



Maryland State Board of Elections

SB494 – Senator Kagan Election Law - Postelection Procedures

Purpose:

1. Alters the records and documents that a board of canvassers is required to investigate under certain circumstances.
2. Alters the responsibilities of the State Board of Elections and the Board of State Canvassers regarding the certification of election results.
3. Authorizes the members of the Board of State Canvassers to appoint certain designees to serve on the Board of State Canvassers.
4. Alters the responsibilities of the Governor regarding election results.

Comments:

The Maryland State Board of Elections submits this informational testimony on SB494.

The Electoral Count Reform and Presidential Transition Improvement Act of 2022 (ECRA) was signed into Federal law in December of 2022. ECRA imposed new requirements on the conduct of a presidential election, including specific post-election timelines. Certain deadline adjustments are needed to the provisions governing post-election certification and certification processes, in order to bring State law into compliance with ECRA.

Pursuant to Election Law Article §11-503, the Board of State Canvassers must convene by the 35th day after Election Day. Once convened, the Board is tasked with preparing statewide elections results and transmitting certified copies of those results to the State Board of Elections. However, the statute does not impose any deadline by which the Board of State Canvassers certifies election results. Then on receipt of election returns for presidential and vice-presidential electors, the Governor issues a proclamation announcing the elected electors. Accordingly, there is no deadline by which the Governor, after receiving certified results, must ascertain, enumerate, and proclaim the victorious electors for President and Vice-President. Again, there is no deadline set for that proclamation.

This legislation amends the post-election calendar of events to align the Election Law Article with the requirements of ECRA starting with moving the certification date to the 30th day.

Moverover, the legislation allows for members of the State Board of Canvassers to designate certain individuals to attend the meeting. This provision allows for greater flexibility in scheduling and allows for timely completion of the certification process.

Finally, the proposed legislation allows the State Board of Elections to promulgate regulations in the efficient administration of the certification process.

Thank you for the opportunity to provide this informational testimony concerning SB494.

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