

ACLU Maryland

ELECTION PROTECTION REPORT

Examining the 2020 Election

Election Protection Report Examining the 2020 Election

March, 2021

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2020 Election in Maryland

Amidst a widespread racial and social justice movement, the 2020 Primary and General Election showcased a historic and unprecedented level of determination by Maryland voters to make their voices heard in elections. Despite the many challenges presented as a result of the COVID-19 pandemic, 2020 was a year that marked dramatic changes in the way that Maryland voters exercise their right to vote.

The ACLU of Maryland and partner advocacy groups supported the expansion of vote by mail to ensure voters could safely exercise their right to vote from home. In the Primary Election, ballots were mailed to every registered voter. That resulted in 97 percent of voters voting by mail!¹ And, many jurisdictions saw record voter turnout despite the pandemic and changes to voting options. In the General Election, where applications to request mail-in ballots were sent to registered voters instead of the actual ballots, the turnout was 74.5 percent (3 million people) and over 1.5 million Marylanders cast their vote by mail.² In comparison, just 173,678 absentee ballots were returned and counted in 2016.³

Throughout the election year, the ACLU of Maryland and partner advocacy groups worked to ensure that an in-person voting option for Early Voting and Election Day was available to those who needed it. During Early Voting, Maryland broke previous single day

in-person voting records twice. Previously in Maryland, the total record turnout on a single day of voting was 143,494 voters.⁴ On the first and third days of Early Voting, 152,030⁵ and 150,350⁶ Marylanders showed up to the polls, respectively. In total, from October 26 to November 2, 2020, 987,029⁷ Marylanders utilized early voting.

The ACLU of Maryland's Election Protection Team advocated for more early voting days to balance health concerns associated with larger gatherings of people and voter concerns of voter suppression targeting Black, Indigenous, and People of Color (BIPOC), by pushing for more windows of opportunity for Marylanders to exercise their right to vote in person. Notably, Black voters turned out to vote early in multitudes, bringing "folding chairs, determination, and family stories of voter suppression."⁸ In Maryland, a week before Election Day, about 192,775 Black voters had already voted by mail or in Early Voting.⁹ Our goal is to eliminate barriers to voting access so that BIPOC voters do not have to wait for hours to cast their ballots; folding chairs, albeit inspiring and a testament to their commitment to voting, should not be required to exercise such a fundamental right in participating in our democracy. Same Day Voter Registration was a vital, newly-implemented option for Maryland voters this year. Same Day Voter Registration allowed voters to register to vote at any State Board of Election Office or voting center location during Early Voting or on Election Day. About 35,000 Marylanders utilized Same Day Voter Registration during the Primary and General Election.¹⁰

Additionally, the 2020 election was only the second presidential election in which rights

**LET
PEOPLE
VOTE**

Voting by mail is the safest, most accessible option for many people this election.

ACLU

were restored to 40,000 individuals who were previously convicted of a felony charge.¹¹ This is significant because the impact of felony voting rights exclusions disproportionately impacts BIPOC voters and communities.¹² To ensure those who are still physically in local jails or prisons and who are legally eligible to vote had a meaningful opportunity to cast a ballot, the ACLU of Maryland worked with Out for Justice, Maryland Justice Project, Life After Release, and the rest of the Expand the Vote Coalition to ensure that eligible voters received materials to register to vote and vote by mail.

Detailed later, our collective efforts resulted in a remarkable achievement – voter packets were mailed to all local jails for the very first

time in Maryland history. But our work is not done. The Expand the Vote Coalition will continue to fight to restore the voting rights of individuals currently incarcerated for a felony conviction until everyone has the right to vote, regardless of mistakes they have made.

Despite an election reshaped by the COVID-19 pandemic and riddled with uncertainty, Maryland saw a historic voter turnout. More people voted in Maryland in 2020 than ever before, which reflects both an urgency to make their voices heard, and the necessity of providing various accessible, equitable, and safe voting options in order to fully realize the fundamental right to vote and value of democracy.



ACLU OF MARYLAND ELECTION PROTECTION MISSION AND OVERVIEW

The 2020 election fell at an unprecedented time with the COVID-19 virus on top of many other barriers to voting. Especially during these difficult times, the Election Protection Team at the ACLU of Maryland worked to reduce barriers to voting and fight against voter disenfranchisement. In order to fulfill its mission, the ACLU of Maryland Election Protection Team works year round to ensure fair election practices are carried out to strengthen access to voting for Black, Indigenous, and people of color.

Overview

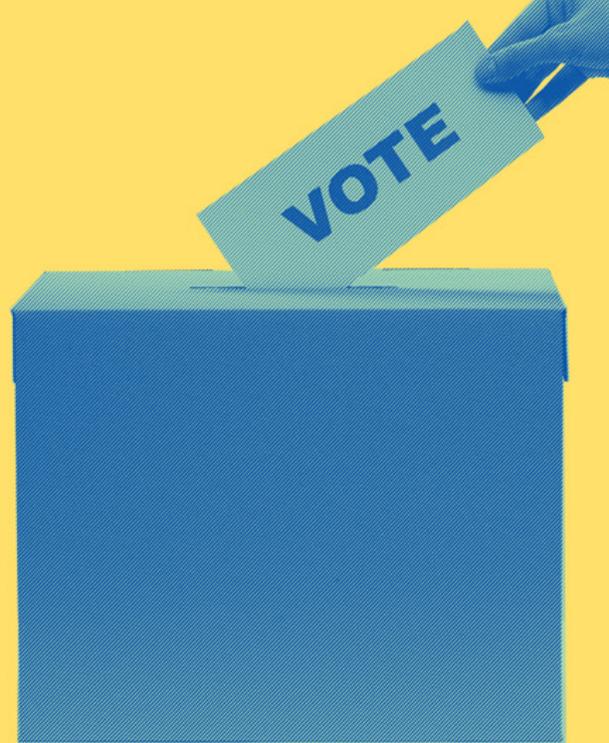
Leading up to the 2020 presidential election, the ACLU of Maryland Election Protection Team:

