



House Bill 35

State Board of Elections - Contracts and Invoices - Requirements

MACo Position: **SUPPORT**

To: Ways and Means Committee

Date: February 1, 2022

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** HB 35. This bill addresses a priority initiative of Maryland's 24 county jurisdictions. It clarifies and updates 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 is especially challenging amidst a public health crisis. 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. HB 35 requires the State Board of Elections (SBE) to take necessary and appropriate steps to provide transparency and accountability for major contracts and procurement decisions, 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.

These state-mandated expenditures represent significant unfunded mandates on county governments – competing for limited local funds against education, health, public safety, roadway maintenance, and other essential public services. By clarifying and codifying the 20-year precedent and properly defining the equipment and systems subject to a 50/50 cost split, this bill delivers stability and predictability for state and local budgets.

HB 35 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 HB 35.