

My name is David Naimon and I'd like to thank you, Chair Brian Feldman and Vice Chair Cheryl Kagan, for the opportunity to testify today. As you know, I'm the Secretary (and Democratic Leader) of the Montgomery County Board of Elections but I'm testifying today only on my own behalf as an individual. While I take no position today on the policy question of whether unaffiliated voters should be allowed to change their party affiliation after the current deadline for party affiliation changes of three weeks before Election Day, I'm testifying today to point out a few considerations that I hope you will keep in mind as you consider this legislation.

1. The legislation would require local Boards of Election to process last-minute requests to party affiliation changes *overnight* before the start of early voting. If we get 10 such requests on the last day, that should be quite doable. If we get 2,000 such requests, it would be virtually impossible. Please keep in mind that a huge number of voters submit their voter registration forms right before the deadline and/or their mail-in ballots right before the Election Day deadline. This will be particularly difficult for voters who submit their last-minute changes on paper, which will have to be scanned and entered into the system. It will be a little easier for those who make their party affiliation changes online, although even online changes typically don't get transmitted until the next day. Please consider giving us at least one more day for this task.
2. Our hard-working election staff are required to do many things in the time period just before early voting begins, making that time period particularly busy. Staff will be preparing and transporting equipment for early voting, collecting ballots from drop boxes across the county, processing the ballots when they come back to our office, sending ballots to people who requested them, and hopefully recruiting and retaining election judges for both early voting and Election Day. If, as I hope, you enact Senator Kagan's bill SB 379 to allow us to start canvassing mail-in ballots 8 days before early voting begins, our staff will be in the midst of that process and the preparations it requires. We also will be contacting mail-in voters who didn't sign the oath to allow them to cure their ballots.
3. The legislation would give unaffiliated voters roughly an additional week to change their party affiliations that it specifically won't give to Democrats or Republicans. I think that could lead to some confusion on what the deadlines are (as you know, the election process is filled with various deadlines, and this would add one more), and to strategic behavior by others. It could encourage voters in both political parties to become unaffiliated voters to have greater flexibility to influence the party primary election of their choice at the last possible moment. For example, if someone clinches one party's nomination for President during that one week in 2024, while the other party's nomination remains competitive, unaffiliated voters could flock to the other primary, while party-affiliated voters would be stuck with a foregone conclusion in their party primary (which also could significantly lower voter turnout). That incentive is eliminated by allowing affiliated voters to change affiliations on the same schedule as unaffiliated voters.
4. We send voters a sample ballot based on their party affiliation at the time of mailing. If a large number of voters change their affiliations, they will not have the appropriate sample ballot, which in turn could result in voters taking longer to vote and increasing wait times at the polls.

5. Please consider the difficulties for the election staff responsible for ordering the actual paper ballots for the primary election. It would be exceedingly difficult to guess how many ballots of each ballot style would be sufficient, given the large possibility of last-minute shifts. This could result in our printing a lot of paper ballots that we don't need, which is an environmental issue and a burden to election workers, or our printing not enough paper ballots and running out, which is a voting rights issue wherever we would run out. This could be resolved by greater use of the very popular Ballot Marking Devices (BMDs), but these devices have some weaknesses in primary elections for any race with greater than 7 candidates that require a second page. As you may know, the machines currently list the candidates on the second page without listing the office they're seeking and making it difficult to maneuver back and forth if the voter wants to change a vote on the first page to cast a vote on the first page to cast a vote on the second page. If we can get an upgrade to the BMDs to allow 14 on a page, the wider use of BMDs becomes much easier and less of an issue (although there are some voters who refuse to use the BMDs as well).

Thank you for the opportunity to present these concerns to you, and I'd be happy to respond to any questions you may have.