- Advocated for in-person voting centers to allow an option for people who need to vote in person.
- Ensured eligible voters in jails and prisons were able to register to vote and vote by mail.
- Provided analysis and recommendations to the State Board of Elections to avoid possible problems.
- Helped establish a State Board of Elections working group with other voting, civil, and disability rights groups.
- Curated educational and Know Your Rights materials and videos to help Marylanders navigate the registration and voting processes.
- Created and staffed the ACLU of Maryland Election Protection Hotline to directly assist Marylanders with questions and issues about registration, voting centers, vote by mail, and more.
- Recruited and trained a team of on-call investigations volunteers to investigate issues at voting centers across the state.
- Worked with coalition partners to identify, investigate, escalate, and resolve issues of voter intimidation in real time.
- Distributed information through our e-list, website, media, and social media to give accurate and clear facts and tips about the voting process, share our Election Protection hotline number, and encouraged voters to make a plan.

Previous Original Photo Credit: Allison Shelley; Designed image credit: Nicole McCann

ACLU-MD ELECTION PROTECTION

ACLU Maryland



Mission

The right to vote, and to have one's vote accurately and fairly counted, is a fundamental right of all Americans. At the ACLU of Maryland, we believe the democratic process is invigorated through policies that encourage voter participation. Thus, we work to encourage election practices and voting technology that strengthen voting for Black, Indigenous, and people of color, to ensure that all voters have adequate opportunities for voter registration, to engage non-English speakers, and to protect and restore the voting rights of those with felony convictions. Our voting rights goal is to have an election infrastructure that guarantees universal suffrage and robust access to the ballot.

Continued Work

Although the 2020 Election cycle has come to a close, we still have a lot of work to do for elections in the future. Our continued goals include:

- Working to eliminate the barriers to vote in Maryland, especially for BIPOC people and their communities;
- Expanding the right to vote to 100 percent of citizens who are currently incarcerated, including those currently serving time for a felony charge; and
- Ensuring that all election systems in Maryland will comply with the Voting Rights Act.

By 2024, we hope to have an improved voting infrastructure in place for majority Black jurisdictions within Maryland, including an increased number of voting centers and reduced average wait-time at polling sites in majority Black jurisdictions.

Advocacy Efforts

Advocating for More Safe and Accessible Voting Options

In March of 2020, America had to find ways to adjust and respond to an unprecedented health crisis. As COVID-19 cases climbed leading up to the elections, ACLU of Maryland advocated to ensure that the 2020-specific changes in response to the COVID-19 pandemic were safe, equitable, accessible, and that the voter experience and goal of greater participation was included in the state and local plans for the 2020 elections. Specifically, the ACLU of Maryland encouraged an expansion in voting by mail so that Marylanders had the option of voting at home safely, as well as ensuring options for in-person voting for those who needed assistance, didn't get their mail-in ballot, or felt more comfortable exercising their right to vote at a voting center.

Advocacy with the State Election Board and Governor

Since March, the ACLU of Maryland Election Protection Team attended every Maryland State Board of Elections meeting and provided analysis and recommendations for the Board to circumvent possible problems during elections.

Under the leadership and facilitation efforts of Common Cause Maryland and working with Everyone Votes and other voting, civil, and disability rights groups, the ACLU of Maryland helped establish a work group with the staff of the State Board of Elections to communicate ideas, issues, and solutions as the Board planned out resources and their execution of the 2020 Primary and General Election across the state. Moreover, the ACLU of Maryland signed on to letters from the Everyone Votes Coalition to the State Board of Maryland and the Governor advocating for the ballots to be mailed to voters.

Everyone Votes Coalition

Everyone Votes Maryland is a coalition of national, state, and grassroots organizations dedicated to ensuring that all eligible Marylanders can have their voices heard on election day. Coalition members include Common Cause Maryland, the League of Women Voters Maryland, ACLU of Maryland, RepresentUs MD, the Maryland State Education Association, Progressive Maryland, SEIU, Maryland Working Families, the Brennan Center for Justice, Maryland PIRG, Center for Popular Democracy, NALEO, AFSCME MD, Talbot Rising, and various Maryland Indivisible groups. Through this coalition, the ACLU of Maryland works to elevate equity and accessibility issues in our collective advocacy efforts.

