HB 641 - Election Law - Curbside Voting, DRM Writt Uploaded by: Gabriel Rubinstein

Position: FAV

Empowerment. Integration. Equality.



1500 Union Ave., Suite 2000, Baltimore, MD 21211
Phone: 410-727-6352 | Fax: 410-727-6389
www.DisabilityRightsMD.org

SENATE EDUCATION, ENERGY, AND THE ENVIRONTMENT COMMITTEE April 2, 2024

HB 641 – Election Law – Curbside Voting - Establishment Position: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities through voting by advocating for equal and equitable access to the ballot.

DRM supports HB 641, which establishes a curbside voting location in every county at each early voting location and on election for voters who cannot enter a polling location, voters whose health may be impacted by entering a polling location. Curbside voting is to be made available to all registered voters with a disability. This will increase the methods of accessible voting in Maryland and expand access to the ballot for voters with disabilities.

Over the last few years, we have seen an increase in the number of voters with disabilities. In 2020, 62% of voters with disabilities cast a ballot, compared to 2016 where 56% of voters with disabilities cast a ballot. We can attribute this increase to the variety of ways to cast a ballot, particularly mail in voting which allows a voter to send their ballot to the local board of elections through the mail without having to leave their homes. This was especially helpful during the pandemic where voters with disabilities are particularly susceptible to harm. 53% of voters with disabilities sent their ballots through the mail compared to the 42% of voters without disabilities who sent their ballots through the mail.²

Certainly, expanding methods of voting is beneficial for greater access to democracy, a fundamental right of all citizens and in the best interest of society for everyone to participate. As such, establishing curbside voting in Maryland will present additional opportunities for voters with disabilities to cast a ballot, a community that has been historically disenfranchised. Curbside voting will allow voters to express autonomy and make independent choices on their ballot with and request assistance if needed from the safety of their vehicle.

We are available should the State Board of Elections need technical assistance, guidance or resources in implementing curbside voting in Maryland, as there are currently 27 states that offer curbside voting. Additionally, we request the State Board of Elections report on curbside voting in Maryland.

¹ https://www.eac.gov/news/2021/07/07/new-data-177-million-americans-disabilities-voted-2020-significant-increase-over.



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For these reasons, we urge a favorable report on HB 641. Please do not hesitate to contact me at GabrielR@DisabilityRightsMD.org, or by phone at 443-692-2483.

Respectfully submitted,

Gabriel H. Rubinstein, Esq. Managing Attorney Disability Rights Maryland

HB0641 Election Law Curbside Voting Position SUPPO Uploaded by: Katie York

Position: FAV

HB0641 Election Law Curbside Voting Position: SUPPORT

04/01/24

Please support HB0641- Curbside Voting.

This bill is supported by several self-advocate organizations, such as People First and People on the Go, because it would make voting more accessible for disabled people (like me!). Voting is a fundamental right- this bill would make it possible for more people to exercise that right.

Thank you.

Katie York (they/she)

Support HB0641- Hon. Tony Coelho_signed 2.pdf Uploaded by: Monica Wiley

Position: FAV

Hon. Tony Coelho

6 Trellis Path | Doylestown, PA 18901

April 1, 2024

To Whom It May Concern:

I write to inform you of my support Election Law – Curbside Voting – Establishment (HB 0641).

As a principal author of the Americans with Disabilities Act in the U.S. Congress, my goal was always to increase the civic participation and inclusion of Americans with disabilities. Nothing is more important to civic participation that the act of voting and breaking barriers to ballot access is an essential construct of our democracy.

House Bill 0641 will achieve this measure and increases ballot access for voters who are disabled or temporarily disabled. Many people with disabilities struggle to wait in long lines or physically navigate the polling place. An outdoor or drive-up option will give them the ease of voting experienced by other non-disabled voters while also maintaining privacy and independence – key elements to the integrity of the American voting process.

