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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 HOUSE GOVERNMENT, LABOR, AND ELECTIONS COMMITTEE
March 4, 2026**

Good afternoon, Chair Wells, Vice Chair Kerr, Subcommittee Chair Fair and members of the Government, Labor, and Elections 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 (one Democrat and one Republican) to regular members of our Board. Many thanks to Del. Teresa Woorman for introducing this bill and to the Montgomery County House Delegation for unanimously supporting it.

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 could vote when a regular member of the same political party could not, and would automatically become a regular member if a regular member left office. The local party committee would then recommend 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. We frequently do things differently in Montgomery County (for better or for worse), but it's long past time for us to join the 22 other Boards and give all of our members voting rights. Although a majority of our House Delegation so far doesn't agree, we're still doing things differently by asking that this legislation take effect this June, rather than waiting for next June and the next Board term. Here's why:

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. Since we have no such limit, we don't need to wait to grant these voting rights. The substitute members already have been vetted to be regular members. If a regular member were to quit today, the substitute member would take their place instantly and automatically.
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 quickly said it's

- constitutional. There's actually a 2017 Maryland Supreme Court case directly on point, upholding legislation you passed in 2016 that completely 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 each substitute member (one Democrat and one Republican) a voting member in the same way that would happen if a regular member left the Board.
4. Some have said that we should conform to how the other 22 counties do things, but you already have made us different. Let me count the ways:
 - a. The other counties have 5 Board members, while we have 7 Board members, to have more members available to divide the heavy workload of our Board in the state's most populous jurisdiction.
 - b. The rest of the state has a no-electioneering zone at the polls 100 feet from the entrance, while our county's zone can be as close to 25 feet from the entrance.
 - c. Our county requires a bipartisan vote to choose an election director, while no other county has a similar requirement.
 - d. I don't believe you've voted on it yet, but our House delegation voted unanimously to allow our County Government to decide to use ranked choice voting, even if no other county does.
 - e. This wasn't the legislature's doing, but the Montgomery County Democratic Central Committee's rules prohibit candidates for Central Committee from running for public office at the same time. I believe it's the only county to do so.
 - f. 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. 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 be the same. 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 and we're now asking to catch up as fast as we legally can, even if it's not how other counties made this conversion.
 6. 2026 is already a very eventful election year and has a good chance of becoming more eventful. Under the circumstances, we'd like all of our Board members to have all the same rights and authorities to strengthen our Board and help us address whatever comes our way.

I urge you to give a favorable report to HB 1083, and thank you for the opportunity to provide this information to you. I would be happy to respond to any questions you may have.