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Education, Energy, and
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Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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The House Government, Labor, and Elections Committee
SB 443 – Local Boards of Elections – Board Counsel – Qualifications
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Wells, Vice Chair Kerr, and members of the newly distinguished House Government, Labor, and Elections Committee for this opportunity to present Senate Bill 443 – Local Boards of Elections – Board Counsel – Qualifications and ask for a favorable report. This legislation unanimously passed the Maryland Senate and its crossfile, House Bill 621, passed this Committee by a 16-1 vote and the House floor by a 109-20 vote. There are no amendments.

This emergency legislation would modify a provision that authorizes a local board of elections to appoint or retain an individual as counsel that is a registered voter of the State, rather than a registered voter of the local board's county.

Under current law, the counsel to a local board of elections must be able to practice law in the State of Maryland **and** must be a registered voter of the county they serve. This secondary restriction limits the eligible pool of qualified counsel that can be hired by a local board of elections, particularly in rural areas. By way of background, Caroline County has been unable to replace their retiring counsel with someone who is registered to vote in Caroline County, which is impeding their ability to properly prepare for and staff their elections.

The counsel to a local board of elections is the primary legal advisor who ensures that all actions and decisions taken by the board comply with state and local laws. For example, board counsel must be present during the canvassing of mail-in ballots when the board is deciding whether to accept or reject a vote, ballot, or application. These are essential positions to maintain the integrity of our elections.

The restriction that board counsel for a local board of elections must live in the county they serve has been in place since before Maryland adopted uniform election laws, which eliminated nuance in election law that may have required a local for counsel. In addition, the restriction is incongruent with modern realities, such as modern communication and information technologies, which allow for an attorney within Maryland, but not the specific jurisdiction, to effectively serve that jurisdiction.

SB 443 would enable each of our local boards of elections, especially our smallest jurisdictions, to quickly and efficiently hire counsel when necessary. This is a commonsense modernization of our standards for local boards of election counsel and is supported by the Maryland Association of Election Officials and the Caroline County Board of Elections. I thank you for your kind attention and consideration, and I respectfully request a favorable report on SB 443.