERTAIN PROVISIONAL BALLOTS  
SENATE ENERGY, EDUCATION, AND THE ENVIRONMENT COMMITTEE 2-26-2025**

Chair Feldman and Vice Chair Kagan, for the record, my name is David Naimon, and I'd like to thank you for the opportunity to testify today. I'd also like to thank Senator Kagan, the Senate Elections Maven, for introducing this important legislation. I'm the President of the Montgomery County Board of Elections and I'm testifying today on behalf of our Board. Our county board supports this legislation and urges a favorable report. In short, this bill would allow all voters who vote the wrong party ballot in a primary election to have their votes count for the nonpartisan Board of Education, which all voters are eligible to vote for in the primary, regardless of whether they're a Democrat, Republican, a member of another political party, or unaffiliated. This bill would support the longstanding Maryland policy of counting the votes of all eligible voters in the races in which they are eligible to vote.

One of the leading reasons that voters receive a provisional ballot in a primary election is because the voter requested a ballot for a party affiliation that differs from the voter's registered party affiliation on our voter registry. In Montgomery County, in the 2022 primary election we had almost 700 provisional ballots for this reason, and in the 2024 primary election we had more than 350. This could happen because the voter mistakenly remembers the voter's party affiliation, the voter mistakenly believes that Maryland has an open primary, or (very infrequently) a mistake was made in recording the voter's chosen party affiliation in the voter registry. Regardless of the reason, in that circumstance, election judges give the voter a provisional ballot and allow the local Board of Elections to decide if the voter was eligible to cast that ballot. Section 8-802(a)(1)(ii) of the Election Law says, "In a primary election to nominate board of education candidates, any registered voter of the county, regardless of party affiliation or lack of party affiliation, is eligible to vote in those contests for nomination." However, section 11-303(d)(2)(i) of the Election Law requires local Boards to reject the provisional ballot if "the local board determines that the individual who cast the provisional ballot is not qualified to vote *that* provisional ballot" (emphasis added). Currently, the local Board has no choice but to reject the *entire* provisional ballot when a voter votes the wrong party ballot, even though the voter (like all voters) was eligible to vote for the Board of Education.

SB 543 would change this to allow the local Board of Elections to accept the provisional ballot "in part" (rather than rejecting it entirely) so the vote in the Board of Education contests -- in which voters of any party affiliation or no party affiliation have the right to participate -- is counted. Under current law, we routinely accept provisional ballots "in part" when voters are eligible to vote in some races but not others (such as if they vote out of precinct in an incorrect congressional or legislative district, but their votes in statewide or countywide races are still counted) and this would be consistent with that policy.

While a few hundred votes in Montgomery County (and presumably a proportional number in other

counties) may not sound like a lot, I would remind you that Montgomery County has had multiple races (not for Board of Education) in recent years that were decided by fewer than 100 votes. In addition, the top two finishers in our 2024 primary election for Board of Education At Large were separated by only 300 votes - it didn't result in a recount because both candidates advanced to the general election, but it was an example of how close our elections can be. It's very painful for us whenever we are required to reject a ballot from an otherwise eligible voter, but it's particularly painful to reject the ballot for a nonpartisan race because the voter voted the wrong partisan ballot. This legislation would eliminate that problem, and we urge you to support it.

Thank you for the opportunity to share our views with you today.

# Testimony - Partial Ballots SB543.pdf

Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN  
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—  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB543: "Partial Ballots"**

Senate Education, Energy, and the Environment Committee  
Wednesday, February 26, 2025 1:00 PM

Voters who arrive at the wrong precinct or have an incorrect address listed can still cast a provisional ballot, but only selections for contests that match their home address are counted.

On the other hand, if a voter insists on casting a ballot that doesn't reflect their Party registration during a Primary Election, it will first be put in the pile with other provisional ballots... and then completely invalidated. This results in the exclusion of their choices for all contests-- including the county's nonpartisan Board of Education.

This inconsistent blanket rejection in Primary Elections disenfranchises people, undermining participation in important nonpartisan contests.

