



**Subject:** Favorable HB1038

**To:** House Ways and Means Committee

**From:** Members of the National Federation of the Blind of Maryland

**Contact:** Sharon Maneki, Director of Legislation and Advocacy  
National Federation of the Blind of Maryland  
9013 Nelson Way  
Columbia, MD 21045  
Phone: 410-715-9596  
Email: nfbmdsm@gmail.com

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The members of the National Federation of the Blind of Maryland urge the House Ways and Means Committee to vote in favor of HB1038, a bill concerning the State Board of Elections membership and voting system financing. This bill calls for the membership of the State Board of Elections to be increased from five to seven voting members, plus one non-voting member. We approve of the recommended changes in board representation, especially the recommendation that one member “shall have experience advocating for individuals with disabilities.”

According to Article 9-102, Election Law, of the Annotated Code of Maryland, “A voting system selected, certified, and implemented under this section shall: provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities.” The law recognizes the importance of providing persons with disabilities the same rights that non-disabled voters have. Therefore, the State Board of Elections should have at least one member who can speak to the rights of disabled voters. Unfortunately, from 2016 to the present, the policies of the State Board of Elections have ignored the law and instead have promoted segregated voting. The State Board of Elections has also ignored the 2013 opinion issued by the Attorney General. This opinion states that if the State Board of Elections chooses to certify an accessible ballot marking device that produces a ballot that is different in size and/or content from the hand-marked ballots, the State Board of

Elections “must establish randomized polling-place procedures to ensure that a significant number of non-disabled voters will use the accessible voting system to protect the secrecy of the ballots cast by voters with disabilities.”

Placing a knowledgeable advocate for persons with disabilities on the State Board of Elections will save the state money in the long run by avoiding lawsuits. Between 2015 and the present, the National Federation of the Blind has sued the State Board of Elections twice, once concerning accessible absentee ballots, and the current suit about segregated in-person voting. If a person with a disability had a direct voice on the board, these lawsuits may have been avoided.

Changing the size and composition of the State Board of Elections is reasonable because of the responsibility that the Board has for developing fair policies and procedures for elections. The State Board of Elections is directly responsible for protecting the democracy of the state. Please vote in favor of the expansion of the State Board of Elections so that the voting rights of all the citizens of Maryland, including the Blind and disabled, will be better protected.