

## UPDATE OF MARYLAND ELECTION PROCESS STUDY – PART 2

**Introduction** This fact sheet covers Part 2 of the Election Process Study adopted by LWVMD at its 2011 Convention and readopted in 2013. Some of the areas of study for this part of the study were left over from Part 1 of the study, and others were added at the suggestions of the Study Committee or members. This fact sheet will cover the following subjects: Absentee ballots – Permanent Absentee List and Signature verification of ballots, Petitions – Signatures and Circulator Requirements, Use of electronic devices in the polling place, and Alternative voting systems – the use of Instant Runoff Voting (IRV) in local special elections and local non-partisan elections.

**Absentee ballots: *Permanent Absentee List*** At the early 2013 consensus meetings on part 1 of this study, members discussed whether the LWVMD should support a “permanent absentee list” that would be established and maintained by the Board of Elections. We are addressing this issue again because members did not reach a strong consensus on this topic between the choice of having absentee voters on a permanent list automatically receiving either an application or a ballot. LWVMD currently supports “a permanent application list for absentee voters who affirm that they have a physical condition which necessitates absentee voting.” The Committee believes that this position should be revisited to take into account Maryland’s “no-excuse” absentee system, under which voters do not have to justify their wish to vote absentee, as expressed in our current position.

*Applications:* Several states (Delaware, Massachusetts, Minnesota, Missouri, and West Virginia) grant permanent absentee status to a limited number of voters and send absentee ballot applications to those who meet certain criteria, such as disability or distance from the polls.

*Ballots:* Seven states and the District of Columbia have Permanent Absentee Lists and automatically send ballots to those voters who opt to be on the List: Arizona, California, Colorado, Hawaii, Montana, New Jersey, and Utah. In California, the percentage of total votes cast by absentee ballots increased from 24.5% in 2000, prior to implementation of a permanent list in 2002, to 32.6% in 2004 and to 51.2% in 2012. All of these states have no-excuse absentee voting like Maryland.

*All-Mail Voting/ Vote by Mail (VBM):* The most comprehensive permanent absentee list is used in Oregon and Washington, which both conduct all elections by mail, after a long transitional period before state-wide implementation. For instance, Oregon inaugurated Vote by Mail (VBM) in 1981 and, in 1996, was the first state to conduct a General Election totally by mail to fill a vacancy in the U.S. Senate. The program was tweaked over the years and has been used for General Presidential elections since 2000. The Oregon Secretary of State data show that 82.8% of registered voters cast ballots in 2012, with Washington closely following with 81.25%.

*Removal from a Permanent Absentee List:* Despite its name, a Permanent Absentee Lists can be altered. Some states remove a voter if he/she fails to vote in a specific number of consecutive elections, while others limit the list to a specific time frame—such as one or two election cycles or to calendar years. An alternative approach is to send notices to Permanent Absentee voters to confirm addresses, signatures, and the voters’ existence, then remove a voter if mail is returned as undeliverable. Also, a voter can request to be removed from the permanent absentee list.

*Concerns about Permanent Absentee List:* Some people have questioned whether a Permanent Absentee List will result in large numbers of ballots being rejected, or duplicate voting (absentee and polling place), resulting in an increase in provisional voting. The U.S. Election Assistance Commission’s (EAC) “Election and Voting Survey” reported that the most frequent reasons for rejecting ballots are a missed deadline or an invalid signature (those two make up about 30% of rejections). Other reasons include a signature not matching registration record, usage of an unsealed or unofficial envelope, an improper voter’s address or a ballot from a deceased voter.

We could not find data that pointed to Permanent Absentee Lists as a cause of increased provisional ballots. The EAC reported that, in 2004, slightly over 5.2% provisional ballots were used in California and 87 % of those were accepted. California, New York and Ohio reported the highest percentage of provisional ballots in 2008—California again at 5%, but neither NY nor Ohio uses a Permanent Absentee List.

