



Get Money Out – Maryland

Baltimore County Progressive Democrats Club

Baltimore Nonviolence Center

Be the Change Bmore

Caucus of African American Leaders of Anne Arundel

Chesapeake Climate Action Network

Common Cause Maryland

Don't Shop on Tuesdays

Do the Most Good

Indivisible Central Maryland

Indivisible Howard County

Indivisible Montgomery

Indivisible Worcester

J Walkers Action Group

League of Women Voters of Baltimore City

Maryland Peace Action

Maryland United for Peace and Justice

Matthew Henson Community Development Center

National Association of Social Workers - Maryland

Our Revolution Maryland

Progressive Maryland

Randallstown Branch NAACP

Represent Maryland

St. Ignatius Justice & Peace Committee

Southwest Baltimore County Democratic Club

WISE –Women Indivisible Strong Effective

February 24, 2023

Support with Amendment: SB 864 – Election Reform Act of 2023

Charlie Cooper, Convener

For the People – Maryland is a coalition of nonprofit advocacy and community organizations that stands for political equality. Every citizen should have equal access to the ballot as a voter or as a candidate. District lines should be fair to every voter, regardless of race, ethnicity, or party affiliation. The corruption of big money in politics must be eliminated, and the disproportionate influence of concentrated wealth reduced.

We enthusiastically support SB 864, the Election Reform Act of 2023, which protects against a number of risks to the integrity of our elections that have become more prominent in recent years.

We support nonpartisan election of judges because we believe that party labels do not help voters assess whether a candidate has the experience, sense of equity, and temperament to judge fairly among all parties before the court.

Setting standards for contractors who mail absentee ballots seems wise in light of recent problems that have occurred in some jurisdictions. I personally did not receive a requested mail-in ballot in timely fashion in 2020.

We strongly support limiting the number of people who can request an absentee ballot by Internet to those who really need to do so such as overseas voters and disabled people. We are worried that nefarious organizations can amass email addresses and other identity data on large numbers of Maryland voters and spuriously request thousands of downloaded absentee ballots. Such a scheme could interfere with the rights of real Maryland voters who want to vote by whatever method since ballots would have previously been issued in their names.

We do, however, question whether the broad exception at page 15, lines 8-9 should be narrowed or stricken. How will boards of election determine whether a voter “would be unable to vote if the voter could not receive an absentee ballot electronically”? We are concerned that this language cancels the very risk that paragraph (2) of section 9-306 seeks to limit.

The provision preventing a stray mark from disqualifying a ballot is consistent with our driving principle of equality of access to the ballot. There are organized forces seeking to disenfranchise certain communities, and those forces may selectively try to disqualify ballots in those communities. We support the language in the bill to acknowledge and count the intent of the voter.

The right of the people to determine who is elected president must be protected. The carefully-constructed provisions in this bill to hold presidential electors to a pledge to vote for the candidate who nominated them will help to prevent the kind of election mischief that could potentially deny the rights of voters and throw the nation into chaos.

We support the language to require the State Board of Elections to develop strategies to inform voters about mail-in balloting. The states that have implemented more reliance on mail-in balloting seem to have higher participation rates and lower costs. Similarly, we support a required study on the reasons that voters cast provisional ballots in an effort to reduce the confusion or misinformation that leads to that outcome.

We support the intent of provisions on foreign manufacture of system components and foreign ownership of businesses with contracts to provide election services; however, we worry about their efficacy. We wonder whether it is truly practicable to have systems manufactured in the U.S. The *New York Times*, quoting President Biden reports, “‘Today we barely produce 10 percent of the computer chips, despite being the leader in chip design and research,’ Mr. Biden said. ‘And we don’t have the ability to make the most advanced chips now — right now. But today, 75 percent of production takes place in East Asia.’” On the software side, how do we know whether code was written in the U.S. or by a subsidiary or contractor abroad?