A report from the Rutgers University School of Management and Labor Relations on disabled voter turnout in 2020 election demonstrated that reports disability-related access barriers reduced from 30% in 2016 to 18% in 2020. I firmly believe the data shows that this reduction is due to additional and more flexible voting options in this last election.

Additionally, the pandemic has taught us that in an unexpected crisis all kinds of Americans can find themselves subject to disability and in need of accommodations. The accommodation process provided in the ADA benefits more of us than we realize, especially in times of need.

By providing a curbside voting you will be opening the gates of freedom and equity to more voters while providing options that break barriers to ballot for many types of voters who are disabled, seniors, temporarily disabled and non-disabled in crisis.

I urge you to support and vote for House Bill 0641. Thank you.

Sincerely,



Former Member of Congress Principal Author of the Americans with Disabilities Act

Testimony For HB 00641.pdfUploaded by: Monica Wiley Position: FAV

Re: Election Law Curbside Voting Bill (HB0641)

Chair, V. Chair, and Members of the Senate Education, Energy and Environment Committee:

My name is Monica Wiley, and I respectfully ask for your vehement support of HB 0641-Election Law-Curbside Voting Establishment bill. This bill is very personal. As a voter with a physical disability (I have an incomplete spinal cord injury caused by a drunk driver tractor trailer accident that killed my entire family at the age of nine. As a result—I walk with a cane.) I've experienced immense challenges and barriers to voting due architectural and attitudinal barriers. In this past Election cycle—I encountered significant voting challenges. I had to walk a great distance to the location; the line was too long for me to stand, so an Election Officer stood in my place until it was time for me to vote. As a proud confident woman and voter who takes pride in her independence, not only was I embarrassed—but I felt very inadequate as a voter, and it was incredibly taxing on my body physically where my body felt very stressed and exhausted.

As a former resident of Virginia who is now a proud resident of Maryland, voters with disabilities including myself feel very disenfranchised and marginalized due to the lack of accessibility and accommodations to the voting ballot. Not only is it inhumane—it is unacceptable! Currently, 29 states including Virginia and Washington DC have adopted Curbside Voting for individuals with disabilities. Our community is vast and varied and require accommodations like our neighbors, peers and other voting members of society. Full access to voter participation should be available and convenient without experiencing undue stress and pressure to one's respective disability. My community should able vote in person comfortably with the same dignity, rights and fairness like other members of society. I'm a hard-working professional who has built her career on equity, inclusion and belonging for my community.

Voting is the bedrock of our democracy. It is the freedom, ability and independence to exercise our voice through voting without challenges and barriers. Proper access and accommodations to the voting process is critical and vital to advancing the fairness, parity and rights of people with disabilities. Having full access to the voting ballot adds value to our autonomy, our voice, our freedom and ability to participate in voting and our right to exercise the 15th amendment-voting rights and voting access for all.

In close—I like to end with a quote by Martin Luther King Jr., "the time is always right to do what is right". That being said, let's pass HB0641. Thank you for your time and consideration.

Respectfully,

Monica Wiley-Maryland Statewide Independent Living Council Member

Senate Side - House Bill 641 Testimony.pdf Uploaded by: Nicole Williams

Position: FAV

NICOLE A. WILLIAMS, Esq. Legislative District 22 Prince George's County

Judiciary Committee

Chair, Public Safety Subcommittee

Vice Chair, Democratic Caucus Chair, Prince George's County House Delegation



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THE MARYLAND HOUSE OF DELEGATES Annapolis, Maryland 21401

April 2, 2024
The Honorable Brian Feldman
Chair of the Senate Education, Energy, and the Environment Committee
11 Bladen Street, 2 West
Annapolis, Maryland 21401

House Bill 641

Good afternoon, Chair Feldman, Vice Chair Kagan, and the members of the Senate Education, Energy, and the Environment Committee. I am Delegate Nicole Williams, and I will be testifying in favor of House Bill 641, also known as **Election Law - Curbside Voting**. This bill would ensure that there is one designated curbside voting location in each county during primary and general elections. These designated areas must be determined by the local board at least six months in advance and are subject to approval by the State Board. This would expand access to voting for individuals who have mobility limitations but still wish to vote in person.

