

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1427  
Ways and Means

(Delegate Conaway)

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**Election Law – Use of Ballot Marking Devices**

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This bill requires election judges to make a reasonable effort to ensure that every tenth voter at a polling place or early voting center uses a ballot marking device that is accessible to voters with disabilities. **The bill takes effect June 1, 2018.**

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**Fiscal Summary**

**State Effect:** The bill does not affect State finances.

**Local Effect:** The bill does not materially affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** State law requires the State’s voting system to (1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities; (2) ensure independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and (3) comply with the Americans with Disabilities Act and the Help America Vote Act. At least one voting system in each polling place on election day must provide access for voters with disabilities in compliance with the above requirements.

The State’s voting system includes ballot marking devices, which allow voters to use a touchscreen to produce a paper ballot containing the voter’s choices (to then be fed into a

ballot scanner/tabulator) and offer accessibility features for voters with disabilities. Because of concerns that arose prior to the 2016 elections about the limited number of candidate names that could be displayed on a single screen and the logic associated with navigating within and between contests, the State Board of Elections (SBE) limited the extent to which the ballot marking devices were made available to voters in the 2016 elections.

Concerns about the functionality of the ballot marking devices have not been resolved in time for the 2018 elections, and SBE decided at its October 2017 meeting to continue the 2016 policy for the 2018 elections. The policy generally limits the use of the ballot marking devices but still makes them available as an accessible option for voters and requires election judges to make sure that at least two voters use a ballot marking device during a voting day.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Baltimore City; Montgomery, Harford, and Wicomico counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2018  
nb/hlb

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