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**TESTIMONY BY BOARD OF ELECTIONS PRESIDENT DAVID NAIMON IN SUPPORT OF HB 1083 (MC 6-26)
CONVERTING THE BOARD'S SUBSTITUTE MEMBERS TO REGULAR MEMBERS
AT THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE
March 25, 2026**

Good afternoon, Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee. For the record, my name is David Naimon and I'm the President of the Montgomery County Board of Elections. I'm pleased to be here today to testify on behalf of our unanimous Board in favor of HB 1083, which would convert the Board's two substitute members to regular members of our Board. Many thanks to Del. Teresa Woorman for introducing this bill and to the Montgomery County House and Senate Delegations for unanimously supporting it.

As you may know, all Maryland local Boards of Elections used to have substitute members, who are chosen by the same appointment process as the regular members but only vote when a regular member of the same political party cannot, and automatically become a regular member if a regular member leaves office. The local party committee then recommends a new substitute member for the Governor to nominate and the Senate to confirm.

Since 2011, 22 of the 24 local Boards have converted their substitute members to regular members, and Montgomery County is now seeking to be #23. For better or for worse, we frequently do things differently in Montgomery County, but it's long past time for us to join the 22 other Boards and give all of our members voting rights. I'd like to thank Chair Feldman, Vice Chair Kagan, Senator Hester, and the rest of the Montgomery County Senate Delegation for their unanimous support of this legislation and for this legislation to take effect *this* June, rather than waiting for next June and the next Board term, as a majority of our House Delegation voted. Here's why we agree with the Senators:

1. The other 22 Boards were *required* by the Maryland Constitution to have their changes take effect with the next Board term to avoid increasing substitute members' salaries in the middle of their terms. The other Boards expected less work from their substitute members and paid them less than their regular members. In Montgomery County, our substitute members attend all of our meetings and do all of the same work as our regular members and we pay them the same as our regular members.
2. We have no such limit, so we don't need to wait to grant these voting rights. The substitute members already have been vetted – by their local party committee, the Governor, and the Senate - - to be regular members. If a regular member resigned today, the substitute member would take their place instantly and automatically (as happened last year).

3. Some have expressed concern that it's unprecedented to pass laws affecting the voting rights of sitting Board members, and others said it raises constitutional concerns, but it's not unprecedented and the Maryland Attorney General's office has said it's constitutional. There's actually a 2017 Maryland Supreme Court case directly on point, upholding legislation you passed in 2016 that removed five gubernatorial appointees from the Anne Arundel County School Board Nominating Commission, eliminating their votes completely. This bill is much more modest and is granting, not taking away, voting rights – it simply makes the two substitute members (one Democrat and one Republican) voting members in the same way that would happen if a regular member left the Board. (To me, this situation is analogous to when the U.S. Congress on a bipartisan basis in 2011 passed a law to allow “the incumbent Director” of the FBI to serve another two years beyond his 10-year statutory limited term. Congress created the 10-year limit and Congress extended it.)
4. Some have said that we should conform to how the other 22 counties made this change, but we're already different. Let me count the ways:
 - a. The other counties have 5 Board members, while we already have 7 Board members (including the two substitute members), to have more members available to divide the heavy workload of our Board in the state's most populous jurisdiction. This no-cost bill doesn't add members – it just gives voting rights to our members who currently don't have the right to vote.
 - b. The rest of the state has a no-electioneering zone at the polls 100 feet from the entrance, while our county's zone under state law can be as close to 25 feet from the entrance.
 - c. Our county under state law requires a bipartisan vote to choose an election director, while no other county has a similar requirement.
 - d. Once again, our county pays its substitute members the same and requires the same work, meaning that there are no constitutional impediments to granting voting rights this year. Other counties didn't and don't do that.
5. Some have said that this is not urgent since our two substitute members would work just as hard as they have in the past without giving them voting rights. I want to state emphatically that I'm sure our substitute members would do just that, but taking their hard work for granted is a terrible reason to postpone giving them voting rights when they're doing all of the other work of the Board.
6. Many of you know that in many ways, Montgomery County is different from the rest of the state and does things differently. That can be good and that can be bad, and we're definitely not saying we're better, just different, with no reason to require us in this instance to make this change the same way. We are far behind the 22 other local Boards of Elections who over the last 15 years have converted their substitute members to regular members (but we didn't) and we're now asking to catch up with the 22 other local Boards as fast as we legally can, even if other counties needed to make this conversion more gradually.
7. 2026 is already a very eventful election year and has a good chance of becoming more eventful. The U.S. Supreme Court heard a case on Monday that could drastically change the rules for mail-in ballots, and lots of other things could happen as well. Under the circumstances, we'd like all of our Board members to have all the same rights and authorities to make our Board as strong as possible and help us address whatever comes our way.

I urge you to give a favorable report to HB 1083 as introduced, removing the House Amendment to the effective date as Montgomery County Senators voted 9-0 to do, and thank you for the opportunity to provide this information to you. I would be happy to respond to any questions you may have.