[SB543](#) would ensure that ballots cast with any Party in a Primary are partially accepted, counting votes for Board of Education contests in which the individual is eligible to participate.

**I urge a favorable report on SB543.**

# **SB 543 Election Law- Provisional Ballots - Nonpart**

Uploaded by: Nikki Tyree

Position: FWA



**TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND ENVIRONMENT  
COMMITTEE**

**SB 543 Election Law – Provisional Ballots – Nonpartisan Board of Education  
Contests**

**POSITION – Favorable with Amendments**

**BY: Linda T. Kohn, President**

**Date: February 26, 2025**

The League of Women Voters of Maryland believes that elections should be accessible and encourage as many voters as possible to participate. We also believe that primaries should be more inclusive and open. While LWVMD can appreciate the spirit of SB 543, it does not go far enough. Marylanders must feel that they are not only wanted in the democratic process but also crucial to it.

The numbers don't lie. Maryland has over 900,000 unaffiliated voters, and yet, depending on the election year, half of those voters cannot even participate in the primary. As of right now, there is no mechanism for these voters to switch their registration on election day and vote on their beliefs. As such, during the 2024 primary, unaffiliated voters had an abysmal turnout that hovered around 8% of those eligible. Unfortunately, these numbers do not improve much when you look at voters who are affiliated with one of the main parties. In the 2024 Primary Elections, Maryland had a statewide turnout of only 27%. Most of this could be attributed to a disillusion with the primary system and feeling that their votes won't accurately reflect who they would want to support.

Beyond that, Board of Education races are not the only nonpartisan races that potential voters could be asked about. If SB 543 wanted to be more inclusive, it would take into account all nonpartisan races. This could set an unfortunate precedent for municipalities to set the same standard, inadvertently leaving out voters who are voting provisionally for offices like city and county council.

LWVMD would ask that amendments to SB 543 be made to reflect the following:

1. All voters can request the ballot for their chosen party
2. That language in the bill reflects that all nonpartisan races and not just Board of Education races should be counted.

Again, while LWVMD appreciates SB 543's attempts to be slightly more inclusive, it



does not go far enough. Therefore, we urge a favorable report with amendments.



**SB543 - 2025.docx.pdf**

Uploaded by: Stephen Feryus

Position: INFO



# Maryland Association of Election Officials

## Representing the Local Election Boards of the State of Maryland

February 26, 2025

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

### **SB543 - Information**

Dear Chair Feldman, Vice Chair Kagan, and Committee Members,

The Maryland Association of Election Officials (MAEO) is the professional membership organization representing local election officials and Election Boards across all 24 jurisdictions in Maryland. Our members are committed to ensuring the smooth and effective administration of elections, and to making Maryland elections accessible, secure, and fair. MAEO appreciates the opportunity to provide testimony on Senate Bill 543, which would allow certain provisional ballots cast due to party affiliation discrepancies to be partially counted for nonpartisan Board of Education contests.

Under current Maryland election law, voters who believe their party affiliation does not reflect the ballot they wish to vote in a primary election must cast a provisional ballot. This ballot would currently be rejected in full because party affiliation determines eligibility to cast a particular party ballot.

SB 543 proposes allowing local boards to count votes in nonpartisan Board of Education contests on these otherwise fully rejected ballots while still excluding votes cast in partisan contests. While this change ensures more eligible votes are counted, it also introduces additional complexity in provisional ballot processing, requiring extra verification steps, ballot separation, duplication, and manual review—adding to the workload of election officials navigating tight post-election deadlines.

Despite the increased administrative burden, MAEO supports efforts that align with the principle that every vote that should count must count. We appreciate this movement toward a more inclusive electoral process, ensuring that voters participating in nonpartisan contests are not inadvertently disenfranchised due to an issue that affects only their ability to vote in partisan races. However, we urge the General Assembly to consider the resource implications of this change and to work with State Board of Elections officials to ensure sufficient training, staffing, and technological support for proper implementation.

Thank you for your consideration. We look forward to working with you to uphold the integrity and accessibility of Maryland's elections.