



**TESTIMONY TO THE HOUSE WAYS AND MEANS COMMITTEE**

**HB 153 – Elections By Mail**

**POSITION: Support With Amendments**

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**DATE: January 26, 2021**

The League of Women Voters is a nonpartisan organization that works to increase understanding of major public policy issues and influence public policy through education and advocacy. The League believes that election systems should be equitable, accessible and increase voter participation.

We support conducting elections by mail in which all registered voters automatically receive a ballot in the mail without having to request one in advance. We also believe that some level of in-person voting should be maintained for voters who need assistance, choose to register in-person or other reasons. Other states that have predominantly voted by mail for many years—including Oregon that implemented this in 2000—have found increased voter participation, reduced costs over time and have not encountered issues related to fraud or security.

We appreciate the direction that HB 153 offers in helping voters cast a ballot. We also recognize that a number of bills have been introduced this session on conducting elections by mail and each has slightly different provisions. The League spent more than a year studying this issue and prepared a Fact Sheet that identifies a number of best practices that we support. We have attached it to this statement. We are hopeful that the legislators can come together with a single bill that incorporates all of the best practices we identified.

The LWVMD, representing 1000+ concerned citizens throughout Maryland, urges a favorable report on HB 153 with amendments to reflect the best practices we have outlined in our Fact Sheet.

Attachment: League of Women Voters of Maryland, Fact Sheet on Vote By Mail in Maryland

## FACT SHEET: VOTE BY MAIL (VBM) IN MARYLAND

### INTRODUCTION & SCOPE

Should the Maryland League of Women Voters adopt a position on voting by mail as the statewide norm for all elections? The Montgomery County League recommended a study on vote by mail in June 2019, noting that Rockville planned to use this method in its November 2019 election. A study committee began work in the fall, but by spring 2020, the COVID-19 pandemic had made the subject more pressing. At its June 2020 Council Meeting, the LWV of Maryland (LWVMD) determined that a state-wide study should be done instead and be completed in time to have a consensus position in place for the start of the Maryland legislative session in 2021. Although this fact sheet includes examples from recent elections, any consensus we may reach would potentially apply to Maryland's elections held after 2020.

### DEFINITION OF VOTE BY MAIL (VBM)

***In this fact sheet, when we use the term “vote by mail” we mean the method for conducting elections in which voters automatically receive a ballot in the mail without having to request one first, and in-person voting options are available but limited.*** In vote by mail elections, ballots are delivered to voters by mail weeks before Election Day, filled out at their convenience, and then returned by mail or other means.<sup>i</sup> In a VBM election, because *most* voters use the mail to cast their ballots, only a limited number of in-person voting centers are available on or before election day for voters who may need assistance, have a preference to vote in-person, seek to register on election day, or may not have received a ballot by mail. Even states that use “all” vote by mail make some in-person voting options available. Vote by mail contrasts with absentee voting, in which each voter must *request* an absentee ballot for each election and then return the completed ballot (usually by mail).<sup>ii</sup> Typically, absentee voting has been used by a minority of voters, with most voters choosing to cast their ballots in person.<sup>iii</sup>

### BACKGROUND

**VBM in Other States:** VBM is the standard state-wide method of voting in four states. Oregon implemented VBM state-wide in 2000, Washington in 2011, Colorado in 2014. Hawaii used the method statewide for the first time in 2020. Utah introduced VBM in 2013 and rolled it out by county, with statewide implementation in 2020.

**Turnout:** VBM can play a part in increasing voter turnout. Although states with established VBM often report much higher turnout than other states, a 2020 study produced by the Stanford University Democracy & Polarization Lab suggests that, on average, turnout runs about 2-3 percent higher (analyzing multiple types of elections and over time).<sup>iv</sup> However, in any particular election, VBM turnout is affected by the same factors that affect turnout for in-person voting: whether it's a presidential or mid-year election, if there are high profile contests or issues, or if the ballot includes controversial initiatives. Demographic factors, such as age or racial and ethnic makeup of the voting population, regional variations like population density or location of polls or vote centers, and comfort with USPS can all affect voter participation. In Maryland, when Rockville used vote-by-mail for the first time in its 2019 Mayoral election, turnout almost doubled from about 16% in 2015 to about 31% in 2019.<sup>v</sup> In contrast, in

Maryland's 2020 Primary Election, using VBM for the first time in a statewide contest, voter turnout was about the same as in the 2016 primary election at just over 40%.<sup>vi</sup>

