

Legislative Committee Report February 19, 2021

The legislative committee met on January 29, February 4, February 10, and February 17 to discuss election legislation being considered during the 2021 Legislative Session of the Maryland General Assembly. Participants were:

- Diane Dillon, Board Member
- Alan Banov, Substitute Board Member
- Alysoun McLaughlin, Deputy Election Director

The committee makes no recommendation at this time. However, members agreed to bring the following bills to the attention of the Board:

- **HB 206. Early Voting Centers – Hours of Operation.** This bill would extend the hours of early voting in all other elections to be the same as the presidential primary election (8am to 8pm, rather than 10am to 8pm).

Status: Passed House. Referred to Senate EHEA.

Dillon: Oppose.

Banov: Support.

Discussion: While committee members disagreed on their position, they agreed that it was important for the Board to be aware of this legislation. Staff indicated that the longer hours require recruiting and training more Election Judges and paying more overtime for Board staff and for staff of other departments who support the election.

- **HB 247. Accommodations for Voters in Need of Assistance.** Voters “with a mobility problem that substantially impairs their ability to move around or stand” and voters accompanied by a child with a disability would be given voting order priority. Bill was amended in committee to add provisions of **HB 245** that also require signage at the polling place advising voters of available accommodations.

Status: Passed House. Referred to Senate EHEA.

Dillon: Oppose.

Banov: Support.

Discussion: The committee discussed these bills separately, before the provisions were combined into the same legislation. MAEO supported HB 245, but opposed HB 247. Current policy is for voters to be given an opportunity to sit down and have their place held in line upon request, not be given voting order priority. Staff advises that when long lines have developed in the past, departing from a first-

come, first-served policy has led to conflict among voters in line and longer lines for voters who do not qualify for voting order priority.

- **HB 955. Absentee Ballot Delivery and Marking.** The key provision of this bill is that it restricts the use of web delivery ballots to uniformed and overseas voters; voters with disabilities; and voters who “would be unable to vote if the voter could not receive an absentee ballot electronically.”

Status: Hearing held.

Dillon: No objection.

Banov: Support.

Discussion: Committee members support reducing the volume of web delivery ballots. However, the sense of the committee is that there is not unanimity among Board members on the text of the bill or on specific amendments. The hearing on this bill has been held, and Board Secretary David Naimon testified as an individual with a position of “support with amendment.” Neither MAEO nor the County has taken a position on the bill. No further action is recommended at this time.

- **HB 341. Absentee Ballot Canvass – Start and Release of Tabulation.** This bill and **HB 760 -Time for Processing Ballots -** would allow local Boards of Election to begin opening absentee ballots up to 14 days before Election Day.

Status: Hearing held.

Dillon: No position. Oppose if amended to any timeframe earlier than 14 days as currently written.

Banov: Support, with preference for HB760, which is a “cleaner” bill. Support opening 28 days prior, but would accept 14 days. Moving up the canvass start date is vital.

Discussion: Recognizing that the Board has historically supported opening ballots earlier, the committee focused on whether the bill should be amended to open ballots earlier than two weeks before Election Day. MAEO has requested an amendment to open ballots 18 days before Election Day. Montgomery County staff had proposed opening ballots 28 days in advance, but election officials in smaller counties requested opening ballots 18 days in advance so that ballots would not be opened prior to the voter registration deadline.

- **HB 1048. Permanent Absentee Ballot List.** This bill would allow voters to permanently request an absentee ballot for all future elections. Voters would be removed from the permanent list if their mail is returned undeliverable or if they do not vote in two consecutive federal general elections.

Status: Hearing on February 23.

Dillon: Oppose.

Banov: Support.

Discussion: While committee members disagreed on their position, they agreed that it was important for the Board to be aware of this legislation. They noted that this seems to have a greater likelihood of passing than any of the more expansive Vote by Mail bills under consideration.

- **HB 745. Early Voting Centers – Number Required.** This bill would increase the number of early voting sites in several counties. In Montgomery County, it would increase the number by two (to a minimum of thirteen, with the option for a fourteenth site).

Status: Hearing held.

Dillon: Oppose.

Banov: Support.

Discussion: Board Secretary David Naimon testified as an individual with a position of "support." Staff noted that there is a new additional cost for each site with the requirement to distribute sufficient pre-printed ballots in each of 765 ballot styles for the 2022 presidential primary election. Staff currently estimates that it will require a minimum of nine carts at each site to store the preprinted ballots.

- **HB 211. Early Voting Centers – Days of Operation.** This bill would extend early voting an additional two days, through the Saturday prior to an election.

Status: Hearing held.

Dillon: Oppose.

