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Joint Audit and Evaluation Committee

Joint Committee on Federal Relations

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB39: Ballot Access - Affiliating With a Party - Unaffiliated Voters

Education, Energy, Environment (& Elections!) Committee

Thursday, February 16, 2023 1PM

Maryland has [834,325](#) unaffiliated voters— over 20% of the State’s total. Many do not understand our closed primary system until they arrive at the polls during Early Voting or on Primary Election Day.

When unaffiliated voters are told that they can cast a ballot ONLY for the Board of Education, they get frustrated— and sometimes quite angry. Many insist on casting a provisional ballot... which will then be rejected.

According to the MD State Board of Elections website, thousands of provisional ballots have been rejected for voting in the “wrong party primary:”

- 2022 Gubernatorial Primary: **2,546** (of 7,906 total provisional ballots rejected, 32.1%)
- 2020 Presidential Primary: **1,333*** (of 4,834 total provisional ballots rejected, 27.6%)
 - * *This was a 100% mail-in election. Voters were sent the correct ballot.*
- 2018 Gubernatorial Primary: **4,321** (of 7,729 total provisional ballots rejected, 55.9%)
- 2016 Presidential Primary: **9,292** (of 24,770 total provisional ballots rejected, 37.5%)

Current law requires unaffiliated voters to change their registration at least 21 days before the Primary Election in order to vote in a party primary. We treat previously registered voters differently than we treat new voters, who can use same-day registration in primary elections. Because voters may be inspired to vote for or against a candidate closer to Election Day, Maryland should extend the deadline for previously registered voters to affiliate with a party.

[SB39](#), a modification from my previous versions, would expand “Ballot Access” by allowing voters to affiliate by 5pm the day before Early Voting begins. This would retain our closed primary system but allow voters more time to affiliate and fully participate. Additionally, this would not overburden our local election officials.

All voters who arrive at the polls are eager to make their voices heard through the ballot box. SB39 is a step toward ensuring an inclusive democracy.

I urge a favorable report on SB39.