To start off, previously, when HB0641 was on the House side, it did not receive serious opposition. However, experiments do not need to be conducted to see that there is a direct disadvantage for disabled individuals to vote in person without access to curbside voting facilities. Additionally, the bill was passed by the House Ways and Means Committee with a unanimous favorable vote. Moreover, the bill passed in the Maryland House of Delegates with a significant majority of favorable votes, 116-20.

There are twenty-seven bi-partisan states, like North Carolina, Virginia, Wisconsin, plus Washington D.C., that already require or allow curbside voting. Each election cycle, some individuals in Maryland are forced to overcome physical hardships in order to exercise their right to vote. Some may decide not to participate at all due to the struggle that in-person voting would cause them. While we do have vote by mail, ballots are not automatically mailed to each voter in the state, so if a voter fails to submit the request form, then they have to physically go vote either during early voting or on election day. During the 2020 election, with the usage of absentee ballots, 62% of people with disabilities or mobility issues voted. Additional methods may increase the number of people with disabilities or mobility issues who vote in future elections. Approximately 11% of people in Maryland (about 655,840 individuals) have a cognitive,

NICOLE A. WILLIAMS, Esq. Legislative District 22 Prince George's County

Judiciary Committee

Chair, Public Safety Subcommittee

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THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

hearing, vision, or ambulatory disability, which can impact their ability to contribute to the state vote. This number does not include individuals with a temporary disability.

Curbside voting is effective for individuals who are physically unable to go inside to vote. This bill helps people to vote comfortably without unnecessary stressors. This can also assist pregnant persons, elderly individuals, and individuals with life-threatening illnesses who do not see going inside a crowded building or standing in long lines as a safe option for them. Passing this legislation would allow all individuals to exercise their right to vote in person and significantly contribute to the election outcomes. Other states are able to allow this type of voting safely and securely.

These individuals are citizens of Maryland and deserve the right to vote in the manner that they wish. This bill will encourage these individuals to perform their civic duty.

For these reasons, I urge this committee to give a favorable report on House Bill 641.

Sincerely,

Delegate Nicole A. Williams, Esq.

Testimony in support of crossover bill HB0641.pdfUploaded by: Richard KAP Kaplowitz

Position: FAV

CROSSOVER BILL HB0641_RichardKaplowitz_FAV 4/2/2024

Richard Keith Kaplowitz Frederick, MD 21703

TESTIMONY ON CROSSOVER BILL HB0641 – FAVORABLE Election Law - Curbside Voting

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard K. Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of CROSSOVER BILL HB0641, Election Law - Curbside Voting

This bill works to add, for those persons with disabilities and those persons who have mobility issues an additional method of voting.

This bill will work to be primarily an accommodation for disabled and elderly voters who do not want to use vote by mail but want to vote in person without having to get out of their cars to enter a voting location to cast their ballots. It calls on local boards of election to implement a planning process to site the curbside voting location in advance of any election. It establishes the requirements that will govern curbside voting and creates a path for communicating to disabled and elderly voters the availability of this option for voting in elections.

This bill expands voting rights to those persons who need this option to facilitate an increased participation in ensuring they can vote in elections successfully.

I respectfully urge this committee to return a favorable report and pass CROSSOVER BILL HB0641.

2024 HB0641 Testimony Against 2024-04-02.pdf Uploaded by: Alan Lang

Position: UNF

Testimony Against HB0641

Honorable Senators

Please vote against HB0641.

Has anyone done a study showing that this service is wanted by a sufficient number of the public and if desired, can it be done in a cost effective and secure manner? If one receives a ballot by mail, prepares it, and drives to, or takes public transportation to, a drop box, isn't that essentially "curbside" voting?

Local government expenditures would increase by at least \$286,000 in FY 2026, and by at least \$247,000 annually thereafter.