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Maryland

**VOTE BY MAIL
MARYLAND**

> Request your mail-in ballot by October 20

> Drop your ballot in a mail or drop box in your county by 8pm on Nov 3

aclu-md.org/vote

Voting Inside

Restoring the right to vote to Marylanders incarcerated due to a felony conviction is a priority for the ACLU of Maryland. In 2016, the Maryland General Assembly restored over 44,000 Marylanders' voting rights by returning the right to vote to people who were on probation or parole. Marylanders have the right to vote as long as they are not currently imprisoned for a felony conviction. Like virtually every other aspect of the legal justice system, the impact of felony disenfranchisement is felt disproportionately among BIPOC communities. Tying the right to vote to the racist legal justice system leaves us with a racist voting system. Therefore, we must return the right to vote to all.

Out for Justice, Maryland Justice Project, and Life After Release

The ACLU of Maryland partnered with Expand the Ballot, Expand the Vote Coalition, led by three organizations founded and directed by Black women who themselves are formerly incarcerated – Out for Justice, Maryland Justice Project, and Life After Release – in their grassroots efforts to ensure information about voting rights and deadlines reached eligible voters in jails and prisons. They did this through advocacy with the State Board of Elections, outreach to jail administrators, registering voters in jails, robust public education and social media programs, and a statewide tour visiting every jail to ensure that they were facilitating voting.



Out for Justice, led by Executive Director Nicole Hanson-Mundell, is an organization comprised of individuals who are directly impacted by the legal justice system and who advocate for the reform of policies and practices that adversely affect successful reintegration into society.



The Maryland Justice Project, led by Executive Director Monica Cooper, is a strong, honest voice that has been working to change the conversation around incarceration and the justice system and works to educate and

advocate for individuals who are challenged upon reentry as a result of their criminal records.



Life After Release, led by Executive Director Qiana Johnson, is a women-based, formerly incarcerated-led organization that provides support for the needs of women who were formerly incarcerated re-entering their communities.

Alongside our partners mentioned above, we collectively worked to ensure voter registration applications and requests for mail-in ballots were made available to eligible voters inside, enabling them full access and freedom to exercise their right to vote. Some highlights from this collaborative effort include:

- Through partnership and advocacy with SBE, for the first time in Maryland's history, the SBE affirmatively provided people in local jails the materials they needed in order to register to vote and cast their ballot. The SBE mailed 5,000 voter registration and applications for mail-in ballots to 21 local detention centers, and 2,700 to state correctional facilities. This advocacy brought initial positive results: Based on the county reports received so far, 290 voter registration applications were received from local jails and 278 mail-in ballots were received from local jails. This does not include the Baltimore City jail, because SBE sent the materials directly to individuals in that jail.
- Assisted in the creation of the packets

that SBE provided to every local detention center, which included a specialized cover letter, instructions, voter registration application, request for mail-in ballot, and two stamped envelopes.

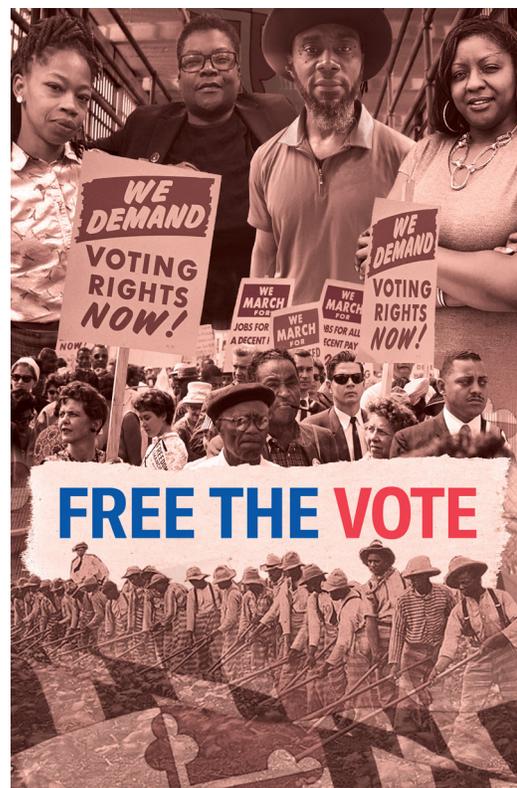
- Provided data and information to the SBE in order to execute the mailing of the voter packets to jails, including the number of eligible voters in each facility, the name, address, and warden of every local detention center.
- Collected policy, process, and data information from the Department of Public Safety and Correctional Services through a Maryland Public Information Act Request in an effort to confirm that state prisons were doing their part to facilitate voting for eligible voters housed in their correctional facilities.
- Advised the SBE about jail and prison protocols and barriers for consideration in the logistics of mailing both to and from correctional facilities.
- Edited materials directed to voters who were incarcerated, and made suggestions for language corrections on SBE materials, local board websites, prison policies, and other policy and communication documents.
- Supported the outreach efforts of Out for Justice, Maryland Justice Project, and Life After Release, who called and visited every jail in the state to ensure receipt of the packets and distribution of the packets to all eligible voters.
- Distributed a hotline flyer by Out for Justice, specifically to provide information to voters in jails and prisons.
- Launched a targeted communications campaign to provide information about changes and options for voting in 2020, including clear messaging about the right to vote and voter eligibility, highlighting that the only people who are disenfranchised by law are those currently serving a sentence of incarceration for a felony conviction.

Free the Vote Documentary

Free the Vote is a documentary by the ACLU of Maryland, which features our advocacy partners: Out for Justice's Nicole Hanson-Mundell, Life After Release's Qiana Johnson, Maryland Justice Project's Monica Cooper, and Earl Young. The film takes a journey in history to show how denying the right to vote of people who are incarcerated is rooted in a deeply racist system, focusing on the stories of people who have experienced having their right to vote taken from them.

