



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB949 Testimony: Ballot Postmarks (Emergency Bill)

Education, Energy, and the Environment (& Elections!) Committee
Wednesday, February 25, 2026 1PM

Recently, the Trump Administration has expressed an intent to exert control over state and local elections. This would violate Article I, Section 4 of the United States Constitution, which states “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof...”.

In the event that the President, Congress, or the Judiciary were to attempt to subvert the Constitution, Maryland must be prepared to institute safeguards.

The voters most likely to be harmed are those already facing logistical barriers: members of our military serving overseas; college students studying away from home; those who are traveling; and Marylanders who rely on the Postal Service for a variety of reasons. Rejecting these ballots based on postmark timing would silence voters for circumstances beyond their control. This emergency legislation is urgently needed because [the Postal Service now postmarks mail with the date it is processed at a postal facility, not when it is dropped off](#). SB949 anticipates federal interference. Specifically, this bill would:

- Clarify that if federal action or a court ruling prevent votes for federal offices from being accepted, all state and local races on the ballot must still be counted;
- Authorize the State Board of Elections to establish a bifurcated voting and ballot-scanning system;
- Reaffirm that all ballots postmarked by Election Day must be counted under Maryland law even if they arrive afterwards; and
- Enhance the State Board of Elections’ communications with voters about delays and deadlines.

Under this proposal, ballots received by the time polls officially close on Election Day would be scanned and tabulated as usual. Ballots arriving after Election Day with valid postmarks would be separated for later scanning and tabulation as provisional votes, should litigation arise. This bill would ensure that Maryland is prepared to comply with court orders and prevent the unnecessary rejection of lawful votes.

We are not unique in being affected by possible incursion on postmarking ballots. Maryland is one of 15 states (Alaska, California, Illinois, Maryland, Massachusetts, Mississippi, Nevada, New Jersey, New York, Oregon, Texas, Virginia, Washington, and West Virginia) that allow ballots

received after polls close with a valid postmark to be counted, according to the [National Conference of State Legislatures](#).

The urgency of this legislation cannot be overstated. In the 2026 election, only one race per ballot-- a U.S. House seat-- could be affected by potential new federal postmark restrictions. In 2028, however, Marylanders will be casting ballots for President, U.S. Senate, and U.S. House races. The stakes will be dramatically higher, and the consequences of our inaction are far more dire if we postpone preventative action.

If this bill goes into effect, conditional on federal action, it would be narrowly tailored and temporary. Late-arriving ballots would no longer be scanned or tabulated after the 2028 General Election, when the bill sunsets.

Maryland has a responsibility to act **now** to protect the ballots-- and the voices-- of our voters. For these reasons, I respectfully urge a favorable report on SB949.