This bill does not discuss the logistics of getting the voting equipment setup outside, and the physical security needed to protect the equipment from the elements. The blind may need a ballot marking device that contains a headset and keypad or blind voters and voters with low vision could vote by listening to the ballot selections and by using the keypad. They may also choose to use the high contrast and large print functions of the voting unit. Will these features be usable while sitting in a car or van?

It would seem easier to use the "Request a mail-in ballot" process than to be driven to the one site in each County that has curbside voting. One's ballot can be mailed or printed from SBE's website. If one has a disability and cannot mark the ballot independently, SBE offers an online tool to help voters mark their ballot. With this tool, most voters with disabilities can make selections without help. If one would like to use this online tool, request a mail-in ballot and check the box saying that you want to print your ballot from SBE's website

The local Boards are tasked with having one curbside voting place per County. In selecting this site, they must consider accessibility of the location to historically disenfranchised communities (an undefined term), the proximity of dense concentrations of voters, accessibility of public transportation (not available in many rural areas of the state), and using community centers. These may be conflicting choices and the bill gives no input as to which factors are the most important.

This bill seems to be a solution in search of a problem when the State website for Access by Voters with Disabilities seems to address most of the situations described by those who testified in favor of this bill during the House debate. See (https://www.elections.maryland.gov/voting/accessibility.html).

Please vote against HB0641

Alan Lang 242 Armstrong Lane Pasadena, MD 21122 410-336-9745 Alanlang1@verizon.net

HB0641.pdfUploaded by: James Elbourn
Position: UNF

Dear Senators:

Please oppose HB641. This is adding more complications to what should be a simple process. Isn't there already a mechanism for people who cannot come in and vote in person (absentee voting)? Why is this bill necessary? Where is the study that shows the justification for the necessity of this bill?

Sincerely

James Elbourn 103 Wiltshire Ln Severna Park, MD

HB0641.pdfUploaded by: Jolie McShane

Position: UNF

Curbside voting HB0641

Oppose

As an Election Judge, there is enough confusion with the voting within the facility. Now the state is recommending curbside voting? There are simply not enough judges to ensure adequate chain of custody of these ballots that will be picked up curbside.

The state of Maryland General Assembly is making voting too complicated. How about one day to vote, paper ballots and no drop boxes.

Thank you,

Jolie McShane

A taxpaying Citizen of Maryland who believes elections have little to no credibility anymore.

Oppose HB 0641.pdf Uploaded by: Michael Vernon Position: UNF

Oppose HB 0641

Has anyone done a study showing that this service is wanted by a sufficient number of the public and if desired, can it be done in a cost effective and secure manner? There is no fiscal impact study for this bill. If one receives a ballot by mail, prepares it, and drives to, or takes public transportation to, a drop box, isn't that essentially "curbside" voting? What is the advantage to the voters of being checked-in by a judge outside a polling place and submitting their ballot in equipment outside the polling place versus entering the polling place and doing these tasks?

I strongly oppose this bill.

Michael Vernon Crownsville, MD. 21032

HB0641OPPOSE.pdfUploaded by: Peggy Williams Position: UNF

HB0641 OPPOSE

Dear Committee Members:

Please oppose this bill. I am against curbside voting. The voting system has been corrupted between the machines, the mail-in ballots, and inaccurate voter rolls. I am sure there is another, more secure way to ensure the disabled and elderly voters can come in in person (or have their caretakers or a poll worker help them) to cast their vote.

Vote NO on HB0641.

Thank you.