**Effects of VBM on Different Populations:** While VBM may offer advantages to some population groups, others may need special attention. For example, VBM can be helpful for senior citizens or voters living in rural or remote areas who may find it difficult to travel to vote. However, it can be a disadvantage for populations that move more frequently, such as people who are young or poor.<sup>vii</sup> Implementation of VBM also requires attention to the needs of frequently disenfranchised voters. Some, like homeless people or residents of Native American reservations, may not have acceptable mailing addresses on file in state databases; others, like people incarcerated for a misdemeanor or failure to post bail,<sup>viii</sup> may not have access to information about voting; still others with disabilities may need special tools to fill out their ballots. Voters who have only a post office box as their official address (for both residential and mailing purposes) should be informed on how to register, request a ballot and what to do if a ballot is not received in adequate time before an election.<sup>ix</sup> Requesting or downloading a ballot online requires internet access and a printer, which are not available to all voters. Such voters need to have options other than VBM available to them.

**Partisan Advantages:** There is no evidence that VBM favors one party or another. Looking at elections in 3 states, from 1996 to 2018, researchers found that VBM did not affect either party's turnout or share of the vote.<sup>x</sup> Dominance by one party is more likely to reflect the patterns of power within a state, such as design of district maps or use of plurality or majority election systems.<sup>xi</sup> A survey done in 2003, three years after Oregon implemented VBM, by Dr. Priscilla Southwell, a professor of Political Science at the University of Oregon, found that 81% of respondents favored the vote-by-mail system while 19% favored traditional voting at a polling place. The poll also shows high favorability among both registered Democrats (85%) and Republicans (76%). About thirty percent of respondents said they had voted more often after vote-by-mail was implemented, and 48% of voters who identified as disabled or unable to work reported voting more often after VBM.<sup>xii</sup>

### **MARYLAND LAW REGARDING VOTE BY MAIL**

Maryland election rules currently permit conducting elections by mail under limited circumstances: for special elections that are not held at the same time as a regularly scheduled primary or general election, for local special elections approved by the relevant County Council or a Board of Commissioners, and certain other situations.<sup>xiii</sup> The Governor may also proclaim a special election using vote by mail to fill a vacancy in an Office of Representative in Congress.

Because a state of emergency and a catastrophic public health emergency existed in Maryland, Governor Hogan issued a proclamation on April 10, 2020, directing that the special election in District 7 to fill the remainder of the term of Congressman Elijah Cummings be conducted "solely" using VBM (this was held on April 28). He also directed that the 2020 Presidential Primary Election (held on June 2) would be conducted using VBM with limited in-person voting. This was less than 6 weeks before ballots had to start being mailed and the first time the method would be used statewide.

## PROCEDURES FOR IMPLEMENTING VOTE BY MAIL

Implementing VBM represents an enormous undertaking that affects State and local Boards of Elections, voters, and candidates running for office. Every step in the voting process is affected, including procedures that take place before an election, during the election and after an election.

### **Before the election**

Steps must be taken to ensure the accuracy of the voter lists, to establish contracts with vendors to print secure ballots, and to support the timely delivery of ballots to voters.

#### Accuracy of Voter Lists

Accurate and up-to-date voter rolls are essential for the successful implementation of VBM. Inaccurate or incomplete voter lists can result in people getting a ballot too late or not at all. In Maryland, the official voter registration list is established by the State, is coordinated with other state databases, and is accessed electronically by local boards.

Responsibility for updating voter information ultimately rests with individual voters. In Maryland, the rules and processes used for absentee voting and for special elections done by mail include requirements for updating registration information.<sup>xiv</sup> In traditional absentee voting, the voter must complete a ballot *application form* that requires the voter's name, address and signature.<sup>xv</sup> Completion of the application ensures updated voter information for the 6-8%<sup>xvi</sup> of voters who typically rely on absentee voting in an election. In VBM special elections, the local board mails a non-forwardable *ballot* to each voter on the State registration list, using the voter information on record.<sup>xvii</sup> While communication campaigns may ask voters to voluntarily check and update their voter information, not all voters comply. The State Board of Elections may remove a voter from the registration lists in certain circumstances.<sup>xviii</sup> Reliable connections with the Department of Motor Vehicles can also help update voter lists.

