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TESTIMONY BY BOARD PRESIDENT DAVID A. NAIMON
ON HOUSE BILL 174 REGARDING SPECIAL ELECTIONS
HOUSE WAYS AND MEANS COMMITTEE 1-28-2025

Chair Atterbeary and Vice Chair Wilkins, my name is David Naimon, and I'd like to thank you for the opportunity to submit this written testimony. I'm the President of the Montgomery County Board of Elections and I'm testifying today on behalf of our Board (and not on behalf of the State Board or any other local Board). While I'm sure you're quite familiar with the pros and cons of this legislation to fill some legislative vacancies in the first year of the legislative term by special election in the second year, I'm not testifying in support or opposition, but to provide information that I hope you will find helpful about how it would affect our work. In short, we think that the added responsibility for the special elections called for in the bill – which will be held in conjunction with already regularly scheduled elections in presidential election years – would only marginally increase our workload and therefore marginally affect our cost of administering the election.

As long as the filing deadline for the special elections coincides with the filing deadline for other offices on the ballot during the presidential elections, we might have a few more candidates to work with, and the sample ballot with voter information that we mail to voters might be slightly longer if we add explanations about why state legislative races are on the presidential year ballot. Our number of ballot styles would remain the same, given that we currently have separate ballot styles for each precinct and for each party affiliation in the primary.

Special elections could make the voted ballot slightly longer, especially in a district that might have two special elections at the same time – one for State Senator and one for Delegate if a Delegate is appointed to be a Senator. Such a longer ballot in a presidential election year could make it take voters marginally longer to vote (slightly lengthening lines) and could marginally affect how long it takes to process voted mail-in ballots (because of the time required to duplicate ballots at the mail-in ballot canvass when necessary). More pages in the ballot likely would take slightly longer to duplicate and scan, but the number of special elections called for under this legislation is unlikely to have that big an effect.

We might need to do some additional outreach to voters to explain why they're seeing state legislative races during the presidential years, especially for the segment of voters who only vote in presidential years. We don't think that particular message would be complicated to explain.

We have one technical suggestion for you to consider for a possible amendment to the bill, which is to tie the bill's special election provisions to a specific day or date in November, rather than to the filing deadline. As drafted, the bill provides for a constitutional amendment but ties its provisions to a statutory filing deadline for the presidential primary election (calling for special elections if a vacancy occurs before the date that is 55 days before the filing deadline), and that filing deadline is by statute 95 days before the date of the primary election. The date when a vacancy would have to occur to result in a

special election would move earlier or later if the primary election moves earlier or later, and Maryland primary elections have been moved often, especially in presidential election years, both to avoid the spring religious holidays (and early voting for the 2028 primary election as currently scheduled includes both Easter and Passover) and because of where Maryland stands in the presidential primary calendar. To avoid the confusion that may be caused by the date shifting, you might consider tying the special election provisions to a specific day or date, such as the third Friday in November (the Friday before Thanksgiving) or a specific date in November, such as November 20.

Thank you for the opportunity to provide this information to you.