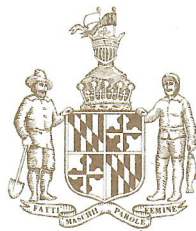


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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB56: Election Law – Petitions and Ballot Questions – Plain Language Requirement
Education, Health, and Environmental Affairs Committee
Hearing: Tuesday, January 28, 2020, 2:00 PM EHEA

SB56 would require ballot measures to be written at a sixth-grade level. Democracy is enhanced when citizens clearly understand the issues requiring their vote. Writing ballot measures that everyone can understand will allow citizens to vote more confidently. In Maryland, 10% of residents over the age of 25 have not received a high school diploma, and another 25% have a high school diploma as their highest level of education.

Sixteen states specify that language must be easy to understand. Pennsylvania is the only state specifically requiring plain language. Alaska is unique in that it stipulates a specific readability score for election materials. Alaska's policy is to prepare ballot propositions that are true, concise, and easily readable. It is the only state that uses an objective formula (the Flesch Test Reading Score) to determine plain language.

There are no regulations in Maryland that specifically establish the grade or education level at which ballot measures must be written. The Center for Civic Design recommends ballot language at a sixth-grade level. Complex questions can be confusing for many voters, resulting in miscast votes, skipped questions, and the influence of special interests. A University of Utah study analyzed ballot measures from 1997 to 2007 and concluded that voters skipped questions when the titles and summaries were harder to read.

The 2018 ballot measure pertaining to the education lockbox is a perfect example that was written at a level higher than many voters can easily understand. This ballot measure required 30 years of formal education (which is more than it takes to earn a Ph.D.) to fully understand. Maryland needs to simplify its ballot language.

I am proposing a clarifying amendment that would require the State Board of Elections and the Secretary of State to use the federal plain language guidelines (PlainLanguage.gov) when reviewing ballot measures. The amendment would ensure that Maryland is making its best efforts to adopt plain language standards that have already been utilized by the federal government and provide a resource for State officials.

I urge the Committee to favorably report SB56.