

Andy Ellis
Seeking the Green Party nomination for Governor
HB 499
FAV

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I have worked on ballot petition policy in Maryland and nationally for over six years, in four capacities relevant to this bill: as the Maryland Green Party's ballot access coordinator, where I worked directly with the State Board of Elections on the 2020 emergency electronic signature regulations; as a member of the Baltimore City Charter Review Commission, where we explored municipal petition reform and concluded the state level is the appropriate venue for these changes; as the former chair of the Ballot Access Policy working group of the Green Party of the United States, where I studied petition laws across all 50 states; and as a member of the GPUS Ballot Access Committee, where I helped states and candidates develop petition plans and budgets based on factors like validation rates. The analysis below draws on all four.

The problem: invalidation rates

The primary measure for evaluating ballot petition policy should be the signature validation rate of legitimate expressions of voter preference. If a voter is qualified to sign a petition and makes a reasonable effort to provide the correct information, it is a policy success if their signature counts and a policy failure if it is invalidated.

By that measure, the current process has serious problems. When the No Labels Party submitted its new party petition in 2024, 30% of signatures were invalidated. When the Baltimore Transit Equity Coalition submitted signatures for a Baltimore City charter amendment in 2022, over 35% were invalidated -- and the coalition missed the 10,000-signature threshold by just 322.

It is important to understand what that 30% represents. It is not the case that 30% of petition signers are ineligible. The invalidated signatures are a universe that includes three distinct groups: legitimate, eligible voters whose signatures were rejected due to technical deficiencies in the paper process; signatures where eligibility genuinely cannot be determined from the handwritten information; and signatures from individuals who were not eligible to sign. The current process does not reliably distinguish between these categories. Legitimate voters are swept up alongside genuinely problematic signatures, and because voters are never notified when their signature is invalidated, they have no opportunity to demonstrate that they were, in fact, eligible and intended to sign.

The Maryland Green Party has used the new party petition process seven separate times -- likely more than any other political party in Maryland's history. We routinely submit 17,000 signatures to reach 10,000 valid ones, because we know from experience that roughly 30% will be invalidated. This is a systemic feature of a paper-based process where voters handwrite their information,

circulators collect thousands of pages, and election staff attempt to match handwritten names, addresses, and signatures against a voter database.

Consider the comparison to other election processes. If 30% of mail-in ballots were rejected by the board, there would be a public outcry -- even knowing that some portion of those rejections were legitimate. The fact that the 30% includes some genuinely ineligible signers does not excuse a system that also sweeps up legitimate voters and offers them no notification and no opportunity to correct technical errors. The General Assembly would demand the SBE present a solution immediately for mail-in ballots. The same standard should apply to ballot petitions.

The evidence: electronic signatures work

In 2020, the State Board of Elections adopted SBE Policy 2020-01, which temporarily allowed electronic signatures on petitions during the COVID State of Emergency. As the Green Party's ballot access coordinator, I worked with SBE staff, including Jared DeMarinis, and representatives from the Libertarian Party to inform the development of those emergency regulations. On the implementation side, I worked with a cybersecurity expert and developer to quickly stand up a web application that allowed signatures to be collected electronically. We built in checks for IP addresses, duplicate signatures, and other commonsense safeguards to ensure the integrity of the process.

Over 90% of electronically submitted signatures were validated -- compared to the 65-70% validation rate typical of paper petitions. Electronic signatures were easier for voters to complete accurately, and easier for election staff to verify. The policy demonstrated that the high invalidation rate is not inherent to petitioning. It is an artifact of the paper medium.

In 2023, when DeMarinis was selected as administrator of the SBE, he told The Baltimore Sun that the electronic petition policy "was successful, but over time, it's definitely a policy shift that is in the domain of policymakers." He is right. HB 499 is that policy shift.

The urgency: SB 267 removed the safety valve

Last session, the General Assembly passed SB 267, which made two changes to the new party petition process: it moved the submission deadline from August to July, and it eliminated the opportunity for a second submission of signatures if the first submission fell short. The deadline change was sound policy. But the bill did not address the underlying invalidation rate.

The result is that the second submission safety valve is gone, but the 30% invalidation rate remains. Without a second submission opportunity, petition sponsors will compensate by submitting even more paper signatures -- 20,000 to 25,000 instead of 17,000 -- increasing the burden on election workers rather than reducing it. HB 499 addresses the root cause that SB 267 left untouched.

The scope: this requires state action

During my service on the Baltimore City Charter Review Commission, appointed by Mayor Brandon Scott, we examined whether Baltimore could modernize its own petition processes for city charter amendments. We concluded that the state level is the appropriate venue for petition reform -- particularly the authorization of electronic signatures, which requires SBE regulatory action. HB 499 provides that state-level framework.

In my work with the Green Party of the United States Ballot Access Policy working group, we surveyed petition laws and validation practices across all 50 states and developed recommendations for modernization. The core recommendations -- electronic signature options, reasonability standards for name matching, and cure processes for technical errors -- are the same provisions contained in HB 499.

Why this bill

The committee has the bill text and the detailed provisions. What I want to emphasize is why the specific approach matters.

Electronic signatures address the largest source of invalidation -- the paper medium itself. The 2020 experience proved this works. The bill's requirement for accessibility of electronic signature pages for people with disabilities is a welcome expansion on the 2020 regulations, which did not address accessibility.

The reasonability standard for names addresses one of the most common and frustrating causes of invalidation. A voter named "William" who signs as "Bill" might have their signature invalidated under current law, even when their identity is not in question. HB 499 draws a sensible line: given names can be evaluated with a reasonability standard, but surnames must match exactly.

The cure process is the provision that most directly addresses the unfairness of the current system. Right now, when a voter's signature is invalidated, the voter is never notified and has no opportunity to correct the error. HB 499 changes that. It does not allow new signatures after the filing deadline -- it simply allows voters who already signed to fix technical problems.

These provisions work together. Electronic signatures reduce the number of problematic signatures entering the system. The reasonability standard prevents legitimate signatures from being rejected on technicalities. The cure process catches what falls through. Each provision on its own is an improvement. Together, they constitute a comprehensive modernization that is consistent with the recommendations our working group made to states nationally, and with the direction Maryland has already taken on ballot drop boxes, permanent vote-by-mail, and online voter registration.

I encourage this committee to provide a favorable report on HB 499.