



**Maryland Developmental
Disabilities Council**

CREATING CHANGE • IMPROVING LIVES

**Senate Education, Energy, and the Environment Committee
SB 802: Election Law - Voters With Disabilities - Electronic Ballot Return
February 21, 2024
Position: Support, if amended**

The Maryland Developmental Disabilities Council (Council) is an independent, public policy organization that creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. Our vision is that people with and without disabilities in Maryland live, learn, work, and play together.

The Council supports SB 802 if amended. We understand the cross-filed bill (HB 775) sponsor has amendments to clarify that voters with disabilities can request electronic ballot return as a reasonable accommodation in the voting process. The amendments further clarify the electronic ballot return process includes receiving, completing, and saving a ballot electronically and then physically return the ballot saved on a flash drive (or other digital storage device) provided by the State Board of Elections.

WHAT does this legislation do?

- SB 802 requires the State Board of Elections to develop a process for people with disabilities to return a marked absentee ballot electronically to the local board of elections.
- This bill defines a person with disabilities as “individual with disabilities, as defined in the Americans with Disabilities Act” (page 2, lines 20-21). This means the electronic absentee ballot submission process would be for people with disabilities requesting it as an accommodation to support their participation in the election.

WHY is this legislation important?

- Voting is a fundamental right that Maryland’s citizens with developmental disabilities want and need to access.
- People with disabilities disproportionately experience barriers when voting¹. For example, voters with disabilities are more likely to report difficulties waiting in line and getting inside the polling place than those without disabilities.
- Researchers have found that with more accessible voting options available in the 2020 election, 62% of people with disabilities voted (a six-point increase over 2016)². Additional methods to increase accessibility may allow even more people with disabilities who vote.
- Twelve states already introduced electronic ballot return.

This is another important step to ensure people with developmental disabilities have the access and opportunity to exercise their fundamental right to vote. **For that reason, the Council supports SB 802.**

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¹ https://www.eac.gov/sites/default/files/2023-07/EAC_2023_Rutgers_Report_FINAL.pdf

² https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/FactSheet_Disability_Voter_Turnout_2020.pdf