

2024-02-21 SB417 (Support).pdf

Uploaded by: Adam Spangler

Position: FAV

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February 21, 2024

TO: The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 417 Election Administration – State Administrator, Local Boards, and Election Directors – **Support**

The Office of the Attorney General requests a favorable report on Senate Bill 417 - Election Administration – State Administrator, Local Boards, and Election Directors. Senate Bill 417 requires the State Board of Elections (SBE) to evaluate the performance of the State Administrator of Elections and requires the State Administrator to provide a performance evaluation of the election director of each local board of elections to the local board. SB 417 requires each local board to confer with the State Administrator in appointing an election director, maintain a warehouse, and provide for early voting center expenses.

In its October 2023 report, the Maryland Office of Legislative Auditors (OLA) found that “SBE could enhance its procedures to fully identify deceased or duplicate voters in the MDVOTERS [database] and ensure local boards of election (LBEs) corrected any errors found in the voter database which were identified during periodic reviews.” SB 417 holds the SBE accountable should errors be found in the data entry irrespective of whether it was the sole responsibility of a Local Board of Election.

SB 417 would allow the Administrator to detect issues through direct communications with the election director of each local elections board by using objective performance standards. Therefore, each LBE will have to meet the same standards without deviation from one LBE to another.

For the foregoing reasons the Office of the Attorney General requests a favorable report on Senate Bill 417.

cc: Senator Antonio Hayes
Ways & Means Committee Members

SB 417 Testimony.pdf

Uploaded by: Antonio Hayes

Position: FAV

ANTONIO HAYES
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Wednesday, February 21, 2024

Testimony in Support of Senate Bill 417: Election Administration- State Administrator, Local Boards, and Election Directors

Chairman Feldman and esteemed members of the Education, Energy, and the Environment Committee,

I am writing to express my strong support for Senate Bill 417, which aims to address a lack of oversight and regulation of the local elections. Aligned with this, the bill requires the State Board of Elections to evaluate the performance of the State Administrator of Elections. The bill also requires the State Administrator to provide a performance evaluation of each local board of elections to the local boards themselves. This includes any recommended disciplinary actions for failure to comply with state law, regulations, and policies.

Senate Bill 417 requires each local board to confer with the State Administrator in appointing an election director, maintaining office/warehouse spaces, and providing for early voting center access. The bill requires, and not simply authorizes, election directors to take these actions. Senate Bill 417 requires election directors to take certain actions related to voting system equipment and security and requires directors to perform duties as delegated by their local board.

Thank you for your attention to this critical matter, and I urge you to support the passage of Senate Bill 417.

Respectfully,

A handwritten signature in blue ink, appearing to read "Antonio L. Hayes".

Senator Antonio L. Hayes
40th Legislative District – MD

SB417_StateBoardofElections_Support_JaredDeMarinis

Uploaded by: Jared DeMarinis

Position: FAV



Maryland State Board of Elections

SB 417 – (Senator Hayes)

Election Administration – State Administrator, Local Boards, and Election Directors

The State Board of Elections would like to offer support for SB417 - Election Administration - State Administrator, Local Boards and Election Directors.

Purpose:

1. Requires the State Board of Elections to evaluate the performance of the State Administrator of Election.
2. Requires the State Administrator to provide a performance evaluation of the election director of each local board of elections to the local board, including any recommended disciplinary actions for failure to comply with State law, regulations, and policies.
3. Requires each local board to confer with the State Administrator in appointing an election director, maintain a warehouse, and provide for early voting center expenses.
4. Requires, rather than authorizes, election directors to take certain actions.
5. Requires election directors to take certain security and notification actions related to voting system equipment and its storage and to perform duties as delegated by the local board.

This bill brings greater accountability and transparency regarding the work performed by the State Administrator and Local Election Directors. This legislation highlights the importance of maintaining accountability and openness in following State laws, regulations and process to instill greater confidence and trust in electoral administration.

