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—  
*Vice Chair*

Education, Energy, and  
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—  
Joint Audit and Evaluation Committee

Joint Committee on Federal Relations



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## THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

### **SB494: Electoral College Reform**

Education, Energy, & the Environment Committee

February 21, 2024: 1:00 PM

The 2020 Presidential Election saw the losing candidate’s team create a “fake elector” scheme in an attempt to overturn our election by naming slates of alternative electors in Arizona, Georgia, Michigan, Nevada, New Mexico, Pennsylvania, and Wisconsin. This spurred Congress to pass the Election Count Reform Act (ECRA) of 2022, updating the procedures that states must follow for certification. Maryland must now modify our process to come into compliance with these new standards, according to our State Board of Elections (SBE). [SB494](#) clarifies our post-election procedures to create greater integrity, efficiency, and transparency.

**Clarity Of Post-Election Certification:** Currently, there is confusion as the State Board of Elections certifies Primary Elections while the Board of State Canvassers certifies the General Election. SB494 stipulates that the Board of State Canvassers will certify the statewide presidential elections. The bill also deputizes alternate members for each canvasser in case of unexpected absences during the certification process.

**Streamlines Timeline:** SB494 updates critical deadlines to the presidential post-election process, guaranteeing that certification will meet the new ECRA deadlines. The bill shortens county reporting by five days, ensuring that the State Board of Canvassers will meet within one day of county certification. The bill, as amended, also directs the SBE Administrator to release the results to the Governor within three days of certification.

**Transparency In Certification:** The legislation allows individual members of the Board of State Canvassers to submit a written statement if they believe that another Board member was inaccurate in a certification finding. If the State Board finds the decision of a local election board to be inaccurate, the State Board is authorized to reject the faulty conclusion.

**Governor’s Required Role:** Finally, as required by ECRA, SB494 directs the Governor to transmit the findings of the Board of State Canvassers to Congress and publish the proclamation of the winner on the State Board of Elections’ website. This provision removes any ambiguity in the Governor’s role in election certification.

In conclusion, SB494 is a federally mandated step forward in our efforts to clarify and update our election processes.

**I urge a favorable report on SB494 as amended.**