

# **SB 747 - State Board of Elections – Membership, Co**

Uploaded by: Antoine, Joanne

Position: FAV

March 3, 2021

**Testimony on SB 747**  
**State Board of Elections –Ballot Drop Boxes**  
**Education, Health, and Environmental Affairs**

**Position: Favorable**

Common Cause Maryland supports SB 747 which would make secure ballot drop boxes available in our elections. We took no position on the other components of the bill.

Drop boxes give voters a safe, secure method to return a mail-in 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. According to the State Board of Elections 2020 election final reports, 13% of voters used a ballot drop box to return their ballots in primary. About 2/3 of voters, over 1 million voters, who received a mail-in ballot used a ballot drop box to return their voted ballots during the general. Once more drop boxes were made available, voters overwhelmingly opted to return their ballot using this method and many have expressed wanting to continue using this method of delivery in future elections.

SB 747 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 at least once a day that are managed with tight chain-of-custody controls.

**Suggested amendment:** During the 2020 general election, voters with disabilities reported not being able to access the drop boxes. We urge the committee to ensure the local boards of elections ensure accessibility when determining the placement of drop boxes. Also ensure they are ADA complaint.

SB 747 will help to address voter issues with mail and will ultimately save counties money as the use of pre-paid postage decreases. We urge a favorable report.

**SB0747-EHE\_MACo\_SUP.pdf**

Uploaded by: Kinnally, Kevin

Position: FAV



## **Senate Bill 747**

*State Board of Elections – Membership, Contract Management, Ballot Drop Boxes,  
and Voting System Financing*

MACo Position: **SUPPORT**

To: Education, Health, and Environmental  
Affairs Committee

Date: March 3, 2021

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** SB 747. This bill addresses a priority initiative of Maryland’s 24 county jurisdictions. It will clarify and update election laws with an emphasis on fairness, transparency, and accountability.

An essential function of Maryland’s county governments is to fund and oversee elections, which proved challenging amidst the pandemic. Current law fails to recognize modern trends in voter preference, capabilities of new technologies, and realities of administering elections in our local communities. Even once health concerns abate, the State’s odd, antiquated mix of laws and practices in governing elections deserves a much-needed reboot.

Too often, the State makes unilateral decisions that oblige county funds — with zero local input. Counties, who actually run elections, need to be at the table for major contracts and procurement decisions, as part of a true partnership with the State. As such, SB 747 requires the State Board of Elections (SBE) to take necessary and appropriate steps to provide transparency and accountability for these transactions, which will afford ample opportunity for input from local governments and Maryland voters.

Since 2001, the State has relied on uncodified language from one bill to govern the funding responsibility between the State and counties for voting machines and related systems. However, the statutory language is vague, and SBE often makes arbitrary decisions that shift administrative and cost burdens onto local Boards of Elections, whose operations are supported by county funding.

Without proper resources to offset substantial costs for election systems, equipment purchases/leases, equipment storage and transportation, staff compensation and training, and other overhead, these state-mandated expenditures represent significant unfunded mandates on county governments. By clarifying and codifying the 20-year precedent for the funding split, this bill delivers stability and predictability for State and local budgets.

SB 747 provides necessary and timely policy changes that balance the shared goals of providing fair, open, and transparent elections. Accordingly, MACo requests a **FAVORABLE** report on SB 747.

**SB0747\_State\_BOE\_MLC\_FAV.pdf**

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0747**  
**STATE BOARD OF ELECTIONS – MEMBERSHIP, CONTRACT MANAGEMENT,**  
**BALLOT DROP BOXES, AND VOTING SYSTEM FINANCING**

**Bill Sponsor:** Senator Kagan

**Committee:** Education, Health, and Environmental Affairs

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0747 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The State Board of Elections, like any successful organization, should have people who have a solid background in all of the functions required by the organization. This bill will expand the State Board of Elections by two members and ensure that those two members come from both small and large counties. However, it also requires that the members of the board have expertise in procurement, cyber security, advocating for persons with disabilities, and advancing diversity and inclusion. These are functions of the board that are key to its success and we applaud the stipulation that the board have this kind of experience.

The bill also requires that the board review and vote on any contract greater than \$500,000. This is an important requirement that ensures that purchases made by the board have the appropriate scrutiny.

**We would like to see the language changed so that it covers purchases that in aggregate exceed \$500,000.**

In terms of financing, the bill also specifies that the board, when communicating to the Board of Public Works, does not classify the funding as using 'special funds'. We like the transparency of knowing where, exactly, the funding will come from.

Finally, there is language in the bill that discusses drop boxes and the fact that only persons who are authorized by a local Board of Elections can remove the ballots from a drop box. We assume that this is codifying a practice that already exists. If it does not, it is critical to know that only authorized persons can remove ballots from a drop box. **We would like to see the language changed to specify a penalty for unauthorized removal of ballots.**

The Maryland Legislative Coalition supports this bill and recommends a **FAVORABLE WITH AMENDMENTS** report in committee.

# **SB 747 SBE-Membership, Contract Mgt, Ballot Drop B**

Uploaded by: Wilkins, Barbara

Position: INFO



# Maryland

DEPARTMENT OF BUDGET  
AND MANAGEMENT

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## **SENATE BILL 747 State Board of Elections – Membership, Contract Management, Ballot Drop Boxes, and Voting System Financing (Kagan)**

### **STATEMENT OF INFORMATION**

**DATE: March 3, 2021**

**COMMITTEE: Senate Education, Health & Environmental Affairs**

**SUMMARY OF BILL:** SB 747 alters the membership of the State Board of Elections and Board qualifications; requires the State Board to review and vote on each contract with a value of \$50,000 or more; requires the State Administrator of Elections to report contracts, contract renewals, and change orders to the State Board; and requires the State to assume 100% of specific costs that have historically been funded jointly (50-50) with the local jurisdictions or 100% by the local jurisdictions.

**EXPLANATION:** SB 747 results in a significant decrease in the amount that the local governments contribute to election costs and shifts costs for specified items to the State. The current 50-50 split of State-local costs for elections was enacted in Chapter 564 of 2001.

SB 747 would shift the following specific components to 100% State responsibility: (1) statewide voter education campaigns; (2) statewide database management; (3) member fees for national voter registration database services; and (4) software licensing fees. Currently most of these costs are shared equally between the State and local jurisdictions. The online suite of voter services, the voter registration software and systems are currently funded 100% by the local jurisdictions.

Currently costs for the electronic pollbooks, the post-election ballot tabulation audit, Agency Election Management System (AEMS), and inventory system are split 50-50 between the state (General Funds) and the local jurisdictions (Special Funds). Costs for these items would shift entirely to the State if this bill passes.

The largest cost to the State would be the funding of the databases and systems for voter registration and voter services. It is estimated that \$7.97 million would become a new responsibility for the State in FY 2022 if this bill is enacted. In addition, \$2.2 million for software licensing fees would become the State's responsibility in FY 2022.

**For additional information, contact Barbara Wilkins at  
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