

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 236 (Senator Kagan)

Education, Energy, and the Environment

Election Law - Certification of Election-Supporting Technology - Regulations, Review, and Evaluation

This bill requires the State Board of Elections (SBE) to (1) adopt regulations by December 1, 2026, for the review, certification, and decertification of “election-supporting technology” and relating to requirements for election-supporting technology and (2) by January 1 each year, beginning in 2027, review and evaluate election-supporting technology. “Election-supporting technology” is defined as any equipment or technology that is (1) compatible with 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 and (2) designed for use in the administration of elections, including electronic pollbooks, risk-limiting audit tools, and any software used for preparing, presenting, or reporting the results produced by a voting system. “Election-supporting technology” does not include a voting system. **The bill takes effect June 1, 2026.**

Fiscal Summary

State Effect: General fund expenditures increase by \$506,300 in FY 2027, and by lesser, ongoing amounts in future years. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	506,300	95,400	99,900	104,400	109,000
Net Effect	(\$506,300)	(\$95,400)	(\$99,900)	(\$104,400)	(\$109,000)

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

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: 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.

State Expenditures: General fund expenditures increase by \$506,279 in fiscal 2027, which accounts for a 30-day start-up delay from the bill's June 1, 2026, effective date. This estimate reflects the costs for SBE to hire:

- consultants in fiscal 2027 only, to assist SBE in the development and adoption of expedited regulations (by December 1, 2026) and the review and evaluation of election-supporting technology (by January 1, 2027); and
- one permanent technology writer and reviewer to (1) work with the consultants as they establish regulatory and review frameworks and (2) prepare SBE to assume full responsibility for the annual review and evaluation of election-supporting technology.

The estimate includes a salary, fringe benefits, consultant costs, other one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$96,444
Consultants	400,000
Operating Expenses	<u>9,835</u>
Total FY 2027 State Expenditures	\$506,279

Future year expenditures reflect a salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

SBE advises that the bill covers a broad array of complex systems, which include pollbooks, risk-limiting audit software, and voter services interfaces. SBE notes that because there are no existing certification standards from any other national or state body to serve as a model for most of these systems, the regulatory frameworks must be developed

from scratch. SBE further indicates that executing the requirements of the bill alongside administering the 2026 elections requires significant contractual support, from experts with technical and legal skills.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see SB 383 and HB 215 of 2025.

Designated Cross File: HB 1010 (Delegate Fair) - Government, Labor, and Elections.

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

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