



Senate Bill 362

Election Law - Absentee Ballots - Timing of Canvass

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Health, and Environmental
Affairs Committee

Date: February 6, 2020

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS SB 362 WITH AMENDMENTS**. This bill provides local boards of elections with necessary and reasonable flexibility for the canvass of absentee ballots, avoiding administrative complications that could disrupt the timely certification of election results.

Local boards of elections rely on the State Board of Elections (SBE) to verify voter information prior to canvassing absentee ballots. As Maryland begins to implement same-day voter registration, the process of registering a person to vote, making the required checks, and adding the information to the database will take a substantial amount of time. Because SBE may require additional time to verify pollbook information, granting local boards limited discretion in scheduling the absentee canvass is a sensible solution to serve and react to community needs.

Under current law, following an election, each local board of elections must meet at its designated counting center to canvass absentee ballots cast in that election in accordance with the regulations and guidelines established by SBE. While current statute states that absentee ballots may be opened no earlier than 8 a.m. on the Wednesday after the election, COMAR 33.11.04.03, promulgated by SBE, requires the absentee canvass to commence at 10 a.m. on the Thursday after the election.

MACo requests the following amendment to address inconsistencies between state statute and SBE regulations:

On page 2 strike in their entirety lines 1 through 2 and substitute:

(B) (1) A LOCAL BOARD MAY COMMENCE THE CANVASS NO EARLIER THAN 10 A.M. ON THE THURSDAY FOLLOWING ELECTION DAY AND NO LATER THAN 10 A.M. ON THE FRIDAY FOLLOWING ELECTION DAY.

SB 362 properly grants local boards of elections appropriate flexibility to serve and react to community needs. Accordingly, MACo urges the Committee to issue a **FAVORABLE WITH AMENDMENTS** report for SB 362.