Dating back to the racist Jim Crow era, felony disenfranchisement laws were used in the states after the Civil War as an intentional effort to weaken the political power of Black people who had been enslaved. That time was also when the abominable effort began to incarcerate Black people who were newly freed.

ACLU of Maryland partnered with [New Lens](#), a social justice studio creating visual art and media to inform, inspire and impact community, to produce this documentary. The documentary premiered online on December 3, 2020, in a screening cohosted by the Reginald F. Lewis Museum of Maryland African-American History & Culture.



Election Protection Hotline

The ACLU of Maryland Election Protection Hotline (“EP Hotline”) provided a free public service answering questions and investigating complaints. The EP Hotline was staffed by numerous ACLU of Maryland staff and interns, trained to help assist Maryland voters in real time. The EP Hotline team fielded and assisted with over 110 individual inquiries in the course of Early Voting and Election Day during the General Election. Each and every inquiry on the EP Hotline received a personal follow-up call (or several) from an EP Hotline staffer to ensure that every Marylander who reached out to the Hotline received accurate voting information needed to vote or the status of their complaint. Most of the issues raised by callers were addressed and resolved by EP Hotline staff. Below is a breakdown of the varying issues and questions the EP Hotline received and assisted voters with.

Issues and Questions Breakdown

Total Number of Issues Addressed: 145

| Issue | Number |
|---|--------|
| Questions About Voting Center/Drop Box | 42 |
| Mail In Ballot – Status and Other Inquiries | 32 |
| Questions About Voter Registration | 10 |
| General Inquiries About Voting/Elections | 10 |
| Mail In Ballot - Never Arrived | 10 |
| Disability/Physical Access Issues | 8 |
| Misleading Information | 7 |
| Long Line | 4 |
| Voter Intimidation | 4 |
| Free Speech/Electioneering | 4 |
| Criminal Conviction Related Inquiries | 3 |
| Ran Out of Ballots | 2 |
| Mail-In Ballot Application Issues | 2 |
| Voter Turned Away | 2 |
| Provisional Ballot Question | 1 |
| Machine Issue | 1 |
| Phones Off Policy Before Entering Voting Center | 1 |
| ID Related Issue | 1 |
| Spoiled Ballot | 1 |

Counties and Calls Breakdown

Total Number of Calls Received: 110

| County | Number of Calls |
|------------------------|-----------------|
| Allegany County | 2 |
| Baltimore City | 44 |
| Baltimore County | 16 |
| Calvert County | 2 |
| Caroline County | 1 |
| Harford County | 2 |
| Montgomery County | 11 |
| Prince George's County | 3 |
| St. Mary's County | 1 |
| Talbot County | 1 |
| Washington County | 5 |
| Unknown/Unlisted | 22 |

COUNT EVERY VOTE
COUNT EVERY VOTE



Partnership with 866-OUR-VOTE

The ACLU of Maryland partnered with Common Cause Maryland to help with 866-OUR-VOTE, which is a national election protection hotline administered by the Lawyers' Committee for Civil Rights Under Law. The ACLU of Maryland offered our expertise as a local, investigatory, and research partner for reports received on both the 866-OUR-VOTE hotline and the ACLU of Maryland's Election Protection hotline. With 866-OUR-VOTE, we served as the point person for elevating issues to the State Board of Elections during Early Voting and on Election Day.

Staff of Maryland State Board of Elections

The ACLU of Maryland maintained a good working relationship with the staff of Maryland State Board of Elections prior to and during Early Voting and Election Day which allowed us to escalate and resolve issues of voter suppression, voter intimidation, and safety reported on the ground in counties across the state of Maryland. Through a newly established State Board of Elections working group with other voting, civil, and disability rights groups, the ACLU of Maryland met with the staff of the State Board of Elections regularly. This group gave advocates a venue to give feedback and identify gaps and red flags early and throughout the election planning process. The meetings gave the advocacy organizations a better understanding of the challenges and limitations that the State Board of Elections were facing in real time, which informed our advocacy for more accessible elections, while ensuring that the issues faced by historically marginalized and disenfranchised communities in this election were considered and understood by elections officials.

On-Call Volunteer Engagement

The ACLU's Engagement team recruited 60 volunteers from across the state of Maryland to be our stand-by investigatory team for issues at voting centers and in the community. On-call volunteers allowed the ACLU of Maryland's Election Protection Team to real-time issues as they came on our team's radar and allowed for the ACLU of Maryland's Election Protection Team to respond, verify, document, and resolve issues in a quick and efficient manner.

