

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 901 (Senator Brooks, *et al.*)
Education, Energy, and the Environment

Election Law - Telephone Voting System - Requirements

This bill requires the State Board of Elections (SBE), in consultation with the local boards of elections, to select, certify, and acquire a telephone voting system for absentee voting by eligible voters who have attested to having a print disability, for use in all counties. The bill establishes requirements and criteria for the certification of the system. SBE must also (1) send a specified written communication to each voter on the telephone voting system list (those who have attested to having a print disability) at least 75 days before absentee ballots are sent to voters and (2) develop and implement a voter education campaign to inform the public, and specifically voters with a print disability, of the availability of the system. By December 1, 2028, SBE must report to the Senate Education, Energy, and the Environment Committee and the House Government, Labor, and Elections Committee specified information on the system and its implementation. **The bill takes effect January 1, 2027.**

Fiscal Summary

State Effect: General fund expenditures are expected to increase beginning in FY 2027 or 2028, as discussed below. Revenues are not affected.

Local Effect: Local government expenditures are expected to increase in FY 2027 or 2028. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Telephone Voting System Implementation and Voter Eligibility

The bill requires that, notwithstanding any other provision of law, SBE, in consultation with the local boards of elections, select and certify a telephone voting system for absentee voting by eligible voters who have attested to having a print disability that meets the bill's requirements. The bill also requires SBE to acquire the system and requires that the system be used in all counties.

“Print disability” means a condition that prevents or inhibits an individual from reading, holding, or processing standard printed materials in the original format.

A voter is eligible to use the telephone voting system if the voter submits a form to SBE attesting that the individual has a print disability, and the State Board must place the voter on the telephone voting system list upon submission of the form.

Votes cast through the telephone voting system must be canvassed with other absentee ballots.

Certification Requirements

The bill prohibits SBE from certifying a telephone voting system unless SBE determines that the system will:

- protect the secrecy of the ballot;
- protect the security of the voting process;
- record all votes accurately;
- protect all other rights of voters and candidates;
- be capable of creating a paper record of all votes cast so that an audit trail is available in the event of a recount, including a manual recount;
- securely authenticate the identity of the voter before allowing a ballot to be cast, including through the use of personal identification numbers, voiceprint, or other technology;
- prompt a voter to select from the options for each contest or question, one contest or question at a time, in the same order as printed on the printed ballot, and confirm the voter's vote for each contest or question on the ballot;
- encrypt the results of the voted ballot on confirmation by the voter that the voter has finished voting;

- stored voted ballots in an air-gapped, remembering, non-Internet connected system;
- print voted ballots into a scannable paper ballot or be transcribed in the same manner as absentee ballots provided by the Internet;
- be accessible through a toll-free number; and
- prohibit a voter from casting more than one ballot.

The bill further prohibits SBE from certifying a telephone voting system unless:

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

Voter Notification and Voter Education Campaign

The bill requires that SBE, not less than 75 days before the day on which a local board begins to send absentee ballots to voters, send a written communication, using an accessible format chosen by the voter, to each voter who is on the telephone voting system list. The communication must include (1) confirmation that the voter is on the telephone voting system list; (2) the toll-free telephone number that the voter may use to access the telephone voting system; (3) the dates during which the voter may access the telephone voting system; (4) credentials to authenticate the voter's identity; (5) instructions on how to use the telephone voting system; and (6) contact information for voter assistance.

“Accessible format” means braille, large print, audio, or digital text that is used by blind or visually impaired individuals or individuals with a print disability.

SBE must develop and implement a voter education campaign to provide information to the public, and specifically voters with a print disability, of the availability of the telephone voting system.

Reporting Requirements

By December 1, 2028, SBE must report to the Senate Education, Energy, and the Environment Committee and the House Government, Labor, and Elections Committee on (1) the telephone voting system selected and certified by SBE; (2) the status and timeline for fully implementing the telephone voting system; (3) the cost of acquiring, administering, and implementing the telephone voting system; (4) the status of the required voter education campaign; and (5) projections on the number of voters who may be eligible to use the telephone voting system.

Current Law:

Methods of Voting in Maryland

A registered voter may either vote a mail-in (absentee) ballot or vote in person at an early voting center or Election Day polling place.

Mail-in (Absentee) Voting

Any registered voter may request a mail-in ballot and may return it by mailing or hand delivering the ballot to the voter's local board or delivering it to a ballot drop box, an early voting center, or an Election Day polling place in the voter's county of residence. A registered voter may also request to be added to the permanent mail-in ballot list and receive a mail-in ballot each time there is an election without having to submit further requests.

Not later than 43 days before an election, a local board of elections must send a ballot to each voter who qualifies to vote by absentee ballot and has made a request at least 60 days before the election to receive the ballot by mail, facsimile transmission, or the Internet. A local board must provide a ballot to a voter who qualifies to vote by absentee ballot and makes a request less than 60 days before an election (1) as soon as practicable after receipt of the request or (2) immediately for an in-person transaction with a voter or the voter's duly authorized agent.

In-person Voting

Each county is required to offer a certain number of early voting centers, determined by the number of registered voters in the county, to allow a voter to vote in-person before Election Day. Early voting centers are open, in a regular primary or general election, from the second Thursday before the election through the Thursday before the election during the hours between 7:00 a.m. and 8:00 p.m. each early voting day. An individual may register (if not already registered) and vote at any early voting center within their county of residence.

Individuals who choose to vote in person on Election Day may register (if not already registered) and vote at their assigned polling place (the polling place for the precinct in which they reside). A polling place is open from 7:00 a.m. to 8:00 p.m.

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 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 Fiscal Effect: General fund expenditures are expected to increase beginning in fiscal 2027 or 2028 to implement the bill; however, the extent of the increase cannot be reliably estimated at this time, primarily because information is not readily available to determine the potential cost of a telephone voting system that meets the bill's requirements. The amount of time needed to procure and implement a system is also uncertain; however, this analysis assumes implementation of the bill, and incurring of costs, begins in fiscal 2027 or 2028. The required voter education campaign is expected to cost \$150,000 per election, decreasing to \$50,000 per election in subsequent election cycles. The notices required by the bill to be sent to voters on the telephone voting system list are expected to cost \$1.10 per voter.

Local Fiscal Effect: Local government expenditures increase, collectively, by at least \$400,000 in fiscal 2027 or 2028, for one-time development costs billed to the local boards of elections by SBE, in accordance with the State's current cost-sharing structure with the local boards, for modifications in the statewide voter registration system. This estimate reflects SBE's initial assessment of the costs required to develop a new module to accommodate telephone voting, comparable to the existing modules currently in place for provisional voting and mail-in voting.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1027 (Delegate Terrasa, *et al.*) - Government, Labor, and Elections.

Information Source(s): Maryland State Board of Elections; Department of Legislative Services

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