Similarly, we worry about how to protect against firms being sold to foreign interests. On page 5, the definition of “foreign national,” does not include a U.S. corporation that is mostly owned by foreign individuals or persons. More importantly, with the current state of hyper-concentration of wealth across the globe and the rise of private equity ownership, any firm can be sold rather quickly and without advance notice. Even if the State Administrator becomes aware of a sale, how would she protect voters’ interests if the event occurs a few weeks before an election? Would it be feasible to cancel a contract as provided at the top of page 6?

We do not have easy answers to these questions, but we believe that the State might have an opportunity to protect itself by reducing its reliance on outside firms and bringing as much as possible of the software development and system operations inside State government. We therefore propose a study of the feasibility of reducing reliance on outside contractors. On page 18, line 34, would insert a new section 7 and renumber appropriately

SECTION 7. AND BE IT FURTHER ENACTED,

(A) THAT THE DEPARTMENT OF LEGISLATIVE SERVICES, IN CONSULTATION WITH THE STATE BOARD OF ELECTIONS AND THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL CONDUCT A STUDY OF THE FEASIBILITY OF PERFORMING ALL CRITICAL ELECTION INFRASTRUCTURE INFORMATION TECHNOLOGY SERVICES WITHIN STATE GOVERNMENT.

(B) THAT THE STUDY AND RECOMMENDATIONS SHALL BE PRESENTED TO THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE BY DECEMBER 31, 2023.

(C) THAT CRITICAL ELECTION INFRASTRUCTURE INFORMATION TECHNOLOGY SHALL COMPRISE ANY ELECTRONIC OR INFORMATION TECHNOLOGY SYSTEM, INCLUDING, AT A MINIMUM:

- (1) A VOTING SYSTEM;
- (2) AN ELECTION MANAGEMENT SYSTEM;
- (3) A VOTER REGISTRATION WEBSITE OR DATABASE;
- (4) AN ELECTRONIC POLLBOOK;
- (5) A SYSTEM FOR TABULATING OR REPORTING ELECTION RESULTS; AND
- (6) ANY OTHER INFORMATION SYSTEM THAT IS DETERMINED TO BE CENTRAL TO THE MANAGEMENT, SUPPORT OR ADMINISTRATION OF AN ELECTION.

(D) THE STUDY SHALL SEEK TO ANSWER AT LEAST THE FOLLOWING QUESTIONS:

(1) ARE THERE ANY DESIGNATED HIGH-SECURITY INFORMATION TECHNOLOGY SYSTEMS THAT ARE TOTALLY MANAGED AND MAINTAINED BY STATE-EMPLOYED PERMANENT PERSONNEL AND STATE-OWNED OR LEASED COMPUTERS, INCLUDING OFF-SITE BACKUP?

(2) DO OTHER DEPARTMENTS OF STATE GOVERNMENT, INCLUDING THE UNIVERSITY OF MARYLAND, HAVE SOFTWARE OR HARDWARE CAPACITY TO MANAGE A PROJECT WITH COMPARABLE COMPLEXITY TO CRITICAL ELECTION INFRASTRUCTURE, INCLUDING OFF-SITE BACKUP?

(3) IS THE STATE SALARY SCALE FOR INFORMATION TECHNOLOGY EMPLOYEES A BARRIER TO MANAGING CRITICAL ELECTION INFRASTRUCTURE WITHOUT THE USE OF OUTSIDE CONTRACTORS? IF SO, WHAT CREATIVE SOLUTIONS WOULD BE AVAILABLE TO ENABLE THE STATE TO HIRE THE NECESSARY PERMANENT EMPLOYEES?

(4) DOES THE STATE CURRENTLY HAVE ACCESS TO AND OWN THE SOFTWARE CODE THAT CONTRACTORS USE TO OPERATE CRITICAL ELECTION INFRASTRUCTURE?

(E) THE STUDY SHALL ISSUE A FINDING REGARDING THE FEASIBILITY OF MANAGING SOME OR ALL OF THE CRITICAL ELECTION INFORMATION TECHNOLOGY WITHIN STATE GOVERNMENT AND RECOMMEND A COURSE OF ACTION.