VOTE



ACLU Voter

On-call Volunteer Training

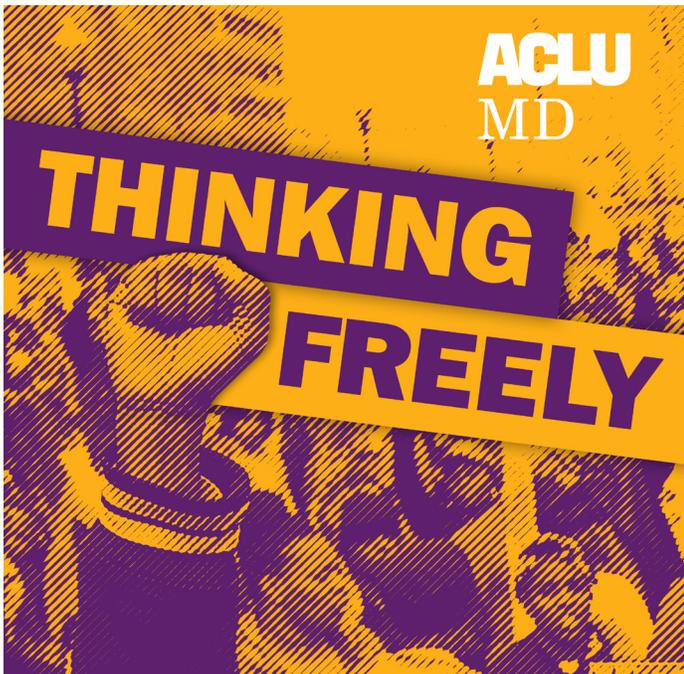
In advance of Early Voting, ACLU staff conducted a virtual training for on-call volunteers. The training covered the current state of elections in Maryland and their critical role in on-site investigations and emphasized the need for everyone to exercise safe measures, such as social distancing and wearing a mask, while reporting to a call.

Highlights: On-site Investigations

The On-call Volunteer Engagement team investigated issues across the state including:

- Voter suppression issues in Montgomery County;
- Long lines during Early Voting lines in Baltimore County;
- Suspicious texts received by voters on the Lower Shore regarding voting times and locations;
- Misinformation posted on signs in Carroll County;
- Proper signage in various locations on Election Night; and
- Voter intimidation and long lines in Calvert County.

Voter Education and Communication



Thinking Freely

The ACLU of Maryland’s podcast, *Thinking Freely*, released an episode on August 20, 2020 entitled, “Your Voice, Your Vote: Let’s Make Sure Everyone Can Vote in the 2020 Election.” In that podcast, host Amber Taylor spoke with leading voting rights experts in Maryland: Joanne Antoine, Executive Director of Common Cause; Reverend Kobi Little, President of the Baltimore Branch of the NAACP; and Dana Vickers Shelley, Executive Director of the ACLU of Maryland. The podcast covered voting rights, the challenges of voting during the COVID-19 pandemic, and what voters needed to know to exercise their vote. The podcast was produced and edited by Amber Taylor, Digital Communications Strategist, ACLU of Maryland, and Afiya Ervin, Communications Intern, ACLU of Maryland.

Educational Content

The ACLU of Maryland produced dozens of educational and informational materials

throughout the election season, starting with the Primary Election. These resources for Maryland voters included social share images, emails to subscribers, blogs, and videos to help Marylanders understand all of the changes for the 2020 elections, their options for voting, and to encourage people to register to vote and cast their ballot. On September 20, 2020, the ACLU of Maryland team published a blog entitled, “Everything You Need to Know About Voting in Maryland” which covered registration and voting rights in Maryland. The ACLU of Maryland Election Protection Campaign posted an informational video to help Marylanders register to vote, as well as other videos to help navigate a variety of other issues, too, like applying for an absentee ballot.

The graphic is for the "ELECCIÓN PRIMARIA DE MARYLAND" held on "2 DE JUNIO DE 2020". It features a "VOTE 2020" logo with three stars. Below the title, it lists five key instructions for voters, each with a checkmark icon: 1. "INSCRIBASE PARA VOTAR" - Register to vote on the state website. 2. "VERIFIQUE EL REGISTRO DE VOTANTE" - Verify registration details. 3. "BUSQUE SU BOLETA EN EL CORREO" - Find the ballot in the mail by May 28th. 4. "VOTE BY MAIL" - Return the ballot by mail before 8 PM on June 2nd. 5. "HAY POCOS CENTROS DE VOTACIÓN EN PERSONA" - Few in-person voting centers are open on June 2nd.

ELECCIÓN PRIMARIA DE MARYLAND
2 DE JUNIO DE 2020

USTED DEBE PROTEGER Y EJERCER SU DERECHO AL VOTO EN 2020

- INSCRIBASE PARA VOTAR** – Si no está inscrito para votar, inscribese en línea en el sitio web de la Junta Electoral del Estado (elections.maryland.gov/voter_registration).
- VERIFIQUE EL REGISTRO DE VOTANTE** – Si está inscrito para votar, asegúrese de que su dirección y otra información sean correctas en el sitio web de la Junta Electoral del Estado (voterservice.elections.maryland.gov/VoterSearch/).
- BUSQUE SU BOLETA EN EL CORREO** – Debería haber recibido su boleta a principios o mediados de mayo. No necesita estampillas. La boleta viene con un sobre de correos que se puede enviar gratis. Una vez completada y firmada, envíelo por correo. No se preocupe si las boletas tienen la fecha incorrecta y aún dicen el 28 de abril. Eso es normal.
- VOTE BY MAIL** – ¡Vote por correo si puede! Eso podría salvar a usted, a otros votantes y a los trabajadores electorales, durante la pandemia de COVID-19. Devuelva su boleta enviándola por correo o poniendo sellos en el sobre en una oficina de correos o poniéndola en un buzón designado **antes de las 8 de la noche del 2 de junio**.
- HAY POCOS CENTROS DE VOTACIÓN EN PERSONA** – Si no puede votar por correo, habrá algunos centros de votación abiertos el 2 de junio en todo el estado para las elecciones primarias que proporcionarán accesibilidad y asistencia con su votación.

