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Health Occupations and  
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Testimony of Delegate Samuel I. Rosenberg  
Before the Government, Labor, and Elections Committee

In Support of  
**House Bill 1407**

**Election Law – Absentee Ballots – Notice of Timely Receipt**

Chair Wells and Members of the Committee:

The Supreme Court of the United States will hear arguments in *Watson v. Republican National Committee* in two weeks. The Court will decide whether Mississippi's grace period law allowing for ballots post-marked by Election Day to be counted if they were received up to five days after Election Day is preempted by federal statutes which establish a uniform day for states to choose members of Congress and appointing presidential electors.

A decision striking down the Mississippi law would invalidate the regulation of the Maryland Board of Elections, COMAR 33.11.03.08, which allows for a Marylander's ballot to be considered timely, and thus eligible to be counted, if it is postmarked by Election Day and received by the second Friday after an election—an even longer grace period than the Mississippi law at issue in *Watson*.

This potential dramatic change in voting procedures in Maryland during an election year is why House Bill 1407 is necessary. This legislation seeks to inform voters of the deadline change, should it go into effect, so that they may adjust (e.g. requesting and mailing a ballot earlier) their voting routines accordingly. Because the Board is best situated to determine the most appropriate communication with voters, House Bill 1407 only provides minimum requirements for the notices sent out to voters while allowing the Board to go further.

In the 2024 general election over 800,000 voters voted by mail. Roughly a third or more cast their ballots after Early Voting had started. Thus, a decision striking down the Mississippi law, and with it our Maryland law, would retroactively deny the franchise to a substantial

number of voters. It is likely that the decision will be made public in late June or early July, after Maryland's Election Day, with retroactive effect.

I am also offering an amendment that would require the State Board of Elections to seek judicial intervention should there be a reasonable expectation that the provisions of the consent decree between the Republican National Committee and New Jersey Republican State Committee and their Democratic party counterparts would be violated.

Voting by mail is a mechanism by which single parents can care for their children, military members can serve our country abroad, and the disabled community can get the assistance they need at home, while all still participating in the democratic process. This is why it is imperative that voters have the latest information about voting procedures.

Since a decision in *Watson v. Republican National Committee* is most likely to be rendered as late as this summer, after the 2026 regular session has concluded, this Committee and the General Assembly should act now to keep Marylanders informed of this impending electoral change, if it were to happen.

For these reasons, I urge the committee to report FAVORABLE on House Bill 1407.

March 4<sup>th</sup>, 2026