

THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401

September 11, 2020

Maryland State Board of Elections Supervisors
151 West Street
Suite 200, P.O. Box 6486
Annapolis, MD 21401

Re: Maryland Canvassing Plans and Precinct Polling Access

Dear Board of Elections Supervisors:

We are writing with a serious, but easily remedied, concern regarding the administration of the 2020 General Election here in Maryland. Specifically, the August 19th Public Notice from your office entitled, “DATES AND TIMES FOR THE CANVASSING AND OPENING OF MAIL-IN BALLOTS AND THE REPORTING OF UNOFFICIAL RESULTS OF THE MAIL-IN BALLOT VOTE TABULATION.”

While we understand that you cite as the authority the Governor’s June 19th Order regarding extending certain time requirements, accelerating the date of the start of the 2020 Election canvass to October 1st does not appear to comport with the spirit of this order and is contrary to existing law as follows:

Elections Article §11–302 states:

- (a) “Following an election, each local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.
- (b) (b)(1) A local board may not open any envelope of an absentee ballot prior to 8 a.m. on the Wednesday following election day.

Further, allowing the canvass to commence over one month before election day creates unwanted chaos. When the public understands that ballots are beginning to be counted before the election, the integrity of Maryland’s 2020 election will be questioned. Whether it occurs or not, there will be an opportunity for election results to be leaked to current office holders or those seeking office or others trying to invalidate our election. This is why the spirit of the law to wait to count ballots comports with the actual text, even during a time of pandemic concern.

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Additionally, this administrative decision does not protect the individual voter. Under the current proposed scheme, the Board will be hard-pressed to comply with the following:

Elections Article §11–302.(d)(4): “If the local board receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the local board shall: (i) count only the ballot with the latest properly signed oath; and (ii) reject any other ballot.

If the absentee ballots are separated from its envelopes on October 1, how can this law be followed? Provisional ballots are sealed in envelopes. If there is a case or many cases of voter fraud regarding this proposed mail in system, as has been seen across the country, then a system will have been created where law abiding citizens’ votes are easily stolen and the confidence in our democratic election will be seriously damaged.

The only remedy is to follow the laws as passed by Maryland’s General Assembly. We are fortunate that there is time between now and the General election to devote the post-election resources required to properly count the absentee ballots, ensure envelopes and certifications are kept and verified in accordance with the law, and any double-voting is invalidated.

Finally, the Maryland Constitution guarantees to the People of Maryland the access to polls for voting in their own precincts and wards. See, Article I, section 1, Elective Franchise. In that section it states:

SECTION 1. All elections shall be by ballot. Except as provided in Section 2A or Section 3 of this article, every citizen of the United States, of the age of 18 years or upwards, who is a resident of the State as of the time for the closing of registration next preceding the election, **shall be entitled to vote in the ward or election district in which the citizen resides at all elections to be held in this State.** A person once entitled to vote in any election district, **shall be entitled to vote there until** the person shall have acquired a residence in another election district or ward in this State (*amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 784, Acts of 1969, ratified Nov. 3, 1970; Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 513, Acts of 2007, ratified Nov. 4, 2008; Chapter 855, Acts of 2018, ratified Nov. 6, 2018*).

Will you kindly respond and inform my office whether you have received legal direction or authority from any source, such as a court or the Attorney General of Maryland, to plan to not comply with this section of the Constitution, or to proceed in a manner which you believe complies, and how it is that this mandate of the Constitution is being followed by elimination of precinct and ward voting locations for citizen Marylanders?

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Thank you for your assistance and I look forward to your reply.

Very respectfully,



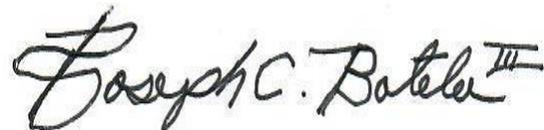
Daniel L. Cox
Delegate, District 4



Neil Parrott
Delegate, District 2A



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Delegate, District 9A



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