Examples of practices that have been used to update voter lists include:

- (1) *Extensive voter education campaigns*: these should start months before any ballot is mailed. The U.S. Election Assistance Commission recommends that education campaigns include guidance for voters on topics such as how to update voter information, how to get and return a ballot, how to complete a ballot, how to correct a mistake, deadlines, how to know if a ballot was accepted, and how to get help completing a ballot.
- (2) *Multiple mailings (postcards) before sending a ballot*: the mailings that are returned as undeliverable can be checked (e.g., did the voter move or die).<sup>xix</sup> In Rockville's 2019 election, the Board of Supervisors of Election (BSE) sent several mailings before sending the actual ballot. For its election, 2,319 (5.86%) were returned as undeliverable. In Maryland's June 2 primary, there was not enough time to directly mail an alert to all voters, but the state communications campaign told voters to check and update their voter information; almost 160,000 (4.4%) ballots were returned as undeliverable.<sup>xx</sup>
- (3) *Absentee applications sent instead of a ballot*: sending absentee applications requires voters to confirm or update their address or other information. However, it inserts an

extra step for the voter, and the two mailings (the application and the ballot) increase the labor demands on and expenses incurred by Boards of Elections.

### Vendor Contracts

Vendors are used by many Boards of Elections to reduce the number of extra staff that must be hired to meet the increased workload created by elections and which must get done quickly. Vendors support ballot printing and mailing, support the voting equipment (e.g., scanners), support databases for voter lists, and help build election websites. In Maryland, the State Board of Elections provides the vendor with templates for all of the ballot inserts, the mailing schedule and voter data. The vendor prints, inserts, and mails the ballot packets.<sup>xxi</sup> During Maryland's 2020 primary, concerns arose with the vendor responsible for printing and getting ballots to the postal service. However, there are few certified vendors in the country who are able to satisfy the requirements for printing secure ballots and envelopes.<sup>xxii</sup> The State Board of Elections acknowledged the need for greater accountability over vendors. Greater transparency can also help the public understand which vendors are used and their experience.

### Mailing Ballots

The actual ballots must be mailed early enough to give voters sufficient time to mark their ballots and return them by the deadline. Voters should also have sufficient time to notify the Board of Elections if a ballot was not received or the voter made a mistake and needs a replacement. In Oregon, for example, voters must be registered 21 days before an election, and ballots are mailed shortly after that. This allows time for notification of the Board of Elections if a ballot has not been received. In Colorado, ballots are mailed at least 18 days before an election.<sup>xxiii</sup> In some states, the voter puts the ballot into an "extra" privacy envelope or sleeve that is then inserted into a mailing envelope. Maryland allows local boards to do this but does not require it.<sup>xxiv</sup>

### **During the Voting Period**

During the voting period, procedures needed to ensure the smooth running of the election include ballot tracking by the Board of Election, voter options for returning a ballot and when they are due, and checking on the status of a submitted ballot.

### Board of Elections Mail Tracking

The ability to track mailed ballots relies on the use of the postal service's "intelligent mail barcodes," which allows the election office to track ballots in the mail process, from drop-off to delivery to processing at the local board.<sup>xxv</sup> Each ballot has a unique barcode, which inhibits unauthorized duplication.<sup>xxvi</sup> If a voter thinks a ballot was taken from their mailbox and requests another, the original barcode and ballot are invalidated. Use of intelligent mail barcodes is a best practice recommended by the U.S. Election Assistance Commission. According to the State Board of Elections report on the June 2, 2020 primary, Maryland uses this application.

### Options for Returning A Ballot

In VBM, voters usually have three ways of returning their ballot:

- 1) *By mail*: some states pay for the return postage, but in others, the voter must pay for it. In Maryland, ballots have been sent with postage-paid return envelopes.
- 2) *Drop box*: all VBM states provide drop boxes as an alternative to the U.S. mail. Drop boxes are monitored by security cameras set up for the election, or in locations that already have security cameras (such as schools). They should be located in areas where voters feel safe, especially during non-business hours (this was a concern identified by some voters in Maryland’s 2020 primary election). Also, drop boxes should be accessible to voters who walk to them or use public transportation. Finally, drop boxes should be set up in as many locations as needed to make them convenient and easy to find. According to the Survey of the Performance of American Elections at Harvard University in 2016, 73 percent of voters in Colorado, 59 percent in Oregon, and 65 percent in Washington returned their ballots to some physical location, such as a drop box or local election office.<sup>xxvii</sup> In the 2020 Maryland primary, procedures were established for retrieving ballots from drop boxes, including that the person picking up ballots must be sworn in and display a state or county ID and that law enforcement be notified of the box’s location; ballots were retrieved three times per day.<sup>xxviii</sup> For the primary, 13% of voters returned their ballot by drop box, ranging from a low of 6% in Worcester and Baltimore Counties to a high of 44% in Kent County.<sup>xxix</sup>
- 3) *In-person voting center*: all states that currently use VBM have a minimum number of in-person voting locations for voters who are unable to fill out a paper ballot, need assistance completing a ballot, have no permanent address, prefer to vote in person, or want to register to vote (same day registration). In VBM, the number of in-person voting sites is limited, perhaps to only one per county. Colorado bases the number of in-person voting centers on population, similar to Maryland’s approach for determining the number of voting centers for in-person early voting.<sup>xxx</sup> VBM states may not have a time that is called “early voting” but may still have a voting period in which in-person centers are open for some days before Election Day. In some states, voters may return a ballot to any vote center or drop box in the state. For example, in Oregon, if a local board receives a ballot from a voter in another part of the state, it records the receipt of the ballot in the state’s database and then sends the ballot to the appropriate local board for tabulation. This verifies timely receipt of the ballot and also ensures that a voter cannot try to cast another ballot at another voting center.