Peggy Williams Severna Park D31

EEE HB641 Curbside Voting.pdfUploaded by: Ronza Othman

Position: UNF

Subject: Unfavorable - Oppose HB641 unless it has the Amendments

Date: April 2, 2024

From: National Federation of the Blind of Maryland

15 Charles Plaza, #3002, Baltimore, MD 21201

president@nfbmd.org

To: Senate Education, Environment, and Energy Committee

This bill deals with curbside voting and no other subject. Members of the EEE Committee have been saying that curbside voting could be used to solve the mail problem and electronic ballot return voting issues for voters with disabilities. An "expert" in the voting study conducted by the House Ways & Means Committee implied that curbside voting will solve the electronic ballot voting return problem for voters with disabilities. These are two separate issues and must be handled differently. In fact, curbside voting is not a feasible solution for voters with print disabilities including blindness and add obstacles, e.g. getting someone to drive a voter to a voting location, having paratransit drop off (can't wait for a voter), having to pay rideshare, etc. This is not a solution for inaccessible paper ballots, as the people with print disabilities are often the same people who don't or can't drive. Please amend HB641 to make it clear that this bill deals with curbside voting and nothing else.

The bill should also be amended to state what happens to the ballot after the person selects their choices on the ballot marking device as it does for paper ballots.

The National Federation of the Blind of Maryland would support this legislation if the amendments are added to it. The bill finally requires voting by the ballot marking device at curbside locations if that is the voters choice. This phrase in the bill will protect blind voters and give them a right to a secret ballot and to privacy which they have in traditional in-person voting.

HB641 should be amended to require that the ballot marking device be brought outside to the voter and specify what happens to the ballot after the voter uses the ballot marking device, as it does for the paper ballot. This amendment is necessary because the bill is incomplete without it: voter rights must be guaranteed. Other

states, such as Texas, have specifically required procedures for the ballot marking device in the bill. The voters of Maryland are entitled to the same protections as voters in other states.

Please place the two amendments on this bill. We do not support the bill without them.

Vote NO on HB0641.pdf Uploaded by: Stacy Pedersen Position: UNF

To the Maryland House:

Has anyone done a study showing that this service is wanted by a sufficient number of the public and if desired, can it be done in a cost effective and secure manner? There is no fiscal impact study for this bill. If one receives a ballot by mail, prepares it, and drives to, or takes public transportation to, a drop box, isn't that essentially "curbside" voting? What is the advantage to the voters of being checked-in by a judge outside a polling place and submitting their ballot in equipment outside the polling place versus entering the polling place and doing these tasks?

Vote NO on HB 0641

Sincerely,
Stacy Pedersen
Frederick County

HB0641.pdfUploaded by: Suzanne Price
Position: UNF

HB0641 is a bill that literally NO ONE asked for. Instead of making elections secure it seems The Maryland State Board of Elections is doing everything humanly possible to make our elections less so. This bill is ripe with breaking and losing all CHAIN OF COMMAND. How many more non-secure floating portable ballot bags are they looking to use in our elections?

This is really just another way to make elections less secure.

THERE are already more ways to vote than one voter could possibly use in a lifetime. Countless ballot boxes that NO ONE has seen any video footage of their surveillance, even when citizens have filed PIA requests to do so. There are SO MANY THIRD PARTY VENDORS RUNNING THE SHOW OVER AT THE STATE BOE AND 23 PLUS Counties and BALTIMORE CITY BOE'S THAT IT IS ONE OF THE SLOPPIEST OPERATIONS IN THE STATE of Maryland.

If you can't mail in your ballot or drop it at a box or come in to vote during **ELECTION SEASON** then those voters shouldn't have the privilege of voting. This is completely irresponsible and there are so many ways this act of DRIVE BY voting can go wrong. What does one do in high wind, a downpour or hurricane season?

PEASE SAY NO to this very bad bill.

Thank you,

Suzanne Price AACO, MD

HB0641 Testimony.pdfUploaded by: William Love Position: UNF

Crossover of HB641 - 2024.docx (1).pdf Uploaded by: John Michael Gudger

Position: INFO

4/2/2024

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

HB641 - Information Only

Chair Feldman, Vice Chair Kagan and Committee Members,

The Maryland Association of Election Officials (MAEO) appreciates the opportunity to present information regarding House Bill 641 – Election Law – Curbside Voting. As dedicated public servants, election officials are committed to ensuring that our polling places are as accessible as possible to all voters, in line with our sworn duties and the democratic values we uphold.