Anecdotal evidence tells us that election officials in Maryland would like to avoid provisional ballots because they are harder to deal with and take a lot of administrative time. The process is complicated for voters and election judges and slows down voting at the polls. The State Board of Elections identified several cases in 2012 in which a person voted absentee but then tried to vote at the polls—in each case, the voter was elderly and simply forgot that he/she had cast an absentee ballot.

**Absentee Ballots: *Signature Verification*** Over the past few years, Maryland has changed a number of laws, regulations and procedures relating to absentee ballots. LWVMD is looking at whether these changes have upset the balance between accessible voting and security of the ballot.

In 2005, the Maryland legislature enacted “no-excuse” absentee balloting for Maryland voters. Previously, a voter had to provide a reason, under oath, for requesting an absentee ballot (out of town, disabled, etc.). In 2013, the General Assembly enacted legislation that requires the State Board of Elections to distribute absentee ballots online to any voter who wishes to receive a ballot this way. [NOTE: The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) contain specific requirements, exemptions and limitations on states relating to absentee voting by military and overseas voters. This fact sheet relates only domestic absentee voters.]

In Maryland, there is no authentication of signatures on absentee ballots. Signatures on absentee ballots are not compared with other signatures on file in the elections office, and Maryland law does not allow for the rejection of an absentee ballot for a signature non-match. An absentee ballot can only be rejected in Maryland if it was not timely received, the voter died before election day, the voter failed to sign the oath, the ballot was intentionally marked with an identifying mark, the ballot was issued to an agent and was not in a sealed envelope when returned, or the voter failed to submit personal identification information when required. At no step in the ballot acceptance/rejection process is signature match/non-match considered. Source: COMAR 33.11.05.03 Ballot Rejection – Basic Grounds

In some other states, absentee ballot signatures are compared with signatures on file before they are counted, including the all-mail balloting states of Washington and Oregon. California, with its no-excuse absentee voting from a permanent list, also checks signatures, which in 2012 comprised over 51% of total ballots cast. In Colorado, recent changes to the state’s election laws mean that most Colorado counties have all-mail balloting. In November 2012, 74% of Coloradans voted by mail. The laws or regulations in each of these four states require that the signature of the voter on every absentee ballot be authenticated by comparing the signature on the ballot envelope with a signature previously on record for the voter. In most cases, the absentee ballot signature is compared with a digital copy of the voter’s signature included in the voter registration records

By contrast, the percentage of voters who voted by absentee ballot in Maryland between 2004 and 2012 is *substantially smaller* -- ranging from 4.8% in 2010 Primary Election to 8.79% in 2006 General Election. Recent percentages: 2010 Primary – 4.8%, 2010 General – 5.88%, 2012 Primary – 4.14%, 2012 General – 5.67%. The Maryland State Board of Elections reports that 93% of Maryland voters’ signatures *already* have been digitized and stored in the statewide voter registration database to date so comparison of ballot signatures with on-file signatures would be possible with limited update of election board records.

The signature verification process in Oregon (with similar processes in other states), is that a group of clerks do the initial signature match – comparing signature on the absentee ballot envelope with a digital signature of the voter on record. The Election Director in Clackamas County, OR, reports that the local election clerks responsible for step one of the signature verification process receive 2-3 hours of group training from a forensic signature analysis expert. This training is paid for by the State. In 2012, training took place in 7 locations throughout the state during 2 weeks and cost the state \$5,000. During verification, these clerks have disposal instructions on what to look for in signature comparisons. Examples include overall proportions and size of writing, slant/slope of writing, size of letters, internal spacing between letters, etc. The vast majority are approved at this level. If the match is questionable, the ballot is set aside and there is an additional review by a 3-person panel of election personnel who have had the training and years of

experience. At this stage, because there was a question about the signature, even if the signature is approved, a letter is generated to the voter asking him/her to update the signature on file with the local election board, to avoid any future potential problems.

