

SB271_StateBoardofElections_support_JaredDeMarinis

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Position: FAV



Maryland State Board of Elections

SB271 – Chair, Education, Energy, and the Environment Committee (By Request- State Board of Elections) Election Law - Revisions

Purpose:

1. Alters the reporting criteria for reports issued by the clerk of the Circuit and District Courts
2. Allows the use of a public building for an early vote center
3. Permits chairs of central committees to seek election to the central committee.

Comments:

The State Board of Elections supports the legislation. The proposed bill (1) alters the report received by the State Board from the clerk of the Circuit and District Courts to match the language of persons ineligible to register to vote, (2) allows for the use of public buildings as early vote centers and (3) allows incumbent chairs of the central committee to be a candidate for central committee in subsequent elections.

Currently, the State Board receives a report of individuals who are convicted from the clerks. Pursuant to §3-504, the State Board receives reports from the Administrative Office of the Courts (AOC) of persons “convicted... of a felony” for the purpose of updating eligibility in the voter rolls. This provision of code was last updated in 2007. However, voter ineligibility standards were updated in 2016 and now only exclude those “currently serving” imprisonment for the conviction.” See Election Law Article §3-102. This bill would conform the language in §3-504 to the newer language in §3-102 to accurately match the current law concerning persons ineligible to vote. This modification will make the report more beneficial in voter list maintenance and less likely to result in unlawful disenfranchisement.

The use of public buildings is mandated for Election Day polling places. This proposed change brings the same provisions for early voting. Election Law Article §10-101, enacted over 20 years ago, prescribes the considerations that must be taken when choosing locations for election day voting, and includes a requirement that public officials make public buildings available to the local board of election, upon request, without charge, for election day voting. In 2009, the General Assembly enacted provisions allowing early voting in Maryland and required that Early Voting Center (EVC) locations shall also be chosen with the same considerations as §10-101. See Election Law Article §10-301. However, the early voting provision does not expressly provide the requirement that public officials make public buildings available to the local boards upon request for early voting. This bill will extend the same requirements for election day voting locations to early voting locations, and significantly aid the selection and lower costs of Early Voting Centers to ensure locations best meet the needs of voters. Additionally, this has the full support of the local boards of elections.

Finally, changing the term from treasurer to responsible officer allows for central committee chairs to seek re-election for that position. The law technically prohibits a chair of the central committee from seeking re-election as a central committee member while being the chair. This is because a candidate may not act in any position that exercises generally overall responsibility for the conduct of another political committee. The Chair of the central committee directs and authorizes every disbursement and incursion of liabilities for the central committee. See Election Law Article §13-218(c).

Thank you and we look forward to your favorable passage of this bill.

Contacts:

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**JARED DeMARINIS, STATE ADMINISTRATOR
STATE BOARD OF ELECTIONS**

EEE 1/30/2024

SB 271 Election Law Revisions.pdf

Uploaded by: Robert Atkins

Position: FWA

Testimony on SB0271-Election Law – Revisions

This proposed law has essentially two pieces, (1) adding a requirement to provide SBE only those felons names who are currently serving their sentence and (2) to require that public buildings be made available for voting sites. I oppose the first part as it imposes an unnecessarily complex administrative burden on the courts estimated to be \$3.7M for reprograming existing systems. I support requiring public buildings be made available for voting sites. For the 2024 election Anne Arundel County Community College would not allow the use of their facilities as an early voting center even those its location would have been ideal.

Robert M. Atkins

Vice President Anne Arundel Board of Elections

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Uploaded by: Linda Miller

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Education, Energy, and Environment Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 271
Election Law Revisions
DATE: January 10, 2024
(1/30)
POSITION: Oppose

The Judiciary opposes Senate Bill 271. This legislation amends provisions in Title 3, Subtitle 5 of the Election Law Article for the purpose of altering the information that the clerks of Circuit and District Courts are required to report to the State Administrator. §3-504(a)(1)(iii) and §3-504(a)(2) of the Election Law Article are amended. These sections require that the clerks of Circuit and District Courts provide shall provide a list of “names and addresses of all individuals convicted, in the respective court, of a felony...” The amendment directs that the clerks shall list “individuals convicted, in the respective court, of a felony and **currently serving** a court-ordered sentence of imprisonment for the conviction...” (emphasis supplied).

This bill is unworkable for the Judiciary. The Judiciary discussed this proposal with the State Board of Elections (Board) in the interim and advised the Board that it is not possible for the Judiciary to provide this information through Judicial Information Systems as courts are not notified of the release of incarcerated individuals. This proposed bill will require the clerks of the court to provide information they do not have. Courts do not maintain in their records information concerning whether an individual is **currently serving** a court-ordered sentence of imprisonment. Courts currently report the names and addresses of all individuals convicted in the respective court of a felony, but courts do not maintain records of individuals currently serving a sentence. The Judiciary’s court files only contain information regarding the original sentence time. It would appear that each and every jail and detention center in the state would have to be contacted daily to obtain this information. The Victim Information and Notification Everyday (VINE) administered by the Department of Public Safety and Correctional Services may be the more appropriate resource for this information as they maintain the status of incarcerated individuals.

In addition, this bill would have a significant fiscal impact on the Judiciary which has not been budgeted for in the Judiciary’s budget request. An integration would need to be

created with each of the detention centers and the Department of Corrections to allow for the active incarceration data to be integrated into the Judiciary's Odyssey system. The Judiciary anticipates that creating the needed integration to update the judiciary's case management system would require 27,600 hours of effort at a cost of \$3,657,600.00.

cc. Hon. Brian Feldman
Judicial Council
Legislative Committee
Kelley O'Connor