

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 746 (Delegate Bates)
Ways and Means

Election Law - One-Stop Absentee Ballot Voting Process

This bill establishes a one-stop absentee ballot voting process to begin any time between the third Thursday before an election and the Saturday immediately preceding a general or primary election.

Fiscal Summary

State Effect: The State Board of Elections (SBE) could approve local board plans for one-stop absentee voting with existing resources.

Local Effect: Substantial impact on local boards of election for maintaining early voting polling places. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill requires a local board to open its offices or other site approved by SBE, for one-stop, early absentee ballot voting from four to eight hours daily. Local boards are required to open for one-stop absentee voting on the Saturday immediately preceding an election from 9:00 a.m. to 1:00 p.m. A local board may extend these hours to 5:00 p.m., and with the approval of SBE, remain open past 5:00 p.m. during the evenings and weekends throughout the approximately 18-day period allotted for one-stop absentee voting.

SBE must adopt regulations and guidelines for the conduct of one-stop absentee ballot voting and specifically require that each ballot cast via one-stop absentee voting include a ballot number or other equivalent identifier that will allow the ballot to be retrieved after it is cast. Local boards of election must ensure that the voting system used for absentee voting is secured for conducting one-stop absentee ballot voting.

Voting Procedure

Generally, a voter must cast a ballot in the same manner as if the voting process was in a precinct on election day. A voter must provide his/her name and address to a member or employee of a local board and in a primary election, indicate party affiliation or the ballot of the party the voter wishes to vote if the voter is not affiliated with a political party but is permitted to vote in a party primary. If the voter's name is found on the voter registry, the local board member or employee must provide the voter with an application for an absentee ballot to be completed and signed in the presence of the member or employee. A voter may vote an absentee ballot if the local board member or employee determines the voter is qualified to vote an absentee ballot.

Voter applications and absentee ballots processed under the one-stop procedure must be kept separate from other absentee applications and ballots.

Additional One-stop Absentee Voting Sites

A local board, by unanimous vote and the approval of the State board, may provide for one or more sites for one-stop absentee voting. Each site must be staffed by a fully-trained member or employee of the local board, be large enough to accommodate a reasonable number of observers from political parties, include a private or curtained area for voter privacy, and at least one location must be proximate to the office of the local board.

State Board Plan for One-stop Absentee Ballot Voting

If a local board is unable to adopt a plan for one-stop absentee voting by unanimous vote, a member of a local board may submit an alternative plan to the State board for consideration. In adopting a plan, the State board must take into consideration the geographic, demographic, and partisan characteristics of the county.

Challenges

An authorized member or employee of a local board or a registered voter who resides in the same precinct as an absentee applicant may file a challenge against a voter applying

to vote by one-stop absentee ballot. The challenge must be made on a form prescribed by SBE and heard by the local board during the canvassing of provisional ballots. A challenged voter will be allowed to cast a provisional ballot.

Current Law: In general, a registered voter may vote by absentee ballot at an election if the voter:

- may be absent on election day from the county in which the voter is registered;
- because of accident, illness, or physical disability, will be unable to go to the polling place on election day;
- because of confinement in or restriction to an institution, will be prevented from going to the polling place on election day;
- because of a death or serious illness in the voter's immediate family, will be unable to go to the polling place on election day;
- is a full-time student at an institution of higher education located outside the voter's precinct but within the county of registration and academic requirements prevent the voter from going to the polling place on election day; or
- because of employment by or service as an official of SBE or a local board, is required to be absent from the precinct in which the voter is registered to vote on election day.

SBE is required by State law to select and certify a voting system for absentee voting. Optical scan voting units are currently used for absentee voting in the State. These systems consist of a specially marked ballot and an electronic unit which reads and stores ballots.

Background: The Election Reform Project currently reports that 35 states have some type of early voting system. The duration of early voting varies from state to state, but 10 to 14 days is the average period in which voters may cast their ballots. Satellite locations for both no-excuse absentee and early voting have included local grocery stores (Colorado), courthouses (West Virginia), local libraries (North Carolina), and shopping malls (California). However, state and local election offices are most common.

Local Fiscal Effect: Early voting polling places will require local boards to incur additional expenditures on election judge salaries, temporary election aides, security

personnel, and additional absentee ballots for each polling place. Actual costs will depend on the number of early voting polling places in each jurisdiction and voter participation. Montgomery County estimates its costs could increase by \$240,000 per election. It is anticipated that additional expenditures could be offset over time as more individuals vote during the early voting period. This would gradually decrease the number of voters on election day, allowing local boards to reduce resources used on election day.

Additional Comments: SBE did not provide information for this fiscal estimate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick County, Montgomery County, Somerset County, Department of Legislative Services

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