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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB831: Election Reform Act of 2021

Senate Education, Health, and Environmental Affairs Committee

Wednesday, March 3, 2021, 1pm

The strength of our election system was tested last year by both the Coronavirus pandemic and a U.S. President who sought to overturn the results of a free and fair election. Although the 2020 election was contentious and divisive, it caused more Americans than ever to focus on the details of voting. To address some of these key details, I have introduced the Election Reform Act of 2021. As you will see below, most portions of this essentially curative legislation are modest but important improvements-- neither partisan nor ideological.

- **Increasing Transparency for the State Board of Elections (SBE) & Local Boards of Elections (LBE) (amplifying 2020 law [SB363/](#)[HB421](#))**
 - Because SBE was not live video-streaming meetings; posting agendas 48-hours in advance; and notifying the public about changes to the meeting dates, I filed a complaint with the Open Meetings Compliance Board.
 - SB831 would require the timely posting of meeting materials; voting on proposed minutes; and adding elections boards to the Open Meetings Compliance Board's jurisdiction.
 - Greater transparency will increase public confidence in our elections systems.
- **Creating Consistent Voting Hours**
 - Opening hours vary from election to election, confusing voters.
 - Every day that there is voting, every location would have the same operating hours from 7am - 8pm.
- **Expanding the Number of Early Voting Days**
 - Early Voting would be extended by a week (from 2020's eight days) in order to include two weekends and the day before Election Day for a total of 15 days.
 - This reflects federal legislation ([H.R. 1](#)).
- **Exempting the Local Boards of Elections from the Definition of "Majority Party"**
 - In Maryland law, the word "majority" represents the current Governor's political party. This applies to all boards and commissions. SB831 proposes to change this solely for our local election boards.
 - The "majority" on an LBE should reflect the plurality of registered voters in that County, according to the most recent statewide election.
 - [This is similar to [SB58](#) proposed by Senator Ellis this year.]

- **Mandating Candidate Debates**
 - This bill proposes to create an independent Debate Commission. Debates allow voters to learn about their choices before casting a ballot.
 - This bill would create parameters and a timetable for public debates before both the Primary and General elections.
- **Simplifying Ballot Language (Passed Senate unanimously in 2020 - [SB56/HB140](#))**
 - Ballot questions are written using complex language that is hard to understand.
 - For example, the [2018 casino lockbox question](#) required more than 30 years of formal education to fully comprehend.
 - Consider federal Plain Writing Act guidelines when writing ballot initiatives at or below a sixth-grade level.
- **Establishing Geographically Accessible Early Voting Sites**
 - Early Voting Centers should be located in accessible locations.
 - At least 80% of voters should live within **five miles** of an Early Voting center in urban counties and within **10 miles** in rural counties (as defined in the code).
- **Using Ballot Drop Boxes at Early Voting Centers.**
 - Ballot drop boxes were very successful during the 2020 election.
 - Each Early Voting Center must have a ballot drop box.
- **Protecting Voter Privacy**
 - Some voters may be reluctant to use mail-in voting if they believe election workers can see their political party affiliation or how they voted.
 - A privacy sleeve would be supplied with the mail-in ballot that is sent to voters.
 - The bill would prohibit an LBE from rejecting a ballot because a voter neglected to use the privacy sleeve.
- **Allowing Local Boards to begin processing ballots 18 days before Election Day**
 - When the LBE cannot begin to process ballots until Election Day, the final results are delayed. Also, voters cannot get timely notice of problems with their ballot envelopes or oaths.
 - LBEs would be authorized to begin processing ballots 18 days before Election Day, but ballots could not be tabulated until Election Day. (This is the number of days recommended by MAEO-- the MD Association of Election Officials.)
- **Standardizing Curing Procedures**
 - 35,788 [ballots were rejected](#) in Maryland during the 2020 Presidential Primary.
 - The LBEs in all 24 jurisdictions would follow consistent procedures for notifying voters of problems with their ballot envelopes or oaths and given the opportunity to fix them.
 - By notifying voters through first-class mail **AND** email, phone call, and/or text message, we would hope that their ballots could be accepted and counted.
- **Expanding "Ballot Access" (2019 - [SB489/HB530](#))**
 - Voters who register for the first time can select their party affiliation and cast a partisan ballot.
 - Under current law, voters who want to change their party affiliation are required to do so before the registration deadline of 21 days before Election Day.

- This bill allows an unaffiliated voter to choose a party and cast a partisan ballot in the same way that someone can register to vote for the first time and participate in a Primary Election.
- Unaffiliated voters who choose to affiliate with a party during a primary shall use Ballot Marking Devices (BMDs) to cast their ballots. This will ensure there are enough of each ballot design while also supporting the use of BMDs in each precinct, offering increased privacy for voters with disabilities.
- **Including Circuit Court Judges on all Ballots**
 - Voters who choose not to affiliate with a political party are deprived of the opportunity to vote for (nonpartisan) Circuit Court judges in the primary.
 - The bill would require the names of Circuit Court incumbents and challengers to appear on all primary ballots, regardless of whether the voter is affiliated.
- **Mandating Precinct-level Reporting**
 - Lumping all the mailed ballots together without sorting by precinct can make post-election audits and recounts more expensive and time-consuming.
 - Publishing precinct-level data helps detect anomalies or fraud. All five states that have established Vote-by-Mail systems (Colorado, Hawaii, Oregon, Utah, and Washington) use precinct-level reporting.
 - LBEs should report all election results by precinct.
- **Listing All Candidates on the Same Ballot Marking Device (BMD) Screen**
 - When the names of candidates for one office appear on more than one screen and voters must click “next” on their BMD to see the full list, they may not understand that all of the candidates are standing for one office.
 - To avoid confusion and under-voting, all candidates for the same office should appear on the same screen to the extent the technology allows.
- **Prohibiting Fake Ballot Drop Boxes**
 - Voters cannot be assured that their ballots will be secured (24/7 video cameras) or counted if they use an unauthorized drop box.
 - Only Ballot Drop Boxes authorized by the SBE and the LBE are permissible.
- **Reduce the Use of Internet-delivered Ballots (2020 - [HB859](#) by Del. Alonzo Washington)**
 - Current law allows any registered voter to request an Internet-delivered ballot.
 - Internet ballots present challenges and obstacles for the voter (printer, envelope, stamp, etc.), resulting in a disproportionate shift to provisional ballots.
 - If returned, these home-printed ballots must be copied onto an official ballot by a bipartisan team of election judges, taking staff time, costing money, and creating the opportunity for human error.
 - This change would restrict this delivery option to those who truly need it. (This would include veterans, overseas voters, college students, and people with disabilities.)

As amended, SB831 addresses a wide array of 17 topics that will improve Maryland’s election system and voter confidence.

I urge a favorable report with amendments on SB831.