

Tuskegee Airmen Commemoration Day

The Tuskegee Airmen were a group of African American military pilots who served the United States with distinction during World War II and overcame a history of segregation and social barriers to serve their country. The first aviation cadets of the Tuskegee Airmen completed pilot training and received their wings during the month of March. *Senate Bill 5/House Bill 479 (Chs. 67 and 68)* require the Governor to annually proclaim the fourth Thursday in March as Tuskegee Airmen Commemoration Day. The proclamation must urge educational and cultural organizations to observe Tuskegee Airmen Commemoration Day through appropriate and informative programs and activities.

Elections

Ballot Processing and Reporting Procedures

Due to concerns about the safety of in-person voting during the coronavirus pandemic, the number of voters casting absentee ballots in the 2020 elections greatly increased compared to previous elections. The number of voters casting ballots by mail in future elections is expected to remain higher than in elections before 2020, due in part to various measures taken by the General Assembly and election officials in recent years to make absentee voting more accessible and convenient. *Senate Bill 163/House Bill 862 (both passed)* facilitate more timely processing of absentee ballots by authorizing local boards of elections to accept, reject, open, or process an absentee ballot starting on the day that is eight business days before the first day of early voting. Current law prohibits a local board from opening any envelope of an absentee ballot before the Wednesday following Election Day. A local board may not, however, tabulate absentee ballot vote totals before the polls close on Election Day, except in the 2022 statewide primary election.

The bills also require a local board to review the envelope of an absentee ballot for the omission of the voter's signature on the oath promptly after receipt of the ballot. A ballot that is not accompanied by a signed oath may not be counted. The State Board of Elections (SBE) must adopt regulations requiring a local board to notify a voter who failed to sign the oath as soon as practicable but not later than three business days after the failure was determined and provide the voter an opportunity to provide a signature and have the ballot counted. The regulations must allow a voter to supply a signature to the local board through a digital picture message sent by email, or beginning June 1, 2023, mobile telephone. A voter may choose to communicate with the local board to correct a failure to sign the oath through email, a mailed form, an in-person visit to the local board office, or, beginning June 1, 2023, text message and an accessible online portal.

The bills also alter canvassing procedures when more than one ballot, in separate envelopes, is received from the same individual for the same election by requiring the local board to count the first ballot from an individual that is determined to be legally sufficient and reject any other ballot. Finally, the bills require that a report of election results produced by SBE include the early, absentee, and provisional vote broken down by precinct. The bills also repeal requirements

that a statement of election results produced by each local board of canvassers include precinct-level results and that the statement be provided on paper.

Voting Systems Costs and Polling Places

Chapter 564 of 2001 requires that (1) each county pay for its share of 50% of the State's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees and (2) a county's share of the cost of acquiring and operating the uniform statewide voting systems be based on the county's voting age population. *Senate Bill 158 (Ch. 35)* codifies this requirement and establishes the intent of the General Assembly that the Act makes no substantive change to the cost-sharing requirements for the uniform statewide voting systems between the State and county governments as enacted by Chapter 564 of 2001. The Act also requires that in the 2022 statewide primary and general elections, in-person voting on Election Day be conducted at a total number of precinct polling places that is at least equal to the total number of precinct polling places that were open for in-person voting on Election Day in the 2018 statewide general election. The total number of precinct polling places required to be open for voting in the 2022 elections may not be reduced (1) by a local board or SBE, under specified statutory authority governing the establishment and alteration of precincts and polling place locations; (2) by a circuit court or any other court, under specified statutory authority for SBE or a local board to petition a circuit court to take specified action in emergency circumstances; or (3) with the exception of emergency authority of the Governor, by a person acting under authority of any other provision of law. The bill does not limit the authority of the Governor to specify alternate voting locations during a declared state of emergency.