Free the Vote

As detailed in the “Voting Inside” section above, the ACLU created and produced a documentary entitled *Free the Vote*. The film features three of our advocacy partners, and looks at the history and stories behind the racist system of taking people’s right to vote away if they have been convicted or incarcerated.

Top Barriers to Voting in Maryland

Based on the ACLU of Maryland's advocacy, coalition, and investigatory work in the months leading up to both the Primary and General Election, and analysis of over a hundred calls and text messages to the Election Protection Hotline, the top obstacles voters faced included: existing voter disenfranchisement laws and the legacy impact of denying voting rights to people with past criminal convictions, lack of voting infrastructure for eligible voters inside jails and prisons, long lines, not enough voting centers, accessibility issues, insufficient signage, lack of accountability, and the distribution of confusing or misleading information.

Voter Disenfranchisement Laws

Felony disenfranchisement continues to be a barrier in Maryland, impacting the voter eligibility of tens of thousands of Marylanders, and having a ripple effect of voter apathy and confusion in families and communities. Currently in Maryland, individuals in jails and prisons cannot vote if they are serving a sentence for a felony charge. Drastic racial disparities and inequalities in the legal justice system lead to higher rates of disenfranchisement of communities of color.¹³ Black Americans older than 18 are about four times more likely to lose their voting rights than the rest of the adult population.¹⁴ One in every 13 Black American adults are ineligible to vote.¹⁵ These striking numbers, coupled with the racial disparities and inequalities in the legal justice system, make it critical to restore the right to vote to individuals currently incarcerated for felony charges. Furthermore, the legacy of decades of broad, permanent voter disenfranchisement in Maryland, paired with existing voter disenfranchisement, has left many people, families, and communities believing that you lose your right to vote if you are arrested, convicted, or spent any time in jail.

Lack of Infrastructure for Eligible Voters Inside Jails and Prisons

For eligible voters currently in jails and prisons, there is no standard infrastructure to facilitate the registration and voting process. Moreover, the Board of Elections lacks any authority or oversight over the processes within local jails and state correctional facilities to ensure fair access to accurate information regarding the registration process and access to ballots for eligible voters. The process, resources, and supervision for registering eligible voters is inconsistent between the jails and prisons, often relying solely on volunteers from outside organizations, making access disparate, unreliable, and incomplete.

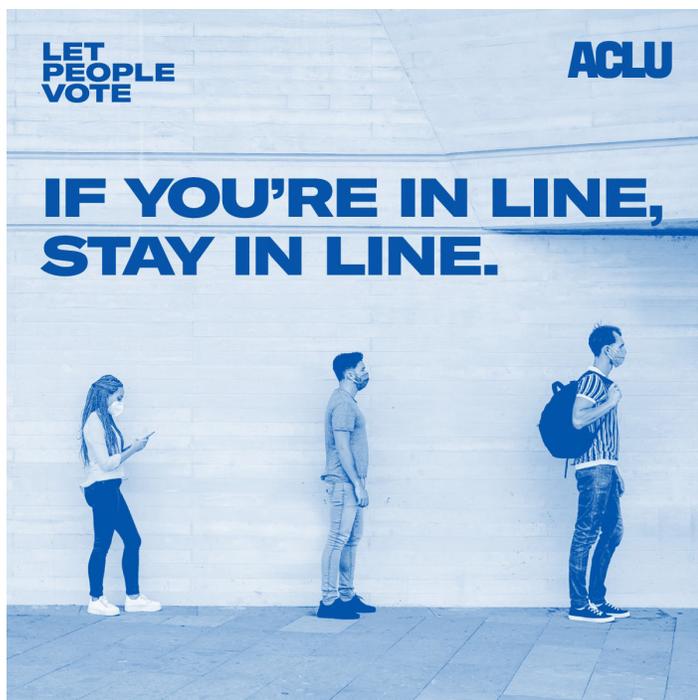
Long Lines

Every election year, we see long lines at the polls in Maryland. In 2020, voters across the state reported extremely long lines at voting centers during Early Voting and on Election Day. In some places, Maryland voters reported lines three hours long. In any election year, long lines are a real barrier for many voters who cannot stand in line for hours, whether due to physical limitations, transportation challenges, work and family demands, and more. Moreover, long lines inherently

discourage many from engaging in the voting process.

Not Enough Voting Centers

One cause of the long lines this year was that there were not enough voting centers, because the overall number was reduced due to the pandemic. In-person voting centers are absolutely necessary for some voters who need assistance at the polls, such as those needing to use the ballot marking devices or those needing language assistance. Providing ample number of voting centers within close proximity of voters is critical to ensuring equal access to the ballot.



Accessibility

Several voting locations presented real barriers for people with disabilities during Early Voting and on Election Day. While long lines and social distancing exacerbated the problem in some locations, this is a consistent problem in every election cycle. Voters in the 2020 elections reported locations with large hills between the parking area and building entrance, not enough accessible parking, no accessible entrances, poor signage or instructions for accessible options, no seating or waiting areas for people who needed that accommodation, and more. In addition to

in-person accessibility issues, the mail-in voting process for the General Election caused major issues for many voters who did not get the application for a mail-in ballot, did not receive their ballot in time, and could not vote in person due to disability, COVID-related quarantine, or illness.

