

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.

I enthusiastically support Senate Bill 379, and I'd like to thank Senator Kagan for being a leader on election law issues in general and on the need for local Boards of Election in Maryland to start the mail-in ballot canvass earlier in particular. We received almost 120,000 mail-in ballots in the 2022 general election, and canvassed about 50,000 of those ballots between October 15 (the Saturday before the date that is used in Senate Bill 379) and Election Day. We continued our canvass after Election Day, meeting a total of about 18 days, and certified our results on November 30. Last year I testified in favor of similar legislation when it was pending in the Senate. Then-Governor Hogan's veto of last year's legislation on the Friday afternoon before Memorial Day – six weeks after the session ended and the last legally possible day – caused a lot of issues for us, and only the courts' willingness to intervene made it possible for us to finish our count just in time for new elected officials to start being sworn in on December 1.

The Maryland courts made clear that their intervention was a one-time fix, and I appreciate that you are wasting no time in addressing this issue. While we received almost 120,000 mail-in ballots in Montgomery County in the 2022 gubernatorial election, we received more than 348,000 mail-in ballots in the 2020 presidential general election. I would expect that we'll get something between those two numbers in 2024, but we crucially need the ability to start counting votes 8 business days before early voting begins and about three weeks before Election Day.

I offer the following additional thoughts for your consideration:

1. We would like to thank both the State Board of Elections and our County Government for getting us the mail sorting equipment that is helping us handle the volume of mail-in ballots. We are working with the State Board. We are currently working with the State Board to use this equipment to its highest capacity. If we can successfully get the mail sorting equipment so that it communicates correctly with MDVOTERS, we should be able to record the receipt of mail-in ballots within two business days *for U.S. mail-delivered mail-in ballots*. We of course know that not every jurisdiction has the mail sorting equipment, but it has been a gamechanger for us given our volume of mail-in ballots.
2. Thus far, we're not able to use the equipment for web-delivered ballots, given the wide variety of forms in which such ballots arrive, and it would be extremely difficult, if not impossible, to record the receipt of those ballots within two business days. For those ballots, our hard-working staff must find the voter in the system, print a label for them, affix the label to the envelope and then put the envelope into a batch organized by ballot style. This is very time consuming.
3. On page 4, line 28, the legislation requires the State Board to adopt regulations requiring local boards to "notify" a voter with a missing oath of that failure and the opportunity to cure it. I wholeheartedly agree with this provision and it's what we do now. My only suggestion would be to change "notify" to "send notification" as it is very difficult to know when the voter has actually been notified. Our staff typically sends an email or calls voters if we have their email

address or phone number. Otherwise, we send a letter by U.S. mail. As you know, none of these methods can guarantee when the voter opens their mail or email, answers their phone, or listens to voice mail.

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