Orange County, Florida uses electronic ballot sorting equipment for absentee ballots. Computer software makes the initial signature comparison between absentee ballot signatures and digital signatures of voters already on record. Rejected signature matches receive additional comparison by human election workers.

In local election boards in Maryland, much of the absentee ballot processing is done by part-time contractual workers. It would be inefficient to have on permanent staff the number of people who work during the immediate election season. So an additional question arises about whether it is worthwhile to provide these part-time, contractual workers with the signature authentication training like they receive in other states, given that they may never again work at an election board.

Election integrity advocates in Maryland argue that the process of signature authentication is especially important in our state because of the availability of online voter registration, which does not require submitting a new signature. Instead, the applicant provides a Maryland drivers license number or ID number, and a digital copy of the voter's signature is "pulled" into the voter registration database from the Motor Vehicle Administration (MVA) database. This means a person could obtain this information *for another person* and use it to register to vote, and then vote by absentee ballot. The voter's signature would be automatically pulled into the voter registration database. And knowing that the signature on file is NOT compared to the signature on the absentee ballot (which can now be requested and delivered online), there would be no expectation of being caught no matter what the signatures looked like. Notably, it is a felony in Maryland to submit a fraudulent voter registration or absentee ballot request.

As a result of this threat, the Maryland legislature changed Maryland election law in 2013 to require additional information on the online voter registration as well as the application for online delivery of an absentee ballot, namely an applicant must also provide the date the driver's license or MVA ID card was issued, and the last four digits of their Social Security number.

The EAC report states that nationwide approximately 1% of absentee ballots returned by voters were rejected in the 2012 General election and 19% of those were rejected in 30 states because of a non-signature match. The most common reason for rejection (34.7%) was missing the deadline for return of the ballot.

The accessibility versus security balance question is whether, when the percentage of absentee ballots has been less than 6% in the past four elections, is it advisable to propose/support legislation that would require signature authentication of those ballots, given the increase in staffing and training costs required? Certainly, 6% is a substantial enough number to affect a small number of elections. However, there are resources used in the signature authentication process, including time and money (staffing and training costs.)

**PETITIONS: Introduction** The Maryland Constitution, Article XVI provides for the right of citizens of the State to petition State Law to referendum. A successful petition requires signatures of 3% of qualified voters of the State that is the number of votes cast for Governor at the last preceding gubernatorial election. In 2013 and 2014, the 3 % requirement equaled 55,736 signatures.

Other uses of petitions under state law include:

- Formation of a new political party. Requires 10,000 registered voters
- Nomination of unaffiliated candidate for general election. Requires 1% of registered voters eligible to vote for the office sought, but not less than 250 signatures.
- Presidential candidate on primary election ballot. Requires 400 registered voters from each congressional district in the State for Democratic or Republican presidential primary candidates who are recognized and certified by the Secretary of State to be on the ballot.

- Local Referendum (Code County). Requires 10% of registered voters of the county.
- Local Referendum (Charter County). Requirement determined by provision of the county charter.
- Charter amendment. Requires 20% of registered voters of the county, but not more than 10,000 signatures.

**PETITIONS: *Popular Referendum.*** Maryland is one of 24 states that provides for a popular referendum in which a measure appears on the ballot as a result of a voter petition. The other states are Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming.

The popular referendum is a device that allows voters to approve or repeal an act of the Legislature. If the Legislature passes a law that voters do not approve of, they may gather signatures to demand a popular vote on the law. Generally there is a 90-day period after the law is passed during which the petitioning must take place. Once enough signatures are gathered and verified, the new law appears on the ballot for a popular vote at the next general election. During the time between passage and the popular vote, the law may not take effect. If voters approve the new law, it takes effect as scheduled. If voters reject the law, it is voided and does not take effect. (National Conference of State Legislatures September 2012)

There is also a legislative referendum wherein the General Assembly refers a law to the voters for approval. In Maryland the State Legislature is required by the Maryland Constitution to place Constitutional amendments on the ballot for approval before they can take effect.