Insufficient Signage and Location Information

Maryland's 1,800 polling sites were reduced and replaced by 360 voting centers, so most neighborhood polling sites that had been used for decades were closed. Many voters were unaware of this, and although the coalition successfully advocated for signage at every closed polling site, voters reported insufficient or misleading signage at locations. Adding to the confusion, voters received materials from the Board of Elections listing their closed polling site.

Lack of Accountability

Elections officials, Board Members, staff, and vendors were not held accountable for errors that disenfranchised voters. For example, a round of materials printed and mailed by a contract vendor for the State Board of Elections caused widespread confusion about an important deadline for registration. While the source of the error was revealed and confirmed, there were no repercussions or other actions taken to ensure real accountability, even though the impact of such errors are damaging to the integrity and fairness of our elections. Furthermore, it is insufficient to simply blame one person or entity for such a huge discrepancy. Our election system should have several layers of review, auditing, and oversight to ensure that no one person or entity has the ability to make such a mistake.



ACLU
MD

“Every ballot must be counted.

We are proud of the enthusiasm and determination of Marylanders to vote and the massive effort by our coalition partners to ensure robust access to the ballot for all voters. No matter what the outcome of this election, we will continue to expand and protect democracy.

Together, we must realize race equity, reimagine policing, end mass incarceration, protect immigrants’ rights, safeguard privacy, advance LGBTQ+ rights, and stop any rollback of our hard won civil rights and civil liberties.”

-Dana Vickers Shelley, Executive Director, ACLU of Maryland

Unclear and Confusing Information

Voter confusion was pervasive due to the many changes to voting and elections this year, but it was exacerbated by errors and confusing messaging and language. Out-of-date Board of Elections websites, misleading information about voter eligibility, inaccurate deadlines, and no clear guidance to voters or poll workers on voting accommodations increased the confusion surrounding the elections. The State engaged a communications firm in a \$4 million contract, which included TV, radio, social media, videos, images, and more. While their work was celebrated by the State Board, the advocacy organizations have noted ways in which they did not do enough to engage community organizations. Furthermore, errors on Boards of Elections websites and confusing language on voter registration forms can negate any clear messaging put out by SBE. It must be a top priority to ensure that all websites, materials, instructions, deadlines, and language around eligibility are free of errors and easy to understand. Additionally, information and instructions at the voting centers were lacking in some places. With

some voting center lines spanning an hour or more, many voters reported not knowing if there were accommodations for voters with physical limitations or how long the wait was or whether they could hand in their mail-in ballot inside of the voting center. By the end of Early Voting, voting centers had developed their systems of how they would accommodate such voters, but better guidance should have been provided to election judges. Accurate and reliable information protects against voter disenfranchisement and restores confidence in the voting system.

VOTING CHECKLIST

- LISTEN** to our latest episode of Thinking Freely about the 2020 election.
- REGISTER** to vote.
- CHECK** your voter registration to make sure your address is correct.
- Applications for mail-in ballots have been sent to voters. If you don't receive your application by the end of August, **REQUEST** a mail-in ballot online.
- VOTE EARLY**, however you choose: mail, drop box, or in person.
- SHARE** this checklist with everyone you know!

ACLU Recommendations

Expand and Improve the Current Infrastructure of Voting By Mail

An unprecedented number – over 1.5 million – Marylanders cast their vote by mail this year. According to a study by Stanford University Institute for Economic Policy Research, vote by mail increases turnout and participation, while not advantaging either party. By giving Marylanders more options in how they are able to cast their ballot, we encourage and increase voter participation within our state. Mailing registered voters the actual ballot (not an application to request a ballot), same-day voter registration, more early voting days, and drop boxes resulted in more people voting in 2020. Maryland election officials should continue to expand and improve the current infrastructure of voting, including a robust system of voting by mail.

Expand the Right to Vote and Provide Equal Access to Voting in Jails and Prisons

Reinstate the Right to Vote to Disenfranchised Individuals in Jails and Prisons

As a result of the striking rates of voter disenfranchisement among Black people and BIPOC communities, stemming from the racial disparities in the legal justice system, the Maryland legislature needs to restore the right to vote to individuals currently incarcerated for felony charges. A robust public education campaign is in order to undo the legacy of permanently taking the right to vote away from so many BIPOC Marylanders for generations.

Provide a Robust Infrastructure for Voting in Jails and Prisons

The people in jails and prisons who are eligible

to vote should have full and equal access to vote. The State must provide more oversight and requirements to jails and prisons to ensure those who are eligible to vote have access to do so. People living in jails and prisons who are eligible to vote deserve the same access to information and voting options, including ballot marking devices and same-day registration. Eligible voters in jails and prisons continue to be an afterthought to most of our elections officials and board members. Although we appreciate the efforts of the State Board of Elections staff who assisted with the distribution of ballots, a robust infrastructure is needed to fulfill the promise of the right to vote to voters in Maryland jails and prisons.

