

Department of Legislative Services

Maryland General Assembly

2004 Session

FISCAL AND POLICY NOTE

Senate Bill 55 (Chairman, Education, Health, and Environmental Affairs Committee)
(By Request – Departmental – Elections, State Board of)

Education, Health, and Environmental Affairs

Ways and Means

Election Law - Miscellaneous Technical and Clarifying Corrections

This departmental bill clarifies and makes technical changes to the Election Law Article to reflect current procedures, changes in federal law, and obsolete provisions regarding the use of certain voting equipment.

Fiscal Summary

State Effect: None. The bill is clarifying and technical in nature and would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: The State Board of Elections has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: This bill: (1) includes a provisional ballot within the definition of a ballot; (2) repeals a duplicative provision concerning the appeal process when a voter's absentee ballot is rejected; (3) removes a reference to the Federal Election Commission whose responsibility for prescribing a national voter registration application under the National Voter Registration Act of 1993 (NVRA) is transferred to the federal Election Assistance Commission pursuant to the federal Help America Vote Act of 2002 (HAVA); (4) removes the reference to an MVA transaction that is not an "in-person" transaction,

since this distinction is not included in NVRA; (5) removes references to punch-card ballots and mechanical lever voting machines which are no longer used in Maryland; (6) includes language accommodating the use of Direct Recording Electronic (DRE) voting systems; and (7) replaces the term “box” with “receptacle” to include the bag into which provisional ballots are deposited.

Current Law: Provisional ballots are issued to individuals whose voter registration information is not included in a precinct register and who complete a temporary certificate of registration. A rejected applicant for an absentee ballot may appeal the rejection to members of a local board. The federal HAVA transfers responsibility from the federal Election Commission to the federal Election Assistance Commission for prescribing the national voter registration application under the federal NVRA. Current State law requires the appropriate local election official to accept this form. The Election Law Article prohibits the use of mechanical lever voting machines by local jurisdictions.

Background: The federal HAVA establishes uniform election standards for every state. The federal NVRA is commonly known as the Motor Voter Act and prescribes certain limitations on the administration of voter registration lists in the states. All local jurisdictions except Baltimore City conduct elections using a uniform DRE voting system purchased in conjunction with the State Board of Elections. Baltimore City operates a separately purchased DRE system.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany County, Montgomery County, Prince George’s County, Maryland State Board of Elections, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2004
ncs/mdr

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