

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1179
Ways and Means

(Delegate Cardin, *et al.*)

Education, Health, and Environmental Affairs

Election Law - Early Voting

This bill allows for early voting for the 2010 gubernatorial primary and general elections beginning the second Friday before the elections through the Thursday before the elections, but excluding Sunday, between 10 a.m. and 8 p.m. each day. The early voting periods for the 2012 presidential primary and general elections run from the second Saturday before each election through the Thursday before the election, including Sunday. No later than six months before a primary election, the State Board of Elections (SBE), in collaboration with the local board of elections in each county, must designate each early voting center in that county.

Fiscal Summary

State Effect: State expenditures increase by \$2.5 million to \$3.2 million over the course of FY 2010 and 2011, with certain costs not yet determined. State expenditures will also increase in future years, though to a lesser overall extent, accounting for continuing capital lease payments for additional voting equipment and recurring implementation costs for early voting for the 2012 presidential elections.

Local Effect: Local government expenditures increase by \$1.0 million in jurisdictions with five early voting centers, \$0.6 million in jurisdictions with three early voting centers, and \$0.2 million in jurisdictions with one early voting center, to implement early voting for the 2010 primary and general elections. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: A voter may vote at an early voting center in the voter's county of residence, and the bill specifies criteria for determining the number of early voting centers established in each county, based on the number of registered voters in the county. A county with fewer than 150,000 registered voters has one early voting center; a county with more than 150,000 but fewer than 300,000 registered voters has three early voting centers; and a county with more than 300,000 registered voters has five early voting centers. Each early voting center must satisfy requirements applicable to election day polling places.

An early voting center may be located in a building partially occupied by an establishment that holds an alcoholic beverages license if the building is determined to be a suitable site and the entrance to a licensee's establishment is at least 100 feet from the entrance to the building that is closest to the early voting center.

The bill requires specified voter outreach by SBE and local boards of elections regarding early voting. Beginning 30 days prior to each early voting period, SBE and each local board of elections must undertake steps to inform the public about early voting and the location of early voting centers in each county, including a series of public service announcements, mailings to all registered voters in each county, and other measures as appropriate.

Unless expressly provided, provisions of State law that apply to voting on election day also apply to early voting. SBE must adopt regulations and guidelines for the conduct of early voting.

Current Law: With voter approval of a constitutional amendment at the November 2008 general election, the Maryland Constitution now authorizes the enactment of "a process to allow qualified voters to vote at polling places in or outside their election districts or wards or, during the two weeks immediately preceding an election, on no more than 10 other days prior to [election day]." State law, however, does not currently contain a process for early voting at designated polling places.

Background: Over the past several election cycles, the number of voters across the United States who cast their votes prior to election day by early and/or absentee voting has increased as states enact laws and implement policies that afford more opportunities for voters to do so. Over 30 states offer no-excuse, in-person early voting in some form whether at designated early voting sites, as in this bill, or limited to election offices or other locations.

A review of the 2008 general election, by the Pew Center on the States' *electionline.org* (written in December 2008), indicated that preliminary data suggested nearly 30% of votes – an estimated 38 million – were cast before election day. The portion of that amount that represents in-person early voting, as opposed to absentee voting, was not specified.

Legislation implementing early voting was enacted in Maryland in 2006 (Chapters 5 and 61), but later struck down by the Maryland Court of Appeals as unconstitutional. The legislation would have allowed for