First, the proposed legislation would codify a provision in the bylaws of the State Board to regularly evaluate the performance of the State Administrator. Additionally, the proposed legislation requires a yearly performance evaluation for all local election directors by the State Administrator to present to the local board of elections.

Regular evaluations help to identify any areas of improvement, highlight successes and maintain a high level of accountability. The proposed legislation does not usurp or interfere in the powers of the local boards of elections of direct oversight but provides key and valuable input from the State Administrator on the execution of their duties in an objective manner from a subject matter expert. The proposed legislation fosters greater communication between the Local Board members and the State Administrator to ensure that election directors are meeting the requirements of State law and regulations. Moreover, the input from the State Administrator on the hiring criteria would be a valuable resource to the local board of elections.

Finally, this bill establishes a 24-hour notification requirement that would help ensure the State Administrator can maintain situational awareness of security concerns that may have statewide impacts. The bill highlights the critical nature of ensuring that the voting system and election items are adequately secured in election offices and warehouses. Elections are part of the Department of Homeland Security's Critical Infrastructure program, so these security notifications enhance the overall posture of Maryland Elections.

We encourage favorable passage of this legislation.

Contacts:

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Jennifer McLaughlin, Policy Analyst and Director of Mail-In Voting
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**JARED DeMARINIS, STATE ADMINISTRATOR
STATE BOARD OF ELECTIONS**

EEE 2/21/2024

SB 417 - Election Administration - State Administr

Uploaded by: Joanne Antoine

Position: FAV

February 21, 2024**Testimony on SB 417****Election Administration - State Administrator, Local Boards, and Election Directors Education, Energy, and the Environment****Position:** Favorable

Common Cause Maryland supports SB 417 which would require a yearly performance review of the state administrator and local boards of elections Directors. It would also improve current procedures and security protocols.

The State Administrator and local Election Directors play a vital role in our democracy – running free, fair, and accurate elections. They ensure to the best of their ability that every eligible citizen can vote and have their vote counted in each election and their performance should be regularly reviewed to ensure they are following the rule of the law.

Performance reviews provide an opportunity to identify areas of improvement and acknowledge the accomplishments. Regular performance reviews of Maryland election officials will ensure they have a working knowledge of all relevant state, federal, and local laws and that they carry out their duties. It ensures they fully understand changes that have been made to the law, especially at the local level, and that they are working as a nonpartisan resource to voters and lawmakers.

SB 417 would set the State Administrator and local Directors up for success while improving the security of the tools needed to run our elections. This legislation creates greater accountability and builds the public's confidence in our elections.

We urge a favorable report.

2024 SB0417 Testimony against 2024-02-21.pdf

Uploaded by: Alan Lang

Position: UNF

Testimony Against SB0417

Please vote against SB0417.

This bill appears to be just an update to the basic administration functions of the state and local boards of election. However, given the disagreements some local boards have been having with the State Board regarding compliance with Federal Laws such as the National Voter Registration Act of 1993 (NVRA), having the State Board Administrator review the local Director for compliance with State laws, regulations, and policies, it seems like the State Board is trying to squash any future dissent by the local Boards (See Section 2-103 (b)(5) on page 3, lines 20-23).

The State Board should be able to provide input to each local board's Director, but I believe the performance review of the local board director should be handled solely by the local board. The State Superintendent of Education does not do 24 performance reviews of the 24 local superintendents of education. The local school board does these reviews.

Also, there is no fiscal report showing how the recently appointed State Administrator is going to handle 24 new performance reviews in addition to his existing duties.

Despite the disclaimer in Section 2-202 (c) on page 5, lines 13-15, I believe requiring the local boards of election to confer with the State Administrator when appointing a local director is just another step in giving the state more power over the local boards (see section 2-202 (b)(3) on page 4, lines 15-16).

The only changes contained in this bill that seem acceptable to me are in section 2-206, items 10-13 on pages 6 and 7.

All the other changes take away the autonomy of the local boards of elections.

Please vote against bill HB0459, or only keep the proposed changes to section 2-206.

Alan Lang
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<https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>

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Position: UNF

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