**PETITIONS: *Number of Petition Signatures Required.*** The National Conference of State Legislatures reports requirements vary around the country range from a low of 2% (North Dakota) to a high of 15% (Wyoming) of the total number of votes cast for governor in the preceding election for statutory initiatives (13,452 and 28,624, respectively). Arizona and Maine require 10%, California, Michigan and Washington have an 8% requirement, with California requiring 807,615 signatures in 2012. Nebraska requires 7%, Oregon 6%, Colorado and South Dakota 5%, Massachusetts and Ohio 3%.

For a Constitutional initiative, the requirements are **generally** higher, ranging from 3% to 15%. Arizona jumps from 10% for statutory to 15% for Constitutional initiatives (259,213 signatures). Michigan, Nebraska, Ohio and South Dakota are also all higher, requiring 10% and Oregon at 8%. Several states are the same including California at 8%, Colorado 5% (but based on votes cast for secretary of state, not governor) and Massachusetts at 3% or 68,911 signatures.

In addition to the percentage of total number of votes cast in the preceding election a number of states also require geographic distribution. Wyoming requires 15% of residents in at least 2/3rds of its counties. Ohio requires 1.5% of total votes cast for governor in each of 44 of the state's 88 counties. Nebraska requires 5% of registered voters in 38 of the 93 counties. Massachusetts requires that no more than 25% of signatures may be from one county. Maine, Arizona, California and Colorado have no geographic requirements.

**PETITIONS: *Circulator.*** Maryland Law only requires that the person who is circulating a petition be age 18. The person does not need to be a resident of the state nor a registered voter. The circulator must sign an affidavit on each page of the petition that they are 18, that information about their own name, residence address and phone number is true and correct, that they personally observed each signer as they signed the petition and the signatures are genuine and to the best of their knowledge and belief all signers are registered voters of Maryland.

In Maryland, a circulator or any person may not willfully and knowingly:

- give, transfer, promise or offer anything of value for inducing another person to sign or not sign any petition;
- request, receive or agree to receive, anything of value as an inducement to sign or not sign any petition;
- misrepresent any fact for the purpose of inducing another person to sign or not sign any petition
- sign the name of any other person to a petition [except when assisting someone with a disability];
- falsify any signature or purported signature to a petition;

- obtain, or attempt to obtain, any signature to a petition by fraud, duress or force;
- circulate, because to be circulated, or file with an election authority a petition that contains any false, forged, or fictitious signatures;
- sign a petition that the person is not legally qualified to sign;
- sign a petition more than once; or alter any petition after it is filed with the election authority. [source: Election Law Article 16-401]

Many states require that circulators witness petition signatures and sign an oath or affidavit to that effect. States with that requirement include Alaska, Arkansas, California, Colorado, Idaho, Illinois, Maine, Missouri, Montana, Nebraska, Nevada, North and South Dakota, Ohio, Oregon, Utah, Washington and Wyoming. Five state constitutions and their statutes are silent on the witness and affidavit requirements: Massachusetts, Michigan, Mississippi, Oklahoma and Florida. Florida law does permit the signing of petitions outside the presence of a circulator.

In at least 12 of the 24 popular referendum states, a law or constitutional amendment can be introduced by citizens directly through the initiative process, whereby voters petition either to the legislature or directly to the voters and petition circulators are required to be eligible to vote in the state, age 18 and a resident of the state. Maryland does not allow initiatives, only popular referenda.

