

SB0099 - Favorable.pdf

Uploaded by: Barbara Noveau

Position: FAV



Barbara Noveau, DoTheMostGood

COMMITTEE: Education, Energy, and the Environment Committee

TESTIMONY ON: SB0099 Election Law - Affiliating with a Party and Voting - Unaffiliated Voters-

POSITION: FAVORABLE

HEARING DATE: January 30, 2024

BILL CONTACT: Senator Cheryl Kagan

DoTheMostGood (DTMG) is a progressive grass-roots organization with members in all districts in Montgomery County as well as in several nearby districts. DTMG works to protect the fundamental rights of all Maryland residents, and which promote equity across all our diverse communities.

DTMG enthusiastically supports SB0099 that extends to unaffiliated voters the right to request to affiliate with a party at an early voting center during a primary election and vote a provisional ballot for the voter's preferred political party. Not only does this allow party affiliation earlier, it also will clear up the confusion of many voters over different rules for primaries, early voting and in-person voting on election day.

For these reasons, DoTheMostGood gives a **FAVORABLE** report on SB0099

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara Noveau", is positioned above the typed name.

Barbara Noveau
Founder, DoTheMostGood
barbara@dtmg.org
240-338-3048



Barbara Noveau, DoTheMostGood

COMMITTEE: Education, Energy, and the Environment Committee

TESTIMONY ON: SB0140 General Assembly Vacancy - Political Party Central Committees - Procedures

POSITION: FAVORABLE with Reservations

HEARING DATE: January 30, 2024

BILL CONTACT: Senator Clarence Lam

DoTheMostGood (DTMG) is a progressive grass-roots organization with members in all districts in Montgomery County as well as in several nearby districts. DTMG works to protect the fundamental rights of all Maryland residents, and which promote equity across all our diverse communities.

DTMG supports with reservations SB140 that address transparency and conflicts of interest in the current procedures. We applaud the provision that a member of the central committee who has applied to fill the vacancy must recuse themselves from voting on the individual to fill the vacancy, and that the Central Committee votes will be cast by Roll Call vote will casts their votes by Roll Call vote or signed ballots. There are still problems with the entire process, from applying to campaigning and final votes not addressed here.

Overall, this bill puts small band-aids on a large wound: this process puts legislators into office without a single constituent vote. Since vacancies in the General Assembly are frequent, citizens can often end up with a delegate who would never be the choice of the people.

For these reasons, DoTheMostGood gives a **FAVORABLE with reservations** report on SB140

Respectfully submitted,

Barbara Noveau
Founder, DoTheMostGood

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Barbara Noveau, DoTheMostGood

COMMITTEE: Education, Energy, and the Environment Committee

TESTIMONY ON: SB0029 - Special Elections - Procedures and General Assembly Vacancies and Ties

POSITION: FAVORABLE

HEARING DATE: January 30, 2024

BILL CONTACT: Senator Cheryl Kagan

DoTheMostGood (DTMG) is a progressive grass-roots organization with members in all districts in Montgomery County as well as in several nearby districts. DTMG works to protect the fundamental rights of all Maryland residents, and which promote equity across all our diverse communities.

DTMG enthusiastically supports legislation SB0029 that would require a special election be held to fill a vacancy or resolve a tie for election for a Delegate or Senator in the General Assembly, except when the vacancy occurs in a year when the General Assembly is elected. SB0029 bill also requires that such a special election be conducted by mail, addresses some of the concerns around cost to local boards of election while also promoting the efficiency and security of voting by mail.

We also applaud the speedy action by the Governor required if the vacancy or tie occurs in a General Assembly election year, especially provisions that untether the special election from a general election if it delays the special election beyond the stated times to announce and conduct the election. To leave constituents of the vacating Senator or delegate unrepresented beyond 30-45 days is unconscionable.

For all these reasons, DoTheMostGood strongly recommends a **FAVORABLE** report on (full bill number).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara Noveau".

Barbara Noveau
Founder, DoTheMostGood
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SB0099_Unaffiliated_Voters_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0099

Election Law - Affiliating with a Party and Voting - Unaffiliated Voters

Bill Sponsor: Senator Kagan

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0099 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Our members believe that voting is the soul of our democracy, and that the State's laws should provide for the easiest possible access to voting for everyone. One frustration for many new, young voters is the deadlines for affiliating with a party in relation to being eligible to vote in a primary. Most young voters are undecided about their affiliation, and only decide to vote in a primary based on who is running, or based on a perceived need to have their vote counted in the primary. These are not decisions that are made well in advance of the primary, and those voters who are not prepared to make an affiliation early are disenfranchised.

Since the primaries in Maryland often decide the entire election, being able to vote in a primary is pretty important. This bill, if enacted, would allow a voter who has declined to affiliate with a party to request to affiliate at an early voting center. The election judge would determine if the voter resides in the county in which the voter seeks to vote, and if so, would issue the voter a voter authority card and a ballot for the party they wish to affiliate with.

This is a common-sense policy that will ensure that participation in primaries has fewer barriers, especially for young voters. We support this bill and recommend a **FAVORABLE** report in committee.