With certain exceptions, statute prohibits an election from being held in any building or part of any building used or occupied by an establishment that holds an alcoholic beverages license. *Senate Bill 907/House Bill 328 (both passed)* repeal this prohibition and instead require SBE to adopt regulations governing the use of a building or part of a building that is owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license as a polling place. The regulations must require a local board to prioritize the placement of polling locations in buildings that are not owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license. SBE is required to adopt the regulations by August 31, 2022, and the statutory changes take effect contingent on the adoption of the regulations. If the State Board does not adopt the regulations by August 31, 2022, the changes will not take effect.

Contested Elections

Senate Bill 101/House Bill 291 (both passed) alter various requirements relating to the conduct and financing of an election contest, including a recount or a judicial challenge. The bills require a county, rather than the candidate who petitioned for the recount, to pay the costs of a recount when the margin of difference between the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.25% or less of

the total votes cast for those candidates. For ballot questions, the county must pay for a recount, rather than the registered voter who petitioned for the recount, when the margin of difference between the number of votes cast for and the number cast against the ballot question is 0.25% or less. Under current law, for both candidate elections and ballot questions, a county must pay for a recount when the margin of difference is 0.1% or less. The bills also prohibit a recount when the margin of difference is greater than 5%.

The bills authorize a campaign finance entity to accept contributions and make expenditures to pay for a recount or judicial challenge to an election. The bills also repeal a provision providing that limits on contributions and transfers to campaign finance entities do not affect the right of an individual to pay reasonable legal expenses associated with maintaining or contesting the results of an election. The bills require a person who accepts public campaign financing to establish a separate contested election committee to pay costs associated with contesting an election. Additionally, the bills establish various requirements for a contested election committee, including the organization of the committee, limits on donations, reporting requirements, late filing fees and other sanctions for a failure to file a report, and return of unspent funds. Finally, the bills authorize a county to provide public financing to a contested election committee as part of any public financing system the county chooses to establish for offices in the Executive or Legislative branches of county government.

Campaign Finance

Senate Bill 15 (passed) makes various changes to enhance enforcement of campaign finance law. The bill extends the statute of limitations, from three years to four years, for a misdemeanor offense under State election law and for a civil fine for an unknowing violation of campaign finance laws and certain other State election laws. The bill also establishes a four-year statute of limitations for certain civil fines for violations of campaign finance laws and laws governing disclosure of campaign contributions by persons doing public business.

The bill increases the maximum civil penalty SBE may impose on a campaign finance entity for specified violations from \$500 for each violation to \$1,000 for each violation.

The bill prohibits an individual with an unpaid civil penalty from (1) becoming a candidate or becoming a treasurer for a campaign finance entity; (2) being issued a certificate of nomination; or (3) being deemed to be elected to office, taking the oath or otherwise assuming the duties of the office, or receiving any salary or compensation for the office. In addition, an official may not issue a commission or administer an oath of office to an individual who has an unpaid civil penalty.

The bill increases fees and penalties for failure to comply with Title 14 of the Election Law Article, which requires reporting of contributions by persons doing public business. The bill expands existing authority to impose late filing fees on persons doing public business if they fail to file required statements of campaign contributions with SBE. The bill establishes a civil penalty of up to \$5,000 for unknowing violations of the law and specifies procedures for the State Prosecutor to impose the penalty. The bill separately authorizes SBE to impose a civil penalty of

up to \$1,000 for certain violations. The bill also increases the maximum monetary criminal penalty for violations from \$1,000 to \$25,000 and establishes several new criminal offenses related to these provisions.

Under the Public Ethics Law, a person who, within a specified six-month reporting period, spends at least \$500 to provide compensation to one or more regulated lobbyists and contributes \$500 or more to specified State elected officials or candidates for those offices must file statements with SBE regarding the contributions. The bill alters this provision to require any person who spends at least \$500 during a specified six-month reporting period to provide compensation to one or more regulated lobbyists to file reports, regardless of whether the person made contributions of \$500 or more. The bill requires a person required to file a statement to maintain certain records. The bill increases the maximum monetary criminal penalty applicable to violations of these provisions from \$1,000 to \$25,000 and authorizes SBE to impose a civil penalty of up to \$1,000 for certain violations. The bill also establishes several new criminal offenses related to these provisions.