Maryland in the 2012 elections had three statewide ballot questions. The Maryland Court of Appeals upheld the validity of petition signatures obtained using an online system. (*Whitley v. Maryland State Board of Elections*, 429 Md.132 (2012)) The court found that the aspects of obtaining signatures through the use of the online system are not contrary to law or regulations. Oregon also allows internet online petitions. Several other states, including California, Utah and Nebraska, have looked into the use of electronic signatures on petitions. California and Utah have rejected the use of electronic signatures, and the issue is still pending in Nebraska, with no action having been taken on the bill after hearings. In Maryland, a voter is required to print out a petition and signature page, sign and date the signature page as both registered voter and circulator, and return the signed document to a local election board.

**PETITIONS: *Signature verification.*** In several opinions over the past few years, the Maryland Court of Appeals has clarified and affirmed the requirements for signatures that appear on referendum petitions and petitions to create a new political party, and confirmed that petition signature pages generated from websites are not prohibited by state election laws. (See *Montgomery County Volunteer Fire-Rescue Association and Eric N. Bernard v. Montgomery County Board of Elections and Montgomery County, Maryland*, 2011; *Montgomery County Volunteer Fire-Rescue Association and Eric N. Bernard v. Montgomery County Board of Elections and Montgomery County, Maryland*, 2011; *Maryland State Board of Elections v. Libertarian Party of Maryland, et al.*, 2012; *Dennis Whitley III, et al., v. Maryland State Board of Elections, et al.*)

Article 33, Section 6-203 describes what is required in a petition signature, stating that the petition signer must: “sign the individual's name as it appears on the statewide voter registration list or the individual's surname of registration and at least one full given name and the initials of any other names;...”

The Maryland State Board of Elections has published *Referendum Petition Procedures for the 2014 General Election*, and they state, in part:

For example, a voter is registered as John Henry Smith. The printed name on the petition entry is John Smith. The signature on the petition entry is J. H. Smith. All components of the voter's name as registered (surname, one full given name and the initial of any other name) are included when reviewing both the printed name and signature portions of the petition entry, and therefore the signature is accepted.

The printed name is not required to match the signature, but the names must be consistent.

If the petition entry name does not include a suffix that appears on the voter registration list (e.g., Jr., Sr., III) but is otherwise sufficient, the name is acceptable.

Examples given below:

**Voter registration name listed on the voter registration list – *John Henry Smith***

<i>Printed Name</i>	<i>Signed Name</i>	<i>Acceptable or Not?</i>
John Henry Smith	John Henry Smith	Acceptable
John Smith	John H. Smith	Acceptable
John Smith	J. Henry Smith	Acceptable
John Smith	J. H. Smith	Acceptable
J. Smith	J. Smith	Not Acceptable
J. Smith	J. H. Smith	Not Acceptable

**Electronic Access of Candidate and Ballot Issue Information While Voting**

During Board of Elections discussions following the 2012 general election, a local election director noted numerous requests from voters to access candidate and ballot information using electronic sources while voting. Current regulations prohibit the use of electronic devices by voters in the polling site. At the April meeting, State Board staff presented the board members with proposed changes to Title 33.07.04.02 about Election Day Activities to allow a voter to view a voters' guide or similar information on a smart phone or tablet device, while continuing to prohibit communication or photography with these devices:

**C. Voter Information**

- (1) A voter may bring into a polling place materials and information to assist the voter in marking the ballot. Information may include: (a) Voter guides; and (b) A sample ballot.
- (2) A voter may use information in any format, including electronic media design to be accessed through a Smartphone or tablet computer.

Discussion and feedback from local election directors, outside organizations and Board members at the May and July meetings raised both pros and cons, with little consensus. Supporters of the use of electronic devices thought this change was something voters now expect with advances in technology, since voter information is already permitted in the polling place that it would lead to more efficient and informed vote casting and the change just focuses on a change in regulating behavior.

Those opposing a change thought it would be confusing to voters to permit the devices only to be used to view information. A major concern was enforcement – it would be hard for judges to monitor that the voters were not texting or taking photos. The current signage prohibiting electronic devices is effective and would be more confusing to alter it to allow only the information function. Others issues were concerned about polling place confrontations, protection of voters' privacy, the amount of judges' time involved in regulating the usage of electronic devices, and the security of the voting machines if voters have access to "live" electronic devices. There is an additional concern about buying/selling votes, if a voter can take a photo of his/her cast ballot and show it to someone as proof of how he/she voted.