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Uploaded by: Charlie Cooper

Position: FAV



Board of Directors

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**TESTIMONY IN SUPPORT OF SENATE BILL 99 - ELECTION LAW -
AFFILIATING WITH A PARTY AND VOTING - UNAFFILIATED VOTERS**

January 30, 2024

By Charlie Cooper, President

Get Money Out–Maryland is an all-volunteer force seeking to get big money out of our political system and make elections fairer. We believe that every citizen should have equal access to the ballot as a voter or as a candidate. District lines should be fair to every voter, regardless of race, ethnicity, or party affiliation. The corruption of big money in politics must be eliminated, and the disproportionate influence of concentrated wealth reduced.

We support Senate Bill 99 because it improves access to the ballot for unaffiliated voters and because it could play a role in moderating the hyper-partisanship that has afflicted the U.S. electoral system in recent decades.

In many elections for local offices and for seats in the General Assembly, the low-turnout primary counts more than the general election in determining who actually wins local and district offices and congressional seats. Many new voters or voters who are new to Maryland may not be aware that registering unaffiliated means they cannot participate in primary elections that are so critical.

This bill gives those voters more than a week of extra time to learn about the importance of an upcoming primary election and register with a party so that they can vote. The bill would not allow voters already registered with a party extra time to switch and “cherry-pick” which party’s primary election they want to vote in. Allowing unaffiliated voters a chance to participate in a primary election of their choice could bring in more voters who are not rigidly aligned with the latest party litmus tests, thus incentivizing candidates to take positions with broader appeal.

The bill also mitigates an unfair situation whereby those who have not registered can declare a party affiliation all the way up to election day, but those who have registered unaffiliated are barred from primary participation before they may even be aware that the primary is occurring. The bill will also give more voters a sense of agency by participating in a truly contested primary election rather than simply in a general election where the outcome is not really in doubt.

Please promote voter participation by giving your favorable report to Senate Bill 99.

Montgomery Co Our Revolution Maryland

Uploaded by: Edward Fischman

Position: FAV

Testimony of Edward Fischman
(Chair – Montgomery County chapter of Our Revolution Maryland)

Testimony in Support of SB 99

Chairman Feldman and the Members of the EEE Committee:

I offer this testimony in support of the bill, SB 99, and thank Senator Kagan for bringing this question before the Senate. I am testifying on behalf of Our Revolution Maryland which has been advocating for various reforms to our election and appointment rules to democratize rules which too often work to entrench and reinforce the influence of those in positions of power. In connection with this interest, members of our organization have stood for election or appointment to the county Democratic Central Committees, as well as the General Assembly, in hopes of advancing some important reforms.

Many of our members support open primaries. I first registered in New York as an unaffiliated voter. It was frustrating to me that I could not vote in the Democratic primary, even though I consistently favored Democratic candidates, and even worked on their behalf. In Maryland, I registered as a Democrat, and have labored to convince other progressive but unaffiliated voters to support Democratic candidates and even to switch their affiliation to vote in primaries.

It is not an easy ask. Few unaffiliated voters have any inclination to make this change. However, for those who do, the rules should make that as easy as possible. The reform advocated in SB 99 would make an important change to the current law which requires voters to have both real forethought and to go out of their way to change their affiliation. Allowing them to make the change when they go to vote in early voting is the kind of common-sense reform that is too often resisted for no good reason.

Personally, I have come to see the wisdom of maintaining closed primaries. It does make sense to have only those people who are willing to identify as members to choose the party's nominees. However, we should not try to discourage voters from changing their party identification and participating in primaries.

We have sorted ourselves so geographically in the United States and especially in Maryland that the primaries are often where our representatives are really chosen. We should make it as easy as possible for voters to decide to engage and participate in that process.

On my own behalf, and on behalf of thousands of Our Revolution members in Maryland, I urge the committee to issue a favorable report on SB99.

SB 99 - Election Law – Affiliating with a Party an

Uploaded by: Morgan Drayton

Position: FAV

January 30, 2024

**Testimony on SB 99
Election Law – Affiliating with a Party and Voting – Unaffiliated Voters
Energy, Education, and the Environment**

Position: Favorable

Common Cause Maryland supports SB 99 which would allow unaffiliated, registered voters to change their registration to a party during the early voting period.

Currently, registered but unaffiliated voters who would like to register under a recognized political party to participate in Maryland’s closed primary process must do so 21 days before the election. However, unregistered voters may show up in the week before the election, register, and choose a party affiliation.

This is no small problem in our state, where the number of unaffiliated voters has grown at a rapid pace over the past decade. State voter registration data from December 2023 shows that over 850,000 voters in Maryland are currently registered as unaffiliated. Many voters choose to register as unaffiliated in order to express their disapproval of the two major political parties, but few are aware that such a registration will affect their ability to fully participate in Maryland’s primaries.

While those hundreds of thousands of Marylanders can freely participate in the general election, they are unable to meaningfully participate in Maryland’s closed-primary system. And in a state where demographic realities and partisan gerrymandering basically guarantee many races to certain political parties, our current way of doing things leaves unaffiliated voters shut out of the most important election of the cycle.