Collect and Report Data on Voting in Jails and Prisons

Currently, the data being collected on voting inside jails and prisons is grossly insufficient. This is a reflection of the failure of our system to acknowledge and value the participation of people entangled in our legal justice system. We need to keep track of who is eligible, registered, requested ballots, and returned their ballots. Further, this information must be transparent so that policymakers and advocates can work with local jails, prisons, and elections officials to achieve the goal of full and equal participation in our democracy.

Provide More Accountability, Resources, and Accessibility

Accountability

During the election, the mistakes made by State Board of Elections staff and vendors caused delays and confusion in the timing, delivery, and information provided on the ballots to the public. Egregious mistakes by vendors such as mailing ballots late and failure to make ballot corrections before mailing caused confusion and mistrust. We recommend developing a robust, dynamic, and

constant auditing system to identify glitches and errors in all aspects of our election system and a system to notify all voters immediately when mistakes are made. An infrastructure rich with audits and quality control mechanisms, contingency planning, data-driven and situationally aware projections, and real-time data analysis can prevent problems and also correct mistakes much sooner. We suggest that this infrastructure include voter lists, voter cancellations, public facing documents, websites, communications, voter experience in all stages of voter registration and voting, instructions and language, and that everything be reviewed through the lenses of accessibility and equity. While SBE has several layers of auditing for counting votes after an election, auditing the full voter experience before and during the election would allow SBE to identify and resolve issues sooner, increasing voter engagement and trust. And, when mistakes are made, individuals and vendors must be held accountable. Lastly, State Board of Elections board meetings should be open to the public and allow for public comment without unnecessary, prohibitive sign-up requirements.

Accessibility

In order to achieve equitable elections and access to the right to vote, the State Board of Elections must create an infrastructure and mechanisms at every level and stage of elections planning and execution that require comprehensive accessibility and inclusion considerations. Board meeting discussions often assumed certain abilities, flexibility, access to information, tools, resources, and other privileges, which has the impact of disenfranchising the most marginalized people facing the most barriers to voting. What equity looks like is giving people with disabilities, BIPOC voters, people who need accommodations or assistance, and people living in jails, prisons, and other confined housing more consideration throughout the process. Partnering with advocacy organizations is a good start, but the goal should be voting systems that center equity

and inclusion internally and externally, in every decision and plan, and certainly in the allocations of resources.

More Voting Centers, Poll Books, and Provisional Ballots

To alleviate long lines at voting centers, we recommend more voting centers, poll books, and staff across the state. In addition, we should invest in the technology and infrastructure to be able to quickly reallocate or add more poll books, provisional ballots, and staff from other voting centers, offices, and warehouses, especially in areas that had long lines or long wait times. Robust contingency planning should be flexible and responsive and allow for resources to be reassigned in real time, which would alleviate many persistent issues at polling sites.



Photo Credit: Nick Burchell, ACLU

More Resources for Our Elections Systems

Voting is the core of our democracy, in which the right to vote is the right that all others stem from. Investing in our election system is a direct investment into our democracy.

We must provide adequate funding for more recruitment and fair compensation of election

PROTECT VOTER RIGHTS

Recommendations to the Maryland State Board of Elections:

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- 1 INVESTIGATE** the cause of all technological glitches and mistakes, including all those detailed below, ensure results are transparent, and hold those responsible accountable for their mistakes.
- 2 ESTABLISH** a community task force to ensure the safety and integrity of our election.
- 3 PRODUCE** a comprehensive, fully-funded plan with layers of oversight, audits, emergency/contingency planning, logistics, and outreach for the November election.
- 4 ADDRESS** access to the ballot of people in jails by providing voter registration forms, absentee ballot applications, and ballots with pre-paid postage to all jails and detention centers where eligible voters are held.

judges, poll workers, and elections staff in order to administer the election equitably and efficiently. By ensuring we have enough polling place staffing, we can open more voting centers and alleviate long lines. More funding may be needed for additional equipment and better technology solutions, as well.

Moreover, funding for public outreach and voter education would allow for earlier publishing and broader posting of voting information, corrections, changes, and deadlines to voters, including those who are difficult to reach.

Standardized Processes

Voters across the state should benefit from the same information and services that make the voting process simpler. We need statewide consistency in rules, processes, accommodations, tools, and information governed by the local boards of elections. Some examples include email notifications, posted wait times, accommodations for voters with disabilities, and website content and functionality. The State should standardize important processes to reduce voter confusion, support local boards, and ensure fairness.

Keep What Worked

While we must invest in and improve our elections systems and expand the right to vote, the 2020 elections brought us new voting features that we hope the State will continue (and even expand) in future elections. The drop boxes were unquestionably helpful and successful. Over one million voters returned their mail-in ballots to a drop box in the General Election. The voting center model, which replaced polling sites, allowed people to vote at any voting center in their county (or Baltimore City). This had many benefits, including nearly eliminating the occurrences of voters going to the wrong polling sites. Since this was a very common complaint we received in previous years, we support considering the voting center model in future elections. The SBE email notifications, centralized call center and data processing center, each streamlined the processing of ballot requests and kept voters informed. Finally, having same day voter registration, more days of Early Voting, the same hours every day of Early Voting and Election Day, and having no days in between Early Voting and Election Day provided consistency and reliability, as well as simplifying messaging around in-person voting options.

Credits

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Life After Release: Qiana Johnson, Executive Director

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Endnotes

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**PEOPLE
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**LET
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Voting by mail is the safest,
most accessible option for
many people this election.

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VOTE**

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