LWVMD prides itself on producing voters' guides that help voters make informed ballot choices. Due to the extensive use of Internet based sources of election and campaign information, LWVUS has offered state and LLs the Vote411 online system as an alternative or supplement to the printed Guides. Maryland was one of the first Leagues to make extensive use of this online system in 2010, and again in 2012. The information is available to voters online through

electronic devices, and also has the option of printing a ballot of a voter's selection. The data is also used by some LLs to create a printed Guide.

### **Concurrence with Montgomery County Position on Alternatives to Winner-Take-All Method.**

In 2007-2008, the LWV of Montgomery County (LWVMC) looked at election system criteria and evaluated alternatives to the winner-take-all system for county and local offices. Alternative elections systems are seen as way to make every person's vote more meaningful, by changing the ways voters complete ballots and how the votes are tabulated. At the time of the study, several state Leagues had endorsed at least one alternative election method, and the City of Takoma Park, MD was using instant runoff voting to elect the city's mayor and council members.

To evaluate alternate voting systems, members first agreed to the following criteria: We believe it is important that election systems produce representation that reflects community sentiment, help increase voter participation by encouraging a broader range of candidates and more civil campaigns and are feasible to implement.

LWVMC also preferred election systems that are easy for the voter to understand, both in terms of how to vote and how their vote is counted; help ensure minority views and interests have some influence in selecting elected officials; help raise the level of political campaigns by encouraging a focus on the issues and discouraging negative campaigning; maximize the power of each voter's vote and help promote more openness and responsiveness between candidates and constituents.

The members then reviewed the attributes and simulated an election using instant runoff voting, cumulative/weighted voting, limited voting and single transferable voting, and compared results with the existing winner-take-all. Participants' opinions varied widely about the various systems. Some folks thought these ways were better than winner-take-all since the person elected has the support of a majority of the voters. Others found the methods confusing and too costly.

After evaluating the four systems with each other and "winner-take-all," instant runoff voting (IRV) captured overwhelming support of the Montgomery participants for its principles and operating procedures. IRV is used when electing a single candidate for a particular office with a majority of support for a candidate without holding an additional election. On the ballot, a voter ranks some or all the candidates according to preference. During tabulation, if no candidate obtains a majority of votes (more than 50% of the votes cast), the candidate receiving the least number of votes is eliminated from the race, but the second choice of voters preferring the eliminated candidate are distributed to the remaining candidates.

If the second choice votes do not produce a candidate with more than 50% of the votes, the process is repeated. The candidate with the least number of votes is eliminated and their second choice votes are distributed to the remaining candidates, until a majority of the voters have selected a winner.

The IRV simulation showed how a candidate, under our current "winner take all" system, could be elected or nominated by a minority of the voters participating in the election. By transferring second and third choice votes, the original "minority" winner sometimes gained sufficient additional votes to win a majority of voters. Other times, someone new took over first place because the majority of the voters supported the previous second place candidate.

IRV has been used in various forms around the world since 1850. Cities currently using instant runoff voting include Takoma Park MD, Berkeley, Oakland, San Francisco and San Leandro, CA, Telluride, CO, Portland ME, Minneapolis and St. Paul MN, London U.K. and Wellington, with Memphis implementing it in 2015. Arkansas, Alabama, Louisiana and South Carolina use IRV in several instances (runoffs or special elections) for overseas voters. At least one national office or institution is elected by IRV in Australia, the Republic of Ireland, Malta, Sri Lanka and India. [SOURCE: <http://www.fairvote.org/where-instant-runoff-is-used#.Un0k-PkQOBM>]

