

HOUSE BILL 334

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3lr0541

By: **Montgomery County Delegation**

Introduced and read first time: January 25, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Voting Systems – Ranked Choice Voting and Inclusion of City of Takoma Park**
3 **Municipal Elections on the State Ballot**

4 **MC 7–23**

5 FOR the purpose of prohibiting the State Board of Elections from certifying a voting system
6 unless the State Board determines that the voting system will be capable of
7 tabulating ballots cast in an election conducted using ranked choice voting; requiring
8 the State Board to acquire additional voting machines and independent software to
9 tabulate ranked choice voting results if the City of Takoma Park’s municipal
10 elections are approved by the State Board to appear on the State ballot; providing
11 that the City of Takoma Park is not required to reimburse the State Board or the
12 Montgomery County Board of Elections for additional costs incurred under certain
13 provisions of this Act; and generally relating to voting system requirements and
14 inclusion of City of Takoma Park municipal elections on the State ballot.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 9–102(a) and (d)(1)
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Local Government
22 Section 4–108.3
23 Annotated Code of Maryland
24 (2013 Volume and 2022 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Election Law

9–102.

(a) (1) In this section[, a “voter–verifiable”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“RANKED CHOICE VOTING” MEANS A METHOD OF CASTING AND TABULATING VOTES IN WHICH VOTERS RANK CANDIDATES IN ORDER OF PREFERENCE AND VOTES ARE TABULATED IN A MANNER THAT REFLECTS VOTER PREFERENCE.**

(3) **“VOTER–VERIFIABLE** paper record” includes:

[(1)] (I) a paper ballot prepared by the voter for the purpose of being read by a precinct–based optical scanner;

[(2)] (II) a paper ballot prepared by the voter to be mailed to the applicable local board, whether mailed from a domestic or an overseas location; and

[(3)] (III) a paper ballot created through the use of a ballot marking device.

(d) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates;

(vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; [and]

(vii) provide a voter–verifiable paper record that:

1. is an individual document that is physically separated from any other similar document and not part of a continuous roll;

2. is sufficiently durable to withstand repeated handling for

the purposes of mandatory random audits and recounts; and

3. uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time; AND

(VIII) BE CAPABLE OF TABULATING BALLOTS CAST IN AN ELECTION CONDUCTED USING RANKED CHOICE VOTING WITHOUT THE NECESSITY OF MODIFYING OR UPGRADING THE VOTING SYSTEM TO ACHIEVE THAT CAPABILITY;

Article – Local Government

4–108.3.

(a) (1) In this section the following words have the meanings indicated.

(2) “Ballot” means a ballot prepared by the State Board of Elections under Title 9 of the Election Law Article.

(3) **“RANKED CHOICE VOTING” MEANS A METHOD OF CASTING AND TABULATING VOTES IN WHICH VOTERS RANK CANDIDATES IN ORDER OF PREFERENCE AND VOTES ARE TABULATED IN A MANNER THAT REFLECTS VOTER PREFERENCE.**

(4) “State Board” means the State Board of Elections.

(5) **“VOTING MACHINE” MEANS A BALLOT SCANNER OR BALLOT MARKING DEVICE.**

(b) A municipality may request that the State Board include on a ballot the offices and questions to be voted on in a municipal election.

(c) (1) A municipality that makes a request under this section shall:

(i) file the request with the State Board on or before the day that is 18 months before the deadline date applicable for individuals who are required to file a certificate of candidacy as required under § 5–303 of the Election Law Article; and

(ii) certify as part of the request that the charter of the municipality requires, and the municipality has established, deadlines and procedures for the administration of municipal elections for the municipality that are consistent with the deadlines and procedures for State and county elections established by the State Board with regard to:

1. the filing of certificates of candidacy;

2. the filling of a vacancy in office;

1 3. the filing of a petition; and

2 4. the certification of a ballot question.

3 (2) (i) Except as provided in subparagraph (ii) of this paragraph, if the
4 State Board previously included a municipal election on the ballot, that municipality's
5 elections may continue to appear on the ballot without the municipality filing an additional
6 request under this section.

7 (ii) A municipality shall file a request under this section if, since the
8 municipality's election last appeared on the ballot, there has been a significant change in
9 the method the municipality uses to conduct its elections.

10 (3) Within 30 days after receipt of a municipality's request under this
11 section, the State Board, after consultation with the local board in the county where the
12 municipality is located, shall notify the municipality of its decision whether to include the
13 municipal election on the ballot.

14 (d) If the State Board approves a municipality's request under this section, the
15 State Board shall:

16 (1) include the offices and questions at the end of the ballot; and

17 (2) arrange the offices and questions in a similar order as other offices and
18 questions are arranged on the ballot.

19 (e) **[A] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A**
20 municipality shall reimburse the State Board and the applicable local board for any
21 additional costs incurred by the State Board or local board on account of including the
22 offices and questions to be voted on in a municipal election on the ballot.

23 **(F) (1) THIS SUBSECTION APPLIES ONLY IF THE CITY OF TAKOMA PARK**
24 **USES RANKED CHOICE VOTING TO CONDUCT THE CITY'S MUNICIPAL ELECTIONS.**

25 **(2) IF THE CITY OF TAKOMA PARK MAKES A REQUEST UNDER THIS**
26 **SECTION AND THE REQUEST IS APPROVED BY THE STATE BOARD, THE STATE**
27 **BOARD SHALL ACQUIRE:**

28 **(I) ADDITIONAL VOTING MACHINES FOR THE MONTGOMERY**
29 **COUNTY BOARD OF ELECTIONS TO DEPLOY IN THE CITY OF TAKOMA PARK TO**
30 **MITIGATE ADDITIONAL TIME ADDED TO THE VOTING PROCESS BY RANKED CHOICE**
31 **VOTING; AND**

32 **(II) INDEPENDENT SOFTWARE TO TABULATE RANKED CHOICE**
33 **VOTING RESULTS FOR THE CITY OF TAKOMA PARK'S MUNICIPAL ELECTIONS.**

1 **(3) THE CITY OF TAKOMA PARK IS NOT REQUIRED TO REIMBURSE**
2 **THE STATE BOARD OR THE MONTGOMERY COUNTY BOARD OF ELECTIONS FOR**
3 **ADDITIONAL COSTS INCURRED BY THE STATE BOARD OR THE MONTGOMERY**
4 **COUNTY BOARD OF ELECTIONS UNDER THIS SUBSECTION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That the term “ranked choice
6 voting” as used in this Act shall be construed to include any ranked choice voting method
7 used to conduct municipal elections in the City of Takoma Park.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2023.