#### When Ballots Are Due

In some states, ballots must be *received* by the close of in-person voting centers on election day. In other states—including Maryland—ballots must be *postmarked* by election day. When the deadline relies on a postmark, ballots may continue to arrive at the Board of Elections after Election day, which can extend the time for counting the ballots. Voters need to have clear information on when ballots are due in order for their vote to be counted and understand that dropping a ballot into a corner mailbox on election day may not ensure a timely postmark. In Maryland, a late postmark is the most common reason for not counting a ballot.<sup>xxxi</sup>

#### Ability of Voters to Check on the Status of a Returned Ballot

Voters using VBM often want to verify that their ballot was received and counted. A verification system also helps contribute to security. In Maryland's 2020 primary election, voters were able to check online for the status of their ballots by going to the Voter Search page on the State Board of Elections website, which can be found at <https://voterservices.elections.maryland.gov/VoterSearch>.

### **After the Election**

Specific procedures that occur after the voting period include checking and tabulating the ballots and releasing results. Counting the ballots is also known as canvassing. The word "canvassing" can have two meanings. For many people, it describes people going door to door promoting a candidate, an issue, or collecting polling data. However, in Maryland (and elsewhere), canvassing refers to the process of counting and recording votes.<sup>xxxii</sup>

#### Checking Returned Ballots for Timeliness and Signature Before Counting

In Maryland, mailed-in ballots are checked for two things before being counted. First, ballots are checked for timeliness. This means that the postmark must show that the ballot was mailed on time. Second, mailed-in ballots are checked to ensure the voter has signed the oath on the outside of the ballot return envelope and that the envelope is sealed.<sup>xxxiii</sup> However, Maryland does not require signature verification, the most common method used to verify that a ballot is coming from the intended voter.<sup>xxxiv</sup> This involves comparing the voter's signature on the outside of the ballot return envelope to one on file with the Board of Elections. According to the U.S. Election Assistance Commission, this may be done manually using a hand-held scanner, but as more ballots are mailed in, automated technology that captures the voter's signature on the ballot return envelope can process signatures more quickly. Typically, voters are notified by mail with instructions on how to correct a questionable signature (email and/or telephone may also be used). The voter mails back a signed form to correct the problem; a copy of valid identification may also be required.<sup>xxxv</sup> When the form is received, trained workers compare it to the signature on the returned ballot envelope and determine whether to accept the ballot for counting. The signature on the returned form becomes the signature on file for future elections. In California, which has been transitioning to VBM, some counties ask voters to return multiple versions of their signature to keep on file.<sup>xxxvi</sup>

All five VBM states use signature verification and provide an opportunity for voters to correct a questionable signature.<sup>xxxvii</sup> For example, in Utah, voters are notified within 1-2 business days if a signature is rejected before election day (or within 7 days if the rejection occurs on or after election day) and have to correct it by 5:00 p.m. the day before official results are certified. In Colorado, voters are notified within 3 days (2 days if the rejection is after election day) and have up to 8 days after election day to correct it.

Questions about the accuracy of signature verification and the possibility of mistaken rejection of ballots have led some to view signature verification as a form of voter suppression. Signatures can change over time for various reasons, including age (young people's signatures particularly change), illness or disability. Ballot rejection in some states in the 2018 election disproportionately affected people with disabilities and minorities.<sup>xxxviii</sup> Privacy and trust issues

also arise if signature verification is done on an unsealed ballot envelope. While allowing voters to cure a rejected ballot, it also creates an extra step that some voters have to take to cast their ballot. This can create confusion and delay, especially if the voter's native language is not English.

*Verified Voting*, a nonpartisan group focused on election technology, notes that signature verification is the “best currently-available means to detect ballots cast under a false identity” but automated software cannot be relied upon as the sole means to *reject* ballots.<sup>xxxix</sup> The U.S. Election Assistance Commission recommends using a multi-leveled process to review signatures so that no ballot can be rejected based on a single review or without in-person inspection. Maryland does not conduct a signature verification process for voters, regardless of whether someone votes by mail or in person. If Maryland chooses to require signature verification, there will be cost for software, for training personnel to use it and for voter education.