Currently, at least twelve state (Arizona, California, Florida, Maine, Massachusetts, Minnesota, North Carolina, Oklahoma, Oregon, South Carolina, Vermont and Washington) and four local (Minneapolis, MN, Montgomery County,

MD, Oakland, CA and Tacoma-Pierce County, WA) have endorsed the use of instant runoff voting for at least one category of voting (e.g. special elections) or office. [SOURCE: <http://www.fairvote.org/Endorsers-of-Instant-Runoff-Voting#.UmsaRvkQOBN>]

An advantage of IRV is that a minority of voters can never defeat a candidate supported by a majority. It enables citizens to vote honestly according to their preferences and not because they view a candidate as more likely to win. This can mean third party and independent candidates are more likely to get votes. There is the potential to maximize voter participation and available choices of candidates. It assures a more fair and accurate representation of the voters. It may lead to more informative and positive campaigns and promote issue-based campaigns, since a candidate should want to cultivate broader support, even if another candidate is a voter's first or second choice.  It can eliminate the cost of a primary, a significant advantage for special elections and as well as reducing the time with a vacancy. IRV also works well for nonpartisan Board of Education races when the primary serves only to reduce the number of candidates running in the general election.

Drawbacks to IRV include the need for voter education to explain its different concept and ballot design. Our voting system would need an alternative tabulation system than used for winner-take-all, but tabulation is available for computer assisted optical scanning devices.

The Montgomery League adopted these positions from the study:

We support the option to use Instant Runoff Voting for single seat or executive office elections, both at the county and local level. This would require the winner to receive a majority of the votes cast.

a) To fill vacancies in any county offices, when special elections are held, we support a single election requiring a candidate to receive a majority of votes (using IRV) instead of conducting both special political party primaries and a special general election.

b) In addition, we support using a single election, instead of both a primary and general, which requires a majority of votes (using IRV) in order to be elected to the nonpartisan Board of Education. The election should be concurrent with the general election.

We believe all newly acquired voting equipment (hardware and software) for use in Montgomery County should allow alternative ways of casting and counting ballots and be usable for all county and municipal elections.

Although the voters of Montgomery County may approve charter amendments to change the structure of county government, state law controls the actual process of voting. Accordingly, any change in the method of counting votes, except in municipal elections, requires the approval of the Maryland General Assembly and the issuing of implementing regulations by the state Board of Elections. Therefore, the Montgomery County League can only use its position to ask local leaders to work at the state level for such a change.

Alternative voting methods were included in the topics for the LWVMD Election Process study, but time did not permit an extensive study and consensus. Not all local Maryland jurisdictions conduct special elections for filling electoral vacancies and/or nonpartisan elections. However, LWVMD concurrence with the Montgomery League's position would allow both the state and any local Leagues with these types of elections to support local enabling legislation to authorize the County or the City of Baltimore to implement the alternative election methods.

#### Committee Members

Lu Pierson, Chair

Elaine Apter, Grace Kubofcik, Anne Lee, Kay Terry, Barbara Sanders, Nancy Soreng, Susan Cochran (ex officio)



**UPDATE OF MARYLAND ELECTION PROCESS - PART 2 (continued)****CONSENSUS QUESTIONS**

**1.** Should the Maryland State Board of Elections have the authority to develop and maintain a Permanent Absentee List? (Unit will respond to 1A-1C, depending on outcome to the main question)

1A. Do you support a Permanent Absentee List where the voters on the list receive an absentee ballot for elections?

1B. Do you support a Permanent Absentee List where the voters on the list receive an absentee ballot application for elections?

1C. Should absentee voters be required to apply to receive an absentee ballot for each election cycle (both Primary and General)? [This would mean no Permanent Absentee List.]

**2.** Should LWVMD support having a requirement that signatures on absentee ballots be verified before being accepted for counting?