House Bill 17 (Ch. 109) requires a person who solicits a recurring contribution for a political committee, or a recurring donation for an independent expenditure or electioneering communication, to receive the affirmative consent of the contributor or donor for the recurring contribution or donation. The passive action of a contributor or donor, including failing to uncheck a prechecked box authorizing a recurring contribution or donation, does not meet the requirement for affirmative consent under the Act. A person who obtains affirmative consent for a recurring contribution or donation must provide a receipt with each recurring contribution or donation that discloses certain information, including how to cancel the recurring contribution or donation. A person who obtains a contribution or donation in violation of the Act must immediately return the contribution or donation to the contributor or donor. SBE may impose a civil penalty for each violation of the Act. The Act takes effect January 1, 2023.

Senate Bill 239 (passed) prohibits a person from using any contributor information from any report or statement required under State campaign finance law for purposes of commercial solicitation. The bill also prohibits a person from publishing contributor information in newspapers, magazines, books, websites, or other similar media for the purpose of facilitating commercial solicitation.

Political Parties

Senate Bill 500 (passed) alters the number of members of the Anne Arundel County Republican Party Central Committee elected from each county council district from three to two.

Redistricting

Congressional district boundaries must be redrawn every 10 years following the decennial census to adjust for population changes. Congressional districts must comply with the U.S. Constitution and the federal Voting Rights Act of 1965. The U.S. Census Bureau has

apportioned eight congressional seats to Maryland in accordance with 2020 census figures. Based on adjusted Maryland population counts used for redistricting, the ideal population for each congressional district in the State is 771,925.

In July 2021, the Presiding Officers of the General Assembly appointed the Legislative Redistricting Advisory Commission to conduct virtual and in-person town hall meetings across the State and to prepare congressional and State legislative district plans for consideration by the General Assembly. Chapter 32 of the 2021 special session established new boundaries for the State’s congressional districts and was based on the work of the commission.

In 2022, the Circuit Court for Anne Arundel County considered two consolidated cases (*Szeliga et. al v. Lamone et. al* and *Parrott et. al v. Lamone et. al*) challenging the 2021 congressional districting plan. On March 25, 2022, the circuit court entered a declaratory judgment ruling that the 2021 congressional districting plan violates the Maryland Constitution and Declaration of Rights and issued a permanent injunction enjoining the State from using, applying, administering, enforcing, or implementing the 2021 plan in any future election in Maryland, including the 2022 primary and general elections. While the Maryland Constitution does not explicitly address congressional districting, the circuit court held that Article III, Section 4 of the Maryland Constitution, which establishes standards for legislative districts in the State, applies to congressional districting. Article III, Section 4 of the Maryland Constitution requires each legislative district to consist of adjoining territory, be compact in form, and be of substantially equal population, and further requires that due regard be given to natural boundaries and the boundaries of political subdivisions.

The circuit court remanded the plan to the General Assembly to develop a new plan that comports with Article III, Section 4 of the Maryland Constitution and the Voting Rights Act by March 30, 2022. In response to this mandate, the General Assembly passed a new map in *Senate Bill 1012 (Ch. 16)*, which the Governor signed into law on April 4, 2022. The State subsequently dropped its appeal of the circuit court’s decision, which means that the new map will be used in 2022 and subsequent elections.

For information concerning State legislative redistricting, see the subpart “General Assembly” of this part of this *90 Day Report*.

Ethics

Fundraising by University of Maryland, Baltimore Campus Employees

The Maryland Public Ethics Law generally prohibits a public official or employee from soliciting any gift for themselves or others, including for charitable causes, or from intentionally using the prestige of office or public position for their private gain or that of another. *Senate Bill 589/House Bill 907 (both passed)* authorize, notwithstanding these restrictions, an employee of the University of Maryland, Baltimore Campus (UMB) to solicit gifts or proposals