Banov: No position, but concern for the administrative task of switching out BMDs and scanners between EV and Election Day.

Discussion: The committee discussed that the overnight transition was feasible in the most recent election because vote centers were used, but that current equipment and procedures require a lengthier transition time when every polling place is used on Election Day.

- **HB 57. Voters' Rights Protection Act.** This bill as introduced would have imposed several requirements on polling place changes, including obtaining a judicial order or opinion from the Attorney General, and would have allowed ballots to be postmarked after Election Day. However, during the hearing on the bill, the sponsor indicated that he was withdrawing those provisions through an amendment. Other provisions relevant to the Board include a prohibition on recording voters as they approach or use a drop box and a requirement to contact voters who do not sign their ballot oath to offer them an opportunity to 'cure' the omission.

Status: Hearing held.

Dillon: Oppose.

Banov: Support the following provisions in the bill:

Amendment to Section 9-305:

(d) A LOCAL BOARD SHALL ATTEMPT TO CONTACT A VOTER WHO FAILED TO SIGN A PAPER ABSENTEE BALLOT APPLICATION AND ATTEMPT TO OBTAIN THE VOTER'S SIGNATURE SO THAT THE ABSENTEE BALLOT REQUEST MAY BE PROCESSED IN A TIMELY MANNER.

We already do this. The amendment would merely codify current and good practice.

Amendment to Section 11-302:

New subsection (4)

(4) A LOCAL BOARD SHALL ATTEMPT TO CONTACT A VOTER WHO FAILED TO SIGN THE OATH ON THE BALLOT ENVELOPE AND OBTAIN THE VOTER'S SIGNATURE BEFORE THE CONCLUSION OF THE CANVASS SO THAT THE BALLOT MAY BE COUNTED.

As with the amendment to Section 9-305, it codifies our current practice. It just adds the time frame for obtaining the signature. Note that it says "attempt."

Discussion: Staff indicated concerns about how to enforce the prohibition on recording voters outside the polling place given the popularity of 'voting selfies'. Similar provisions regarding 'curing' application and ballot errors are in several other bills as well.

- **HB 746. Absentee Ballot Envelopes – Party Affiliation.** This bill would prohibit outgoing and return absentee ballot envelopes from visibly identifying the party affiliation of the voter.

Status: Hearing held.

Dillon: Support.

Banov: No position.

Discussion: Staff indicated that this was administratively simple to do by simply renaming the ballot styles printed on the outside of the envelope for primary elections so that they do not include the characters “DEM” or “REP”.

- **HB 1020. Curbside Voting – Establishment.** This bill would require that curbside voting be offered at each polling place.

Status: Hearing March 9.

Dillon: Oppose.

Banov: Support.

Discussion: While committee members disagreed on their position, they agreed that it was important for the Board to be aware of this legislation. Staff indicated concerns about the administrative burden of curbside voting and the physical layout of parking areas at polling places not necessarily being conducive to offering curbside voting.

- **HB 1038. State Board of Elections – Membership, Contract Management, Ballot Drop Boxes, and Voting System Financing.** This bill as introduced had several provisions related to the membership of the State Board of Elections, some of which the sponsor has indicated will be removed by amendment. The key provisions for the Board include reporting to the State Board and the Board of Public Works on the shared costs with local governments of any contract and language to reduce cost shifts from the state to the counties by requiring certain costs to be paid by the state or split 50/50.

Status: Hearing March 9.

Dillon: Oppose provision relating to membership of the State Board and oppose provision requiring the State Board to approve contracts over \$50,000.

Banov: No position.

Discussion: Committee members both supported reducing cost shifts to counties and improved reporting of anticipated county costs.

- **HB 1047. Mail-in Voting Enhancement Act.** This bill would require the State Board of Elections to make at least 300 ballot drop boxes available statewide for at least 30 days prior to an election, with a formula to allocate drop boxes by population. The bill would also require the State Board of Elections to establish a system for voters to check the status of their ballot in the Postal Service and expand the information available about the status of the ballot to include the reason why a ballot has not been counted and any action the voter may take for it to be counted. It would also require that voters be allowed to select whether to receive notification by email, text message, or postcard.

Status: Hearing February 23.

Dillon: Oppose unfunded mandate permanently requiring a specific number of drop boxes and length of time they need to be installed.

Banov: Support

Discussion: Committee members noted that this seems to have a greater likelihood of passing than any of the more expansive Vote by Mail bills under consideration. Staff noted that equipping voters to track the status of their ballot in the Postal Service could save personnel costs by reducing the volume of telephone calls for that information. However, it seems likely that there will be additional costs for programming the statewide voter registration database for voters to sign up for their preference of notification by email, text message, or postcard.