**3.** Should voters have access in the polling place to personally-procured [or provided] information and materials (e.g. sample ballots, voters' guide, campaign literature) to assist in marking the ballot? (Unit will respond to 3A-3B, depending on outcome to the main question)

3A. Should these materials be available in any format accessible to the voter?

3B. Should these materials be restricted to a paper format?

**CONCURRENCE QUESTIONS**

**1.** We support the option to use Instant Runoff Voting for single seat or executive office elections, both at the county and local level. This would require the winner to receive a majority of the votes cast.

**2.** To fill vacancies in any county offices, when special elections are held, we support a single election requiring a candidate to receive a majority of votes (using Instant Runoff Voting) instead of conducting both special political party primaries and a special general election.

**3.** We support using a single election, instead of both a primary and general, which requires a majority of votes (using Instant Runoff Voting) in order to be elected to a nonpartisan position. The election should be concurrent with the general election.

**4.** We believe all voting equipment (hardware and software) for use in Maryland should allow alternative ways of casting and counting ballots and be usable for all county and municipal elections



# LEAGUE OF WOMEN VOTERS<sup>®</sup> OF MARYLAND, INC.

## 2013-2014 Update of Election Administration, Part II

### **ELECTION PROCESS: SUMMARY STATEMENT**

Action to assure fair campaigns and elections. Action to institute elections to fill vacancies in the General Assembly. Action to support a closed primary election, a mix of single and multi-member legislative districts and coterminous boundaries. Action to oppose term limits for members of the General Assembly. Action to assure an election system that is equitable, accessible, fiscally responsible, accountable and enforceable. Opposition to a requirement for uniform voting systems unless funded by the state.

### **VOTING RIGHTS AND ELECTION ADMINISTRATION**

#### **Support for:**

1. An election system that is equitable, accessible, fiscally responsible, accountable and enforceable.
2. Mandatory training for all election judges with the state providing basic training instructions.
3. A minimum compensation level for election judges set by the state.
4. A restructured Maryland State Board of Elections (MSBE) – formerly the State Administrative Board of Election Laws (SABEL).
  - a. giving MSBE legal authority and adequate funding to enforce election laws and regulations;
  - b. giving MSBE legal authority and funding to develop and maintain a centralized, computerized voter registration list and a centralized, computerized campaign finance reporting system;
  - c. staggered terms for members of MSBE;
  - d. a professional administrator hired by MSBE.
5. Statewide uniformity of voting registration and registration records.
  - a. a change in Maryland law that would allow any eligible individual to register to vote online and complete the registration process at the polling place. (2013)
6. A uniform, simple system for accurate identification of voters at the polls.
7. A registration deadline set as close as possible to primary and general elections, consistent with technology that provides ballot security and makes the administration of the deadline cost-effective. (“Ballot security” assures ballot secrecy and prevents fraudulently cast ballots.)
8. Provisional ballots, with a strong preference that voters be notified if they are later found not eligible to vote. Provisional ballots allow a voter whose name is not listed on the polling place election register to vote a ballot which is sealed and segregated from regularly cast ballots until the election authority can confirm the voter’s eligibility. They provide ballot security, are convenient for the voter and avoid disenfranchisement of voters due to administrative error.
9. Early voting (2013)
  - a. State law should specify a minimum number of early voting days;
  - b. State law should specify that a Saturday and a Sunday be included in early voting days;
  - c. State law should give the State Board of Elections the authority to authorize additional early voting sites when such sites are requested and funded by a local election board.
10. A permanent application list for absentee voters who affirm that they have a permanent physical condition which necessitates absentee voting. Election authorities would then automatically send to those voters applications for absentee ballots. A permanent application list, restricted to those with disabling physical conditions, fosters access of the disabled to voting, and provides ballot security.
11. Study, research and pilot projects to determine the feasibility of Internet voting.
12. Setting a deadline for write-in candidates to file a certificate of candidacy. (2013)

#### **Opposition to:**

13. A requirement for uniform voting systems unless funded by the state.