SB 99 would allow for more voters to have a more meaningful impact on the democratic process in a way that would not materially impact the state’s current preference for closed primaries. For these reasons, we support SB 99 and urge a favorable report from the committee.

1-30 LH NS SB 99 Ballot Access – Voter Registratio

Uploaded by: Nikki Tyree

Position: FAV



TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SB 99 Ballot Access – Voter Registration – Affiliating With a Party

POSITION – Support

BY: Linda T. Kohn, President

Date: January 30, 2024

The League of Women Voters of the United States believes that democratic government depends upon informed and active citizen participation, and that voting is a fundamental citizen right that must be guaranteed by law. **SB 99** would allow unaffiliated voters (a voter who has registered to vote but declined to affiliate with a political party) to affiliate with a political party at an early voting center during a primary election and vote a provisional ballot for the voter's preferred political party.

As of December 2023, there were 887,739 unaffiliated voters in the state of Maryland. The majority of unaffiliated voters are new citizens, young voters, or first-time voters.

There are many reasons why people don't register with a party. They may not be aware that Maryland is a closed primary state dramatically limiting the choices on their ballot. They may not be prepared to select a party when they show up to get a driver's license and find out they have been registered to vote. They may be excited about becoming a citizen and register at a naturalization ceremony but feel they don't know enough about the political parties to make a choice that day.

During every primary election thousands of voters vote provisionally because they had no idea, when showing up at the polling place, that they could only vote in non-partisan elections.

During the primary election early voting period these non-affiliated voters may have received information from party volunteers at the early voting site, and are now confident to make an informed decision to affiliate.

Since 2017, the League has been supporting legislation allowing unaffiliated voters the opportunity to choose a party at early voting or on election day because we already have mechanisms in place to register voters on those occasions. We appreciate that passage of SB 99 is progress towards our goal as it expands the window of opportunity for more Marylanders to exercise their right to vote in primary elections.

The LWVMD, representing 1000+ concerned citizens throughout Maryland strongly urges a favorable report on **SB 99**

2024 Testimony Kagan SB99 Ballot Access.pdf

Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN
Legislative District 17
Montgomery County

—
Vice Chair

Education, Energy, and
the Environment Committee

—
Joint Audit and Evaluation Committee

Joint Committee on Federal Relations



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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 States¹ 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,² 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).

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

² 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.

SB99-2024 .docx.pdf

Uploaded by: John Michael Gudger

Position: INFO



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

January 30, 2024

Senator Brian Feldman, Chair
Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

SB99 – Information

Chair Feldman, Vice Chair Kagan and Committee Members:

My name is John Michael Gudger, chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. While we recognize the intent of Senate Bill 99 to enhance democratic participation, we would like to address several concerns regarding its implementation and potential impact on the election process in Maryland.

1. Increase in Provisional Ballots:

Senate Bill 99 will likely lead to a significant increase in the number of provisional ballots cast during primary elections. Processing provisional ballots is labor-intensive and requires additional resources and time for verification and counting. This surge could strain our current capacities, potentially leading to delays in election results and increased costs.

2. Confusion between Independent and Unaffiliated Voters:

The bill may also cause confusion among voters not in the main two political parties, particularly in distinguishing between 'Independent' and 'Unaffiliated' status. Voters often use these terms interchangeably, though they have distinct meanings in the context of Maryland's election laws, as 'Independent' means "Member of the Independence Party." This confusion could lead to challenges at polling places during the Primary.

3. Gaming the System:

Permitting unaffiliated voters to align with a political party at early voting centers poses the risk of individuals affiliating merely to sway the results of a party's primary, not due to a true allegiance to that party. It is probable that such voters would revert to Unaffiliated status post-election to retain the flexibility to participate in either party's primary in future elections. This expected pattern of frequent affiliation changes would significantly increase the workload for our staff. Indeed, this arrangement could incentivize all voters to register as Unaffiliated, thus enabling them to selectively participate in the primary of their choice each election cycle.

4. Impact on Ballot and Supply Orders:

Typically, in primary elections, our ballot and supply orders do not account for a significant number of Unaffiliated (UNA) voters, except when there is a Board of Education contest. Implementing Senate Bill 99 could substantially alter our ordering processes, as we would need to anticipate a higher demand for ballots from newly affiliated voters. This change could lead to challenges in accurately predicting the number of ballots needed and might result in either shortages or excess, both of which have financial and logistical implications.

In conclusion, while we support efforts to increase voter participation and engagement, it is crucial to consider the practical implications of Senate Bill 99 on the administration of elections in Maryland. We recommend a thorough assessment of the potential impacts, including the development of strategies to address these concerns effectively. It is essential to ensure that any changes to election laws enhance the electoral process without compromising its integrity, efficiency, and the trust of Maryland voters.

Thank you for considering our perspective on this important matter.

Sincerely,

John Michael Gudger
johnmichael.gudger@maryland.gov
Chair, MAEO Legislative Committee