#### Tabulating Votes

In a VBM system, although there is no official “early voting period,” voters can mail in completed ballots as soon as they have been received. In many states, canvassers begin recording ballots as soon as they come in; in other states, ballots may not be opened before election day. In Maryland, election code directs that canvassing of absentee ballots may not begin until the Wednesday after election day and for special elections, canvassing may begin on election day.<sup>xi</sup> However, for the special and primary elections in 2020, Gov. Hogan directed that counting could begin 12 days before election day.

During counting, some ballots may be rejected. According to the report of the Maryland State Board of Elections, 2.39 percent of mailed ballots were rejected in the June 2020 primary. The two most common reasons for rejection are ballots submitted after the mailing deadline or missing signatures (for the oath on the outside of the envelope). Best practices include systems for contacting voters and allowing them to correct an error such as a missing signature. Voter education could include the reasons that ballots are rejected and how to avoid them.

#### Releasing Results

Canvassing typically takes longer in a VBM election than in conventional in-person elections. Checking each submitted ballot takes longer than checking only the small percentage of absentee ballots typically submitted. In addition, when the mailing deadline is based on a postmark, ballots may continue to arrive after election day. Preliminary results may be released on election day, with final results coming later after all ballots have been counted. Results for Maryland's June 2, 2020 primary were certified on July 2, 2020.<sup>xli</sup> Voters need to understand that final results may be delayed and may change from preliminary results. Best practices include releasing results by precinct since this provides another security check (e.g., were the votes counted approximately equal to the number of qualified voters?).

### **OTHER ISSUES IN IMPLEMENTING VBM**



Two other general issues arise in implementing VBM. One relates to costs and another to security.

### **Costs**

VBM shifts the costs required to conduct elections. In a mostly in-person election, significant costs are incurred for hiring poll workers and renting voting centers. While fewer are needed in VBM elections, greater expenses are incurred for printing ballots (including instructions and return envelopes) and postage.<sup>xlii</sup> Most election costs fall on counties and local jurisdictions,<sup>xliii</sup> although in Maryland, the state and counties split some of the costs. According to the Code of Maryland Regulations, the state acquires and certifies voting technology, such as pollbooks and scanners, and the costs are split 50/50 between the state and the localities. The state also helps pay for the postage-paid ballot returns and maintains the voter registration database. Local counties support the operation of their local election boards as well as polling place expenses (such as space rentals and poll workers) and supplies. Providing drop boxes may also add expense, including surveillance set-up and timely retrieval of ballots from them.

It is possible that VBM may be costlier in early years of transition because of the need to operate both in-person voting options and VBM side-by-side. A study done on Colorado elections found that certain cost categories were reduced by an average 40% after the state shifted to predominantly VBM.<sup>xliiv</sup> Counties spent an average of \$9.56 per vote in 2014, down from \$15.96 in 2008, and all but three counties spent less per vote in 2014 than in 2008. To the extent that VBM increases election costs—especially in the earlier years of a transition—the burden can be significant, particularly on the smaller counties. However, as seen in Colorado, in the long run expenses have the potential to decline.

### **Security**

Security is a concern in all elections, regardless of method, and several security measures have been discussed already, such as updating voter lists, checking postmarks and signatures on ballots before counting them, and allowing voters to check the status of their returned ballots. Another measure is a high penalty for voter fraud. Violations can run from the hundreds of dollars to thousands of dollars. Anyone who commits voter fraud using a mail ballot risks severe criminal and civil penalties; up to five years in prison and \$10,000 in fines for each act of fraud under federal law, in addition to any state penalties. In Oregon, for example, voting with or signing another person's ballot is a Class C felony punishable by up to five years in prison.<sup>xlv</sup> Some states have laws to limit who can return ballots.<sup>xlvi</sup>

VBM has not increased the risk of fraud in states that have been using VBM for many years. Colorado's Secretary of State notes that if there is a possibility of double voting, every case is sent to the attorney general; in 2018, 0.0027 percent of cases were forwarded. Colorado's Elections Director Judd Choate stated that jurisdictions with all-mail elections must constantly update voters' addresses to ensure that the right voters receive the right ballots. As a result, when a person moves, they are unlikely to get the wrong ballot by mail, whereas an in-person voter with an outdated address could be going to the wrong polling place for years. Based on her experience as Washington State's Director of Elections, Lori Augino added that "Of the nearly 3.2 million ballots cast [in Washington in 2018], only 0.004% of the total ballots cast may

have been fraudulent.” None of the five states that hold their elections primarily by mail has had any voter fraud scandals since making that change. Reports that have raised concerns about ballots that are “missing or unaccounted for” have been disputed.<sup>xlvii</sup>

