

March 3, 2021

**Testimony on SB 831
Election Reform Act of 2021
Education, Health, and Environmental Affairs**

Position: Favorable

Common Cause Maryland opposes SB 831, which provide a set of reforms aims at strengthening our elections and greater access to information regarding our elections. We take no position on the debate requirement and electronic ballot delivery method sections of this bill.

Circuit Court Judges – Nonpartisan Elections

Partisan politics have no place in judicial elections. We believe that judges are to be true to the law, but partisan elections get in the way of their being able to do that. Partisan elections open to the door to special interests to spend money influencing their elections and, once elected, the courts. This leads to judicial candidates who are on one side of an interest group or another which can continue through their time on the bench, especially when preparing for reelection.

Much of the respect and trust for the judicial system stems from the view that judges are independent. Partisan elections fail to accomplish that. Nominations become dependent on being sponsored by a political party which opens the door to criteria for the selection of judges other than their ability to neutrally apply the law. SB 831 would move towards an impartial judicial system that citizens can trust where citizens can trust, without regard to political party affiliation.

Ballot Drop Boxes

Drop boxes give voters a safe, secure method to return a vote-by-mail ballot that is controlled and operated by the local boards of election, without requiring voters to visit an in-person site or use of mail. SB 831 aims to make drop boxes a permanent staple in our elections. Similar to the previous election cycle, video surveillance or in-person security would be required. Election officials would also be required to collect ballots regularly.

SB 831 also goes to a step further to ensure voters who are in line to drop off a mail-in ballot using a secure drop box are still able to submit their ballot. During the 2020 primary, our nonpartisan election protection volunteers witnessed well over a hundred voters at multiple vote centers being turned away even when in line. At some location, there was no clear line as voters were just gathered near the box waiting to submit their ballot. In all of these instances, security locked the boxes right at 8pm and turned voters away. SB 831 would ensure they can still have their voice heard in our elections, similar to those in line to vote in-person.

Open Meetings

For too many citizens, the work done by local boards of elections is a distant and often undecipherable series of activities. Many Marylanders are unable to go to meeting locations in person but have a strongly vested interest in the policies and decisions being made by these agencies. For those who can attend meetings, they are often don't have access to meeting agendas and at times travel only to be met with closed sessions. SB 831 aims to utilize technology that makes information in all its forms readily available.

Streaming video and online access to meeting materials are easy and efficient ways to enhance Marylanders' access to agencies throughout the State. The technology to live-stream is inexpensive, widespread, and allows all Marylanders to participate. Archiving the streams and meeting materials ensure those who are unable to watch the live stream have access to the footage. SB 831 would ensure access and transparency to local boards of elections, ensuring Marylanders are able to have access to meetings where decision made will impact our future elections.

Unaffiliated Voters

Currently, registered unaffiliated voters who would like to register under a recognized political party to participate in Maryland's closed primary process must do so 21 days before the election. However, unregistered voters may show up in the week before the election, register, and choose a party affiliation. The disparity created by the deadline for unaffiliated voters is arbitrary, confusing, and an unnecessary burden.

Over 766,000 voters in Maryland are currently registered as unaffiliated. Most of those voters register as unaffiliated to express their disapproval of the party that they feel should represent them, but few are aware that such a registration could affect their ability to participate in Maryland's primaries. SB 831 would allow for more voters to have a more meaningful impact on the democratic process in a way that would not materially impact the state's current preference for closed primaries.

Plain Language Requirements & Ballot Layout

The language used in ballot questions and, at time, petitions, still favor the college-educated who represent a minority of the U.S. population. According to the Census Bureau, only 31 percent of people 25 or older have a bachelor's degree or higher education level. Specifically, in Maryland only 47% of people are college educated. Meaning that at least 53% of people are in jeopardy of not being able to understand what is written in a ballot question. This leads to voters being unsure of how they voted on a question or skipping the questions completely because they are just not sure what they are being asked. It is important that voters are conscious of the decisions they are making. It is also important that voters don't feel left out of policymaking by intimidating ballot language.

SB 831 acknowledges the realities of the educational make up of our state and country. Measures should be taken to make voting on ballot measures and participating in the petition process more equitable for everyone. Requiring these materials be written at a 6th grade level of reading comprehension will inevitably lead to less confusion for voters during elections.

SB 831 also ensures voters a voter can view a candidate for a single office on the same page and screen. Also, that voters using an electronic voting device can hear all candidates names before selecting their choice(s) – creating a more fair election process for those running for office.

Mail-in Voting Materials

While we agree that we should be exploring ways to ensure ballot privacy for voter choosing to vote by mail, we should be taking a look at our materials overall. As we saw during the 2020 election, the use of multiple envelopes can cause confusion even though it is a provision available to address voter privacy – separating identity from the vote.

The Center for Civic Design has also proposed improved envelope designs, those designs that have been shared with the State Board of Elections. The proposed designs address privacy – ultimately eliminating the need for use of multiple envelopes – but also ensure these materials are easily identifiable to voters when arriving by mail. The proposed designs also improve instructions provided on these materials, making them more clear and easier to understand. We encourage the committee to look at ways to improve the overall design, privacy, and instructions included with mail-in voting ballots and materials.

Early Voting Locations

Early voting was established to drive participation and make voting more convenient. While the program has been a success and has seen a surge in the number of Marylanders voting early, we are leaving those with tight work schedules and family obligations behind. SB 831 would provide individuals easy access to early voting sites, eliminating the barriers of time and distance for travel for many voters.

Currently, early voting centers open at 8am during presidential general elections, but only open at 10am during gubernatorial general elections providing less time for voters to cast a ballot in races that are just as important. SB 831 would provide greater access to early voting by changing the opening time to 7am for all elections and shift our early voting calendar – providing access to voting during the peak of Get Out the Vote, weekend before Election Day, where many voters are activated.



SB 831 would also ensure most registered voters are located within at least 5 miles of a locations. Last session, we heard from voters in Montgomery County and Baltimore City who reported long commutes, especially for voter who rely on public transportation. The barrier has a disparate impact on the elderly, disabled folks, people of color, and the immigrant community. Ensuring these locations are closer to voters begin to address this inequity in our election process.

Preprocessing of Mail-In Ballots

Preprocessing covers an assortment of processes that occur before a mail-in ballot is ready for counting. This typically includes scanning ballots into the system and marking them as “received,” verifying or checking for the presence of a signature, identifying any errors with a ballot that can be “cured” by the voter, and removing ballots from their envelopes in preparation for counting.

As more Maryland voters begin to utilize the mail-in voting, allowing for the preprocessing of ballots will ensure elections officials are not overwhelmed with mail ballots after Election Day. The increase in time to process mail-in ballots also allows for results to be made available much sooner. SB provides a crucial first step to implementing other mail-in voting best practices being considered this session.

Curing

More than 38,000 mail-in ballots were rejected in the 2020 election cycle. While majority of these ballots were rejected during the primary and mostly due to late receipt, many of these ballots could have been accepted with a clear curing process in place.

When mail-in ballots are received in a timely manner or preprocessing of ballots allowed, election officials are able to check for the presence of a signature and identify any errors with a ballot that can be “cured” by a voter. This process provides for a window of time in which voters can correct their mistake for reasons varying from missing signatures to identification to ensure their vote still counts. Some local boards of election have put together an unofficial process to try and contact voters when there is an issue, but these efforts are not consistent and typically rely on election official’s willingness to contact voters as we saw during the 2020 election. SB 831 aims to establish an official process where voters are notified of a problem and provided with an opportunity to correct the problem. This process will ensure those who intend to vote are able to have their voices heard in that election.

We urge a favorable report.