

STATE BOARD OF ELECTIONS

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ANNAPOLIS (Aug. 15, 2022) – Today, the members of the Maryland State Board of Elections (SBE) voted to file an emergency petition in a circuit court to seek approval to canvass mail-in ballots prior to Election Day. The petition will also require that any results from any pre-Election Day canvassing be withheld until the polls close on Election Day. All four members of the State Board of Elections voted in support of the motion.

Given Maryland's experience in the primary election and the expected and continued expansion of mail-in balloting, the inability of the local boards of elections to canvass mail-in ballots before Election Day could have significant implications. It could leave local, statewide, and even federal contests without certified results until late December 2022 or early January 2023. Maryland is currently the only state in the union that forbids any kind of processing of mail-in ballots until after Election Day.

SBE will file the petition in a circuit court with sufficient time for the court to consider the request and for the local boards of elections to plan for pre-Election Day canvassing. SBE carries the burden of proving to the court that emergency circumstances that interfere with the electoral process require a remedy that is in the public interest and protects the integrity of the electoral process. If SBE makes that showing, the court has the authority to grant any action the court considers necessary. If not, the petition is denied.

It is not an adversarial petition, so there is no defendant, respondent, or appellee.

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