### **SUMMARY OF THE ADVANTAGES AND DISADVANTAGES OF VBM**

Advantages of VBM include:

- Ease of voting
  - Voters can vote from home, with time and resources to study the candidates and make their choices. This can be especially helpful for complicated ballot questions.
  - Voting is not limited to certain times when polling places are open. Voters who prefer or need to go to a polling place can have that option.
  - Voters do not need to make special arrangements to vote. Workers do not have to take time off, families do not have to arrange childcare, seniors do not have to stand in line.
  - Voters can have multiple options for returning ballots.
  - When voting is easier to do, voting participation (turnout) may increase.
- Safety & Security
  - VBM ensures there is a paper trail since the method relies on paper ballots. This facilitates post-election audits.
  - Voting lists are updated frequently when undeliverable mailings are returned to boards of elections, particularly if informational mailings are done prior to an election.
  - Fraud has not increased in states that have used VBM for many years. Safe and secure elections are a priority regardless of voting method.
- Costs
  - There is potential for long run savings in reduced need for poll workers, a decreased need to rent polling places and trimmed down costs for voting technology, such as pollbooks and scanners.

Disadvantages of VBM include:

- Voting options and results
  - There are fewer in-person polling places and if they are not located conveniently, it can interfere with the ability of people to vote.
  - VBM can pose problems for certain populations who may not have a mailing address or who move often, such as homeless or poor people.
  - People may miss voting with friends and neighbors, and the sense of community tradition it brings.
  - Election results take longer to issue and certify, potentially creating voter confusion if preliminary and final results differ.
- Safety & Security
  - Concerns arise from the potential for family members or others to coerce voters when voting is done outside a polling place.

- Vendor or postal service problems can result in ballot delivery problems. When such problems have occurred, they emerged close to election day and resulted in last-minute challenges for both voters and election officials.
- Even when steps are taken to prevent fraud, some voters remain concerned that irregularities can occur. Voters must trust the election results regardless of the voting method used.
- Costs
  - Some election costs may increase, such as printing costs or expenses of acquiring signature verification software.
  - Voter education and outreach takes on even greater importance and can be costly to conduct.

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## REFERENCES

<sup>i</sup> Adapted from [www.voteathome.org](http://www.voteathome.org).

<sup>ii</sup> Some states require a reason for requesting an absentee ballot; Maryland offers “no excuse” absentee voting.

<sup>iii</sup> In Maryland, the State legislature changed the term used for absentee voting to “mail-in voting” during its 2020 session. See State Board of Elections Comprehensive Plan for the 2020 Primary Election (June 2, 2020).

<sup>iv</sup> Thompson, Daniel; Wu, Jennifer; Yoder, Jesse; Hall, Andrew, “The Neutral Partisan Effects of Vote-By-Mail: Evidence From County-Level Rollouts,” Stanford Institute for Economic Policy Research, Working Paper No. 20-015, April 2020, <https://siepr.stanford.edu/sites/default/files/publications/20-015.pdf>

<sup>v</sup> Rockville Board of Supervisors of Elections report on November 5, 2019 Election Report, April 6, 2020

<sup>vi</sup> Department of Legislative Services, Office of Policy Analysis, “Covid-19 and Voting By Mail,” Presentation to the Senate Education, Health and Environmental Affairs Committee and the House Committee Ways and Means, June 16, 2020.

<sup>vii</sup> Michael Wines, “Which Party Would Benefit Most From Voting By Mail? It’s Complicated,” New York Times, May 26, 2020,

<sup>viii</sup> People convicted of a felony and currently serving a court-ordered sentence of imprisonment are not eligible to vote. See [https://elections.maryland.gov/voter\\_registration/](https://elections.maryland.gov/voter_registration/)

<sup>ix</sup> In a municipal election in August 2020, some voters in Washington County who only have a P.O. box as their address did not receive their ballots and had to vote provisionally. Election officials believe there was a problem that may have affected some voters whose address is a P.O. box.

<sup>x</sup> Daniel Thompson, Jennifer Wu, Jesse Yoder, Andrew Hall, “Universal Vote-By-Mail Has No Impact on Partisan Turnout or Vote Share,” Proceedings of the National Academy of Sciences, Vol. 117, No. 25, June 23, 2020 (first published June 9, 2020).

<sup>xi</sup> League of Women Voters of Washington Education Fund, “An Evaluation of Major Election Methods and Selected State Laws, Fall 2000.

