

## **Comments of Michael Fletcher, of Derwood, MD, to the Montgomery County MD Board of Elections (BOE) - February 3, 2026**

As most of you know, I have been providing comments to the Montgomery County BOE since 2022. Most of these comments involved citizen-identified problems with the voter registration list, such as duplicate voters, deceased voters, and voters who have moved out of the county or state. The common thread connecting all of my comments is that nothing has changed that would improve the accuracy of the list. The responses that I have received from the Montgomery County BOE, and in some cases the State BOE, regarding these problems have generally followed the template of “thank you for your information but the processes we use to maintain the accuracy of the list are just fine and do not require any improvements.” In fact, the only changes made by the State BOE in response to my comments were to make it more difficult to remove deceased registrants from the voter rolls.

Now, the Republican National Committee (RNC) and MDGOP have filed a lawsuit highlighting how the inaccurate voter registration list in Maryland prevents the RNC, MDGOP, and candidates for office from providing cost-effective voter services such as registration drives and voter turnout efforts. The lawsuit also raises the more serious problem that inaccurate voter rolls may allow a valid voter’s vote to be cancelled by an ineligible voter carried on the inaccurate registration list. An inaccurate registration list can promote voter fraud and result in a violation of a citizen’s fundamental right to vote.

On January 12, the Montgomery County BOE issued a media advisory that recounts the processes used by the BOE to maintain the registration list. I could have written the media advisory for the Board because it follows the time-worn template that “the processes we use to maintain the accuracy of the list are just fine and do not require any improvements.” The remainder of my comments are a detailed discussion of the items addressed in the media advisory’ however, they are too long for me to state them in the time allowed for public comment. Therefore, these detailed comments have been submitted as an attachment to these comments. The most important of these comments probably is the one that points out that same-day registration means there is zero risk that an eligible voter will be disenfranchised by an erroneous removal. A voter who is mistakenly removed can still register and vote the same day. The real risk of your registration list maintenance methods is vote dilution caused by inflated rolls that increase the opportunity for fraudulent or improper voting. Protecting outdated registrations at all costs does not protect voters. It weakens the system for everyone.

### **Detailed Comments on Montgomery County’s Response to the Lawsuit.**

#### **Clean Rolls, Open Minds: Where Montgomery County Is Right—and Where the Evidence Says It Isn’t Enough**

Montgomery County’s recent statement on voter-roll maintenance, issued in response to the RNC lawsuit, deserves to be read carefully and taken seriously. There are areas where the county is clearly acting in good faith and where its efforts should be acknowledged. There are also areas where the argument relies more on procedure and intention than on outcomes—and where the evidence points to a system that is not working as advertised. Both things can be true at the same time.

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The strongest and most persuasive part of the statement is the county's emphasis on encouraging voters to update their registrations. Emailing hundreds of thousands of voters, conducting outreach at community events, and engaging high-school students are all constructive, beneficial actions. Encouraging voters to keep their own records current is exactly what a healthy voter-registration system should do. That effort deserves recognition.

Nothing in the county's statement suggests bad faith. On the contrary, it is clear that the members and staff of the Montgomery County Board of Elections believe they are following the law and doing what is required of them. Their confidence in their protocols appears sincere. But sincerity is not the same thing as effectiveness.

### **Where the Arguments Break Down**

#### **1. "Fuzzy math" doesn't explain away the evidence**

The county argues that comparing voter registration totals to Census citizen voting-age population (CVAP) estimates is "apples to oranges." Even if we grant every one of their methodological objections—early registration at 16 and 17, population growth after the Census reference date, and timing mismatches—the core problem remains untouched. Even if you set aside all their claims of unfair accounting, all you need to do is look at the evidence of deceased, duplicate, non-citizen, and moved voters currently on the rolls, as documented in citizen comments for the last two and a half years, to know our voter registration system is inflated. These are not theoretical concerns or statistical abstractions. They are concrete records that exist today. Even the most conservative estimates of voter-registration rates struggle to reconcile with what the data show when individual records are examined. Arguing about denominators does not answer the underlying question: why do so many clearly ineligible or outdated registrations remain active?

#### **2. ERIC is not enough—and treating it as such breeds complacency**

ERIC is repeatedly cited as a key safeguard. It does provide useful information, especially across state lines. But ERIC is incomplete, outdated, and fundamentally limited by the data fed into it. Election administrators increasingly treat the absence of an ERIC flag as proof that nothing needs to be done. That is a dangerous inversion of responsibility. ERIC should be a tool—not a substitute for rigorous, independent list maintenance. When officials wait passively for ERIC to signal a problem, the inevitable result is bloated rolls and delayed corrections. Most importantly, the reliance on ERIC as a stand-alone solution should be reviewed and reconsidered – yet people in power refuse to consider alternate systems that could provide critical checks and balances to ERIC.

#### **3. Treating erroneous removal as a "cardinal sin" ignores Maryland law**

The statement frames removal as something so risky that it must be avoided unless every procedural box is checked and multiple federal cycles pass. This mindset might make sense in states without same-day registration. It does not make sense in Maryland. Maryland has same-day registration. That means there is zero risk that an eligible voter will be permanently disenfranchised by an erroneous removal. A voter who

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is mistakenly removed can still register and vote the same day. The real risk lies elsewhere: vote dilution caused by inflated rolls that increase the opportunity for fraudulent or improper voting. Protecting outdated registrations at all costs does not protect voters. It weakens the system for everyone.

### **The Core Problem: Doing the Same Thing and Expecting Different Results**

The county's statement describes a system that is procedurally compliant—but operationally deficient. The same tools, the same timelines, and the same assumptions are used year after year, even as evidence accumulates that the rolls remain inflated.

There is no discussion of:

- Enhanced NCOA (National Change of Address) training so election officials can better identify moved voters
- Relaxing overly rigid removal rules while preserving same-day registration as a safeguard
- Time-bound confirmation notices (for example: removal after 30 days of non-response, with clear notice and same-day registration as a backstop)

Encouraging voters to update their information is good. Following the law is necessary. But neither is sufficient if the outcome is a registration system that no longer reflects reality. Good intentions do not clean voter rolls. Effective, adaptive policy does.

### **A Path Forward**

Montgomery County does not need to choose between access and security. Maryland law already provides the safety net through same-day registration. What is needed now is the courage to acknowledge that current protocols are falling short—and the willingness to change them. Clean voter rolls are not a partisan goal. They are the foundation of public trust. And trust, once lost, is far harder to restore than a registration mistakenly removed and easily reinstated. If the county truly wants accurate rolls, the next statement should not just defend existing practices—but commit to improving them.