

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.



1 **Article – Election Law**

2 9–102.

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

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

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

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

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

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

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

17 (1) the voting system will:

18 (i) protect the secrecy of the ballot;

19 (ii) protect the security of the voting process;

20 (iii) count and record all votes accurately;

21 (iv) accommodate any ballot used under this article;

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

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

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

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

28 2. is sufficiently durable to withstand repeated handling for

1 the purposes of mandatory random audits and recounts; and

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

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

7 **Article – Local Government**

8 4–108.3.

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

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

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

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

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

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

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

22 (i) file the request with the State Board on or before the day that is
23 18 months before the deadline date applicable for individuals who are required to file a
24 certificate of candidacy as required under § 5–303 of the Election Law Article; and

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

30 1. the filing of certificates of candidacy;

31 2. the filling of a vacancy in office;

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.