<sup>xii</sup> Southwell, Priscilla, “Five Years Later: A Re-Assessment of Oregon’s Vote by Mail Electoral Process,” *PS: Political Science and Politics*, Vol. 37, No. 1 (Jan., 2004), pp. 89-93

<sup>xiii</sup> 2017 Maryland Code, Election Law, Title 9 – Voting, Subtitle 5 - Voting by Mail in Special Elections. § 9-501. Voting by mail. Universal Citation: MD Elec Law Code § 9-501 (2017)

<sup>xiv</sup> Maryland Code, Election Law, Sec. 9-301 and Sec. 9-501. Code of Maryland Regulations.

<sup>xv</sup> A voter who requests an absentee ballot online must also provide a driver’s license number or Maryland ID number and the last 4 digits of their social security number.

<sup>xvi</sup> This is the typical percentage in a presidential election; other elections show lower rates.

<sup>xvii</sup> If the voter wants to receive the ballot at a different address, the voter must complete a separate absentee ballot application.

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<sup>xviii</sup> The circumstances are: (a) the Maryland Dept of Health or the Social Security Administration notifies them of the voter's death; (b) the voter has been convicted of a felony and is in prison; (c) the voter is under a mental disability and a court has specifically found that the voter can't communicate a desire to participate in the voting process; (d) the voter has been convicted of buying or selling votes; (e) the voter has moved, which typically is learned when the Postal Service returns a mailed sample ballot with an address correction or is undeliverable.

<sup>xix</sup> Even states that have been using VBM for years get ballots returned. Oregon has been mailing ballots to voters since 1998 and estimates that 2-3% are returned; Washington has used VBM since 2005 and estimates that 10% are returned as undeliverable.

<sup>xx</sup> Maryland State Board of Elections, "Report on June 2 Election & Recommendations for November 3 Election," issued July 2, 2020.

[https://elections.maryland.gov/press\\_room/June%202%20Election%20Report\\_Final%2007022020.pdf](https://elections.maryland.gov/press_room/June%202%20Election%20Report_Final%2007022020.pdf)

<sup>xxi</sup> Maryland State Board of Elections, Presentation to the Senate Education, Health and Environmental Affairs Committee and the House Committee on Ways and Means, June 16, 2020

<sup>xxii</sup> For example, secure ballots require specialized paper that can be read by optical scanners and envelopes with barcodes specific to each voter. See U.S. Election Assistance Commission, "Managing an Increase in Outbound Ballots." [https://www.eac.gov/sites/default/files/electionofficials/vbm/Outbound\\_Mail\\_Ballots.pdf](https://www.eac.gov/sites/default/files/electionofficials/vbm/Outbound_Mail_Ballots.pdf)

<sup>xxiii</sup> Information obtained from the Secretary of State website for each state.

<sup>xxiv</sup> Maryland Code, Election Law, Sec. 9-310, Code of Maryland Regulations. For the 2020 general election, the plan is for the return envelope ballots to have a flap to cover the voter's name and signature.

<sup>xxv</sup> U.S. Election Assistance Commission, "Managing an Increase in Outbound Ballots."

[https://www.eac.gov/sites/default/files/electionofficials/vbm/Outbound\\_Mail\\_Ballots.pdf](https://www.eac.gov/sites/default/files/electionofficials/vbm/Outbound_Mail_Ballots.pdf)

<sup>xxvi</sup> Mike Baker, "The Facts About Mail-in Voting and Voter Fraud," New York Times, June 22, 2020.

<sup>xxvii</sup> Survey of the Performance of American Elections at Harvard University. See MIT Election and Science Lab, <https://electionlab.mit.edu/research/voting-mail-and-absentee-voting>

<sup>xxviii</sup> [https://elections.maryland.gov/about/meeting\\_materials/May\\_14\\_2020.pdf](https://elections.maryland.gov/about/meeting_materials/May_14_2020.pdf)

<sup>xxix</sup> Maryland State Board of Elections, Report on the June 2 Election and Recommendations for November 3 Election. Issued July 2, 2020.

[https://elections.maryland.gov/press\\_room/June%202%20Election%20Report\\_Final%2007022020.pdf](https://elections.maryland.gov/press_room/June%202%20Election%20Report_Final%2007022020.pdf)

<sup>xxx</sup> Amanda King, "Voter Service and Polling Centers," Issue Brief, Legislative Council Staff, Nonpartisan Services for Colorado's Legislature, Number 20-06, February 2020. Also, Maryland State Board of Elections, Early Voting, [https://elections.maryland.gov/voting/early\\_voting.html](https://elections.maryland.gov/voting/early_voting.html)

<sup>xxxi</sup> Maryland State Board of Elections, Report on the June 2 Election and Recommendations for November 3 Election. Issued July 2, 2020.

