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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB99: “Ballot Access”**

Education, Energy, & the Environment Committee

January 30, 2024: 1:00 PM

More than 20% of Maryland’s registered voters can’t fully participate in our elections due to their lack of Party affiliation. Under our current Primary system, 887,793 of our Unaffiliated neighbors are precluded from voting in most Primary Elections. They may have strong opinions on who should be our next President, Governor, or Senator, but they are handed a ballot for school board. (They can’t even vote for our nonpartisan judges, but that’s a different bill.....)

This is a frustrating and demoralizing experience for many Unaffiliated voters. Our closed system may cause confusion for newly arrived residents from the 20 States<sup>1</sup> that have Open Primaries, where Unaffiliated voters can fully participate. The restriction is also problematic for people who grew up in another country, where choosing the “wrong” Party can be dangerous.

In Maryland, most elections are decided in the Primary. Current law expects Unaffiliated people to have completed any Party change at least 21 days prior to Primary Election Day. This ignores the fact that most voters have not focused on the election that far in advance. We have failed to account for actual voter behavior with this deadline, disenfranchising large portions of our constituents.

**SB99 will not** create an Open Primary here in Maryland. This bill follows the example of Kansas,<sup>2</sup> where a voter who is already affiliated with a political Party can participate only in that Party's Primary. An Unaffiliated voter can declare his or her affiliation with a political Party during Early Voting and vote in that Party's Primary. This provides them with an additional 16 days to register with a Political Party. Affiliated voters cannot change their affiliation on Election Day.

To include as many voters as possible while keeping our primaries closed, SB99 would allow a change in Party registration only for Unaffiliated people and only at an Early Voting location. This would not apply to registration changes between parties (Democrat to Republican or vice versa).

<sup>1</sup> AL, AR, GA, HI, IL, IN, IA, MI, MN, MS, MO, MT, ND, OH, SC, TN, TX, VT, VA, and WI.

<sup>2</sup> [https://ballotpedia.org/Semi-closed\\_primary](https://ballotpedia.org/Semi-closed_primary)

The proposed enactment date is January 1, 2025. The 2024 Presidential Primary Election will not be affected. (This change will not affect General Elections, where affiliation is irrelevant to the ballot received.)

Let's help the fastest growing segment of our voter rolls increase their voice, and therefore their engagement, in our Democracy.

**I urge a favorable report on SB99.**