

## **20240617 Comments to Montgomery County BOE by**

Michael Fletcher, Derwood, MD

I have three subjects that I would like to touch on today.

First, prior to the primary elections, I gave Mr. Brajkovic the results of a review of ballots and scanner tapes from Precinct 04-038. The review supported the definition promulgated by the SBE that a blank ballot is a blank page/card of a multi-page ballot. However, the review found discrepancies between the numbers of total votes and undervotes documented on scanner tapes and those numbers from the ballots and BMD cards and on the EL30A report for that precinct. I would be interested in the possible reasons for these discrepancies, and I will follow up with Mr. Brajkovic later. The complete report for Precinct 04-038 has been sent to the "Contact Us" email address for the Board.

Second, I am concerned about the possibility that non-citizens may vote in the upcoming election. Non-citizens will be applying for social benefits and driver's licenses. As you know the Maryland agencies that respond to these applications are also intake points for voter registration. The personnel in these agencies are supposed to ensure that the persons filing a registration application meet the requirements to register including being a U.S. citizen. Also, the application itself asks the applicant to affirm that he or she is a U.S. citizen. However, with the large numbers of non-citizens applying for services, I am concerned that corners may be cut; and non-citizens may end up on the Maryland registration list. I would like to know what steps the Montgomery County BOE will take to ensure that the votes of eligible voters are not canceled by the votes of non-citizens in the upcoming election. I know of one step that could be taken. That is train election judges on the provisions of Election Law Section 3-308 (c)(1) which states: When an individual applies to register to vote at a precinct polling place on election day, the election judge shall determine whether the applicant resides in the precinct in which the applicant applied and is qualified to become a registered voter. Qualification to become a registered voter includes being a U.S. citizen.

Third, and finally, I have concerns about the newly passed legislation that has the potential to weaponize the state prosecutor against citizens who raise questions about the election system. This is HB0333 and its provisions include possible referral of election misinformation and disinformation issues to the state prosecutor. The definitions of dis- and misinformation include incorrect or misleading information regarding the time, place, or manner of an election, election results, or voting rights. I think these definitions are subject to interpretation to the point that they may infringe on the public's right to petition the government for redress of grievances. What would the Board consider dis or misinformation regarding election results?