[https://elections.maryland.gov/press\\_room/June%202%20Election%20Report\\_Final%2007022020.pdf](https://elections.maryland.gov/press_room/June%202%20Election%20Report_Final%2007022020.pdf)

<sup>xxxii</sup> "Canvass" includes the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results. See Code Of Maryland Regulations, Sec. 11-101.

<sup>xxxiii</sup> Maryland Code, Election Law, Sec. 9-310, Code of Maryland Regulations

<sup>xxxiv</sup> National Conference of State Legislatures, "Voting Outside the Polling Place: Absentee, All-Mail, and Other Voting at Home Options, July 10, 2020. <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.

<sup>xxxv</sup> U.S. Election Assistance Commission, "Signature Verification and Cure Process,"

[https://www.eac.gov/sites/default/files/electionofficials/vbm/Signature\\_Verification\\_Cure\\_Process.pdf](https://www.eac.gov/sites/default/files/electionofficials/vbm/Signature_Verification_Cure_Process.pdf)

<sup>xxxvi</sup> Signature Verification and Mail Ballots: Guaranteeing Access While Preserving Integrity A Case Study of California's Every Vote Counts Act, Policy Practicum: Every Vote Counts (Law 806Z) Spring 2019-20, Stanford Law School, Law and Policy Lab, May 15, 2020

<sup>xxxvii</sup> In total, 31 states use signature verification and 19 provide an opportunity for voters to correct a questionable signature. See National Conference of State Legislatures, "VOPP: Table 14: How States Verify Voted Absentee Ballots" 4/17/2020, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-14-how-states-verify-voted-absentee.aspx>. See also "VOPP: Table 15: States That Permit Voters to Correct Signature Discrepancies," 8/7/2020, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-15-states-that-permit-voters-to-correct-signature-discrepancies.aspx>

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<sup>xxxviii</sup> Danielle Root and Adam Barclay, “Voter Suppression During the 2018 Midterm Elections,” Center for American Progress, November 20, 2018.

<https://www.americanprogress.org/issues/democracy/reports/2018/11/20/461296/voter-suppression-2018-midterm-elections/>

<sup>xxxix</sup> Verified Voting, “COVID-19 and Trustworthy Elections,” April 10, 2020.

<https://verifiedvoting.org/publication/covid-19-and-trustworthy-elections/>

<sup>xl</sup> For absentee ballots, canvassing may begin at 8:00 a.m. on the Wednesday after election day; see Code of Maryland Regulations (COMAR) Section 11-302. For special elections, canvassing may begin at 2:00 p.m. on the day of a special election; see COMAR Section 9-506.

<sup>xli</sup> [https://elections.maryland.gov/about/documents/Canvass\\_Agenda\\_06\\_02\\_2020.pdf](https://elections.maryland.gov/about/documents/Canvass_Agenda_06_02_2020.pdf)

<sup>xlii</sup> Ballot printing costs may increase because ballots must be printed for *every* voter, not just for those who vote in-person.

<sup>xliii</sup> National Council of State Legislatures, “Election Costs, What States Pay,” August 3, 2018,

<https://www.ncsl.org/research/elections-and-campaigns/election-costs.aspx>.

<sup>xliv</sup> See Pew Charitable Trusts, “Colorado Voting Reforms: Early Results,” March 2016.

[file:///C:/Users/Linda/Documents/LWV/All%20Mail-In%20Voting/coloradovotingreformsearlyresults\\_pew.pdf](file:///C:/Users/Linda/Documents/LWV/All%20Mail-In%20Voting/coloradovotingreformsearlyresults_pew.pdf)

<sup>xlv</sup> Oregon Secretary of State, Elections Division, ORS 260.715

<sup>xlvi</sup> For example, California (which is transitioning to VBM) made it illegal to get paid to collect ballots and for employers to ask employees to bring their ballots into their workplace.

<sup>xlvii</sup> For example, RealClearPolitics warned of fraud in mail-in voting, citing an analysis that millions of ballots were missing or unaccounted for in elections conducted between 2012-2018. The analysis counted unreturned ballots as missing, acknowledging that there was no evidence that missing ballots were used fraudulently. The National Vote At Home Institute notes that an unreturned ballot is not missing; rather it is not voted. The Brennan Center for Justice states there is no evidence that voting by mail results in significant fraud and the threat is “infinitesimally small.” <https://www.brennancenter.org/our-work/research-reports/why-vote-mail-option-necessary>