

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 383 (Senator Kagan)
 Education, Energy, and the Environment

Elections - Ranked-Choice Voting in Contests for Presidential Nomination and Certification of Election-Supporting Technology

This bill authorizes the State Board of Elections (SBE) – notwithstanding any other provision of the Election Law Article – to use ranked-choice voting to conduct a contest for the nomination by a political party of a candidate for the office of President of the United States, beginning with the 2028 statewide primary election. Additionally, the bill requires SBE to (1) adopt specified regulations relating to election-supporting technology and (2) periodically review and evaluate election-supporting technology.

Fiscal Summary

State Effect: If ranked-choice voting is used for the 2028 statewide primary election, general fund expenditures increase by \$501,000 in FY 2027 and by \$1.9 million in FY 2028. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	501,000	1,883,000	0	0
Net Effect	\$0	(\$501,000)	(\$1,883,000)	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: If ranked-choice voting is used for the 2028 statewide primary election, local government expenditures increase, collectively, by \$100,000 in FY 2027 and by \$1.7 million in FY 2028. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Ranked-choice Voting in Contests for Presidential Nomination

“Ranked-choice Voting” Definition

“Ranked-choice voting” means a method of casting and tabulating votes in which voters rank candidates in order of preference and votes are tabulated in a manner that reflects voter preference.

Voter Education Campaign

If ranked-choice voting is used (to conduct a contest for the nomination by a political party of a candidate for the office of President of the United States), SBE must (1) develop and pay the cost of a voter education campaign to inform voters about ranked-choice voting and (2) share the voter education campaign with the local boards of elections.

Reporting Requirement

If ranked-choice voting is used, SBE must submit, by January 1, 2029, a report to the Governor and the General Assembly that includes (1) a review of the use of ranked-choice voting during the 2028 statewide primary election and (2) recommendations regarding the implementation and expansion of ranked-choice voting in future elections. The report must be distributed to the local boards and posted on SBE’s website.

Certification of Election-Supporting Technology

The bill also requires SBE to:

- adopt regulations (1) for the review, certification, and decertification of election-supporting technology and (2) relating to requirements for election-supporting technology that is selected and certified; and
- periodically review and evaluate election-supporting technology.

“Election-supporting technology” is defined as any equipment or technology that is designed for use in the administration of elections including (1) electronic pollbooks; (2) risk-limiting audit tools; and (3) any software used for preparing, presenting, or reporting the results produced by a voting system. “Election-supporting technology” does not include a voting system.

Current Law:

Uniform Election Process

State election law, which generally governs all elections except municipal elections (other than in Baltimore City), requires that the electoral process for primary elections, general elections, and special elections be uniform, except where it would be inappropriate, or where exceptions are provided for in the law.

Voting/Tabulation Method

Generally, in elections governed by State election law, voters are able to choose in each race a number of candidates equal to the number of offices being filled in that race (*e.g.*, one candidate in a State Senate race and three candidates in some House of Delegates races), and the winners are nominated or elected based on which candidates receive the greatest number of votes.

Certification of Voting Systems

Statute requires SBE, in consultation with the local boards of elections, to select and certify a voting system for voting in polling places and a voting system for absentee voting, to be used in all counties.

SBE must:

- adopt (1) regulations for the review, certification, and decertification of voting systems and (2) specified regulations relating to requirements for each voting system that is selected and certified; and
- periodically review and evaluate alternative voting systems.

Statute establishes various standards that must be met in order for SBE to certify a voting system. SBE must determine that the voting system will:

- protect the secrecy of the ballot;
- protect the security of the voting process;
- count and record all votes accurately;
- accommodate any ballot used under the Election Law Article;
- protect all other rights of voters and candidates;
- be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and
- provide a voter verifiable paper record that (1) is an individual document that is physically separated from any other similar document and not part of a continuous

roll; (2) is sufficiently durable to withstand repeated handling for the purposes of mandatory random audits and recounts; and (3) uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time.

SBE must also determine that:

- the voting system has been (1) examined by an independent testing laboratory approved by the U.S. Election Assistance Commission (EAC) and (2) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or EAC; and
- the public interest will be served by the certification of the voting system.

A voting system selected, certified, and implemented also must:

- provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities;
- ensure the 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
- comply with both the Americans with Disabilities Act and the Help America Vote Act, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

State and Local Expenditures: If ranked-choice voting is used for the presidential contests during the 2028 statewide primary election, State and local expenditures increase, as shown in **Exhibit 1**. State general fund expenditures increase by \$501,000 in fiscal 2027 and by \$1.9 million in fiscal 2028. Local government expenditures increase, collectively, by \$100,000 in fiscal 2027 and by \$1.7 million in fiscal 2028.

This estimate assumes that work is begun, to implement the bill, in fiscal 2027 to make modifications to SBE's election management system, and to develop ranked-choice voting tabulation software, with the assistance of one or more subject matter experts. However, the majority of costs of implementing the bill occur in fiscal 2028, when the 2028 statewide primary election occurs. The estimate:

- makes certain assumptions about the allocation of costs between SBE and the local boards of elections, generally consistent with current cost-sharing;
- assumes the presidential race will be on a separate ballot card from other contests being voted on in the 2028 statewide primary elections (resulting in increased ballot costs); and

- assumes additional resources are needed at high-volume polling places to mitigate additional time added to the voting process by ranked-choice voting.

SBE can prepare the required report on ranked-choice voting with existing resources. It is assumed that SBE can also adopt and implement the required election-supporting technology regulations, and periodically review and evaluate election-supporting technology, with existing resources, to the extent those requirements establish a formal process in SBE’s regulations that is similar to SBE’s evaluation and administration of election-supporting technology in the absence of the bill.

Exhibit 1
State and Local Expenditures

	<u>Cost Category</u>	<u>FY 2027</u>	<u>FY 2028</u>
State (General Funds)	Election Management System Modification	\$300,000	\$300,000
	Tabulation Software	100,000	100,000
	Subject Matter Expert(s)	101,000	101,000
	Other Contractual Services		51,000
	Voter Outreach		500,000
	Increased Paper Ballot Costs		455,000
	Additional Voting Equipment		376,000
	Total		\$501,000
Local	Tabulation Software	\$100,000	\$100,000
	Other Contractual Services		37,000
	Increased Paper Ballot Costs		455,000
	Increased Specimen Ballot Costs		94,000
	Additional Voting Equipment		376,000
	Additional Election Judges		112,000
	Increased Election Staff Costs		206,000
	Increased Voting Equipment Testing		302,000
	Total		\$100,000

Source: Department of Legislative Services

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 493 and HB 1514 of 2024.

Designated Cross File: HB 215 (Delegate Fair, *et al.*) - Ways and Means.

Information Source(s): Anne Arundel, Baltimore, Cecil, and Frederick counties; Maryland Association of Counties; Maryland State Board of Elections; Department of Legislative Services

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