



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 1038  
State Board of Elections – Membership, Contract Management, Ballot Drop  
Boxes, and Voting System Financing**

This legislation seeks to enhance the transparency and accountability of the State Board of Elections. This bill was developed in partnership with the Maryland Association of Counties and is one of their four legislative priorities for this session.

**Modifying the Membership of the State Board of Elections**

The State Board of Elections is charged under state law to “manage and supervise elections in the State.” In spite of the important role of the Board, state law does not require board members to have any qualifications besides being a registered voter in Maryland for the five prior years.

We need a State Board of Elections that has expertise in the issues that come before the board, including cybersecurity, procurement, diversity and inclusion, and advocacy for individuals with disabilities. With the proposed amendments, this legislation would require the Governor to consider a nominee’s expertise in these fields when making appointments to the Board.

This bill would also add two new board members, jointly chosen by the Senate President and Speaker of the House. One member would be from a county with fewer than 300,000 residents; the other would live in a jurisdiction with more than 300,000 residents. This would ensure that the views of both large and small jurisdictions are represented on the Board.

Additional expertise would be added by allowing the president of the Maryland Association of Election Officials to serve in a non-voting role on the Board.

**Ensuring Fiscal Responsibility**

Transparency is key to effective and trusted government. Significant state

procurements should be subject to public transparency and input by the Board. This bill would require the Board to vote on contracts and purchases exceeding \$50,000. Information about smaller contracts would have to be provided in written materials to the Board, but would not require formal approval.

Too often, board members have discovered that a significant contract had already been signed without their consideration or approval. For example, the state's previous ballot printing contractor, SeaChange, backed out and staff signed a contract with Taylor Corp without consulting or informing the Board beforehand.<sup>1</sup>

An additional concern is that the State Board of Elections categorizes purchases and contracts as being paid for with "special funds." Under this legislation, the Board would be required to make clear where the money is coming from, why the money is being spent, and how any state or federal funds will be distributed.

### **Clarifying Financial Obligations**

Maryland currently relies on uncodified language from 20 years ago to determine how much counties must pay towards election costs. This leaves local boards of election without protection against unfunded mandates from the state. This bill would create guardrails by defining the financial responsibilities of the state and the 24 local jurisdictions so that they have a reasonable expectation for the costs they must bear.

### **Prohibiting Fake Ballot Drop Boxes**

State law is currently silent regarding ballot drop boxes. This legislation clarifies that only drop boxes authorized by the state or local boards of elections can be used in an election and codifies the existing practice of having a bipartisan team collect the ballots.

### **Enhancing our Voter Registration Lists**

To strengthen the integrity of our voting databases, local boards would be required to update voter registration lists at least four times a year using data provided by the state. This codifies the current practice in Maryland.

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<sup>1</sup> "Maryland ballot vendor abruptly quits as printing was to get underway; state signs deal with new firm". Baltimore Sun.  
<https://www.baltimoresun.com/politics/bs-md-pol-maryland-ballot-contract-20200911-4kqskyykyrfgnpfrde6txiicxa-story.html>