

2026 SB0949 Testimony For 2026-02-25.pdf

Uploaded by: Alan Lang

Position: FAV

Testimony For SB0949

Honorable Senators

Please enter a favorable report for SB094945.

I support

- Requiring the State Administrator of Elections to establish a uniform tabulation policy for absentee ballots with federal contests only if there is an occurrence of federal judicial action regarding the timely receipt of certain absentee ballots that preempts a certain State law and regulation; and
- requiring the State Administrator to provide certain additional notice to voters regarding absentee ballots under certain circumstances using certain methods.

It makes sense to have a “Plan B” in place in case the federal judiciary should restrict the receipt of mail-in ballots to no later than the day of the general election. Also, reminding the voters of that decision and the need to mail in ballots sooner or take them to the polls on election day is prudent.

Regardless of the political differences in the parties, no one wants any voter’s ballot not to count by being late.

So please enter a favorable report for SB0949.

Alan Lang
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February 23, 2026

2-25 SB 949 Canvassing of Absentee Ballots.docx.pd

Uploaded by: Nikki Tyree

Position: FAV



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

SB 949 Election Law - Canvassing of Absentee Ballots - Preemption by Federal Judicial Action

Position – Support

BY: Linda T. Kohn, President

Date: February 25, 2026

The League of Women Voters of Maryland was founded in 1920 on the heels of the 19th Amendment. Since then, the League has made it its mission to defend democracy and uphold the Constitution.

Since 2024, the federal administration has sought to disrupt and undermine elections. This has come in the way of executive orders, legislation in Congress, and a rampant spread of mis- and disinformation.

Additional disruption could occur if there is action to change the timing for when a mail-in ballot is received and still counted. In Maryland, mail-in ballots must be signed by the voter and postmarked no later than Election Day, but may be received by the second Friday after Election Day. If federal judicial action is taken to disallow the counting of ballots postmarked but received after Election Day, Maryland voters could have their full ballot discarded and lose all the votes they cast.

SB 949 seeks to provide relief in this case. If passed, the State Board of Elections would be able to canvass the ballots it receives on time, in accordance with state law, and count the state and local races. While not perfect, it does allow for some votes to be counted and for the voter to remain part of the democratic process.

SB 949 also mandates that the SBE Administrator undertake a campaign to inform voters to return their mail-in ballots promptly to avoid potential delays and ensure their vote is counted. The League agrees that public information is important and voters need to know if there is a change in their voting plans. LWVMD respectfully requests that funds be made available to SBE for this campaign.

LWVMD requests a favorable report on SB 949.

Testimony in support of SB0949 - Canvassing of Abs

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0949 RichardKaplowitz_FAV

02/25/2026

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#0949- POSITION: FAVORABLE

Election Law - Canvassing of Absentee Ballots - Preemption by Federal Judicial Action

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#0949, **Election Law - Canvassing of Absentee Ballots - Preemption by Federal Judicial Action**

This bill is submitted in response to the Trump administration, despite US Constitution Article I, Section IV, Clause 1, attempts to assert Federal control of our elections.

1 “The Times, Places and Manner of holding Elections for Senators and Representatives, **shall be prescribed in each State by the Legislature thereof**; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.”

Votebeat has discussed what Trump is trying to do to take control he is not entitled to. *How many voters could be affected by earlier mail ballot deadlines? We ran the numbers. - New state laws, postmark changes, and a Supreme Court case could put thousands of ballots at risk of rejection.*¹

President Donald Trump’s [sweeping attempts](#) to overhaul the way U.S. elections are run have mostly run into [dead ends in the courts](#). But his administration and allies have successfully tightened rules around at least one of his biggest pet peeves: the counting of mail ballots that are received after Election Day. Since the 2024 election, four states — all Republican-controlled — have changed their election laws so that they no longer accept mail ballots that arrive after Election Day. And while 14 states and Washington, D.C., still do so as long as those ballots are postmarked by Election Day, more of those ballots could be rejected in future elections due to [recent changes to U.S. Postal Service procedures](#). To top it all off, a [pending U.S. Supreme Court case](#) could make it illegal for any jurisdiction to count ballots that arrive after Election Day, period. Taken together, these changes have the potential to impact, and even disenfranchise, thousands of voters.

If the Supreme Court lets this scheme for disenfranchisement to proceed Maryland must adjust to it and protect all Maryland voters. This bill accomplishes that by requiring the State Administrator of Elections to establish a uniform tabulation policy for absentee ballots with federal contests only if there is an occurrence of federal judicial action regarding the timely receipt of certain absentee ballots that preempts a certain State law and regulation; and requiring the State Administrator to provide certain additional notice to voters regarding absentee ballots under certain circumstances using certain methods.

I respectfully urge this committee to return a favorable report on SB#0949.

¹ <https://www.votebeat.org/2026/02/11/how-many-mail-voters-absentee-ballots-arrive-after-election-day-2024-2026-postmark-supreme-court/>

Sen. Kagan SB949 Testimony_ Ballot Postmarks.pdf

Uploaded by: Sen. Cheryl Kagan

Position: FAV



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.

SB 949_HB 1069_ Election Law - Canvassing of Abse

Uploaded by: Trudy Tibbals

Position: UNF

SB 949/HB 1069: Election Law - Canvassing of Absentee Ballots - Preemption by Federal Judicial Action: Please vote to OPPOSE this bill.

Dear Government, Labor & Elections Committee:

I am writing to respectfully **oppose SB 949/HB 1069**, concerning *Election Law – Canvassing of Absentee Ballots – Preemption by Federal Judicial Action*.

While clarity in election administration is important, this legislation raises significant concerns regarding the balance of authority between state law and federal judicial intervention. Maryland's election procedures, including the canvassing of absentee ballots, are carefully established through statute to promote consistency, transparency, and predictability across jurisdictions. Altering these procedures in response to federal judicial action may create uncertainty and undermine uniform application of state election law.

Election processes should be governed by clear legislative standards rather than reactive statutory adjustments that could introduce confusion for election officials and voters alike. Frequent or automatic changes tied to federal litigation will create inconsistent timelines, administrative burdens, and potential disputes regarding which standards control in a given election cycle.

Additionally, absentee ballot canvassing requires strict adherence to chain-of-custody protocols, verification requirements, and established deadlines. Any ambiguity in authority or procedure could weaken public confidence in the integrity and finality of election results. **Maryland's voters deserve a system that is stable, transparent, and insulated from unnecessary procedural uncertainty.**

For these reasons, I respectfully urge you to **oppose SB 949/HB 1069**.

Thank you for your time and thoughtful consideration.

Respectfully,

Trudy Tibbals