Current Practice

Currently, there are no formal curbside voting programs mandated for the local boards of elections. However, local boards are flexible when called upon and will work with voters on an individual basis to provide them with a mail-in ballot package in person at the local board office. This includes voters who are unable or unwilling to leave their vehicles.

Incorporation of Curbside Voting in Future Polling Place Plans

The introduction of curbside voting necessitates the adoption of new criteria for selecting polling locations, specifically the ability of a site to accommodate this form of voting. Examples of the new criteria that the implementation of curbside voting would introduce include ensuring adequate space for a line of cars and adjusting the placement of the 100 ft "No electioneering zone" to encompass the designated curbside parking area.

Serious Concerns Regarding Technology Compatibility

A significant challenge we face is the current lack of compatible technology to efficiently offer curbside voting. Our existing ballot marking devices (BMDs) and pollbook printers, although uniform in brand across the state, are not acceptable for outdoor or mobile use. Unlike the appropriate designs employed in other states that facilitate curbside voting, our equipment is not conducive to this voting method and could lead to damage to the equipment or injury to the judges.

Election Security and Ballot Integrity

The prospect of managing loose ballots outside our established zone of control presents a critical concern from an election security standpoint. Maintaining the integrity and secrecy of each vote is paramount, and the transition to curbside voting introduces new vulnerabilities that must be meticulously addressed to prevent any compromise in our electoral process.

Recommendation for Procurement

House Bill 641's requirements necessitate technology the Local Boards do not have, namely mobile Ballot Marking Devices, mobile poll books, and mobile printers. MAEO recommends that if this bill is to be implemented, the enactment date be moved until after the next procurement of election equipment.

Recommendation for a Pilot Program or Study

Given the various concerns and the significant shift in election administration that curbside voting represents, MAEO recommends the initiation of a pilot program or a comprehensive study before statewide implementation. This approach would allow us to assess the strengths and weaknesses of curbside voting in Maryland's unique context, develop best standard practices, and ensure that any transition to this voting method is conducted securely, efficiently, and inclusively.

In conclusion, while we support efforts to enhance voter accessibility, it is imperative that we proceed with caution to safeguard the integrity of our electoral process. Thank you for considering our testimony on this important matter. If you have any questions please feel free to reach out.

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

HB 641 TESTIMONY TO THE SENATE COMMITTEE ON EDUCAT

Uploaded by: Linda Kohn

Position: INFO



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

HB 641 Election Law - Curbside Voting

Position: Information Only

From: Linda Kohn, President

Date: April 2, 2024

The League of Women Voters believes that election systems should increase voter participation and be equitable and accessible. HB 641 would require that local boards of election make available an option for curbside voting at one early voting center and at one location on election day. Voters would request curbside voting at the voting location and could request a paper ballot or use of a ballot marking device.

While we support the continuing development of options for voters to cast their ballot, curbside voting brings in a number of complexities that raise questions for us, including equipment, labor, chain of custody and privacy issues. In terms of equipment, curbside voting typically involves bringing the pollbook and either a ballot or marking device to the voter. Weather-proof pollbooks or ballot marking devices would be needed and could potentially divert equipment from the polling place. In terms of labor, additional election judges would be needed to support curbside voting at a time when boards of elections are struggling to enlist a sufficient number of judges. Chain of custody issues arise when paper ballots or equipment are moved around to support curbside voting. Pairs of judges from different parties would be required and while the bill notes that a paper ballot is deposited in a container provided by the election judge, it does not indicate the procedure if the voter uses a marking device. Privacy issues arise when a voter stays in their car but has a passenger who may be observing them. Further, curbside voting would have to be located in a non-electioneering zone but also in space where voters are not walking by to enter the polling location.

We support the intention behind offering curbside voting but because we do not yet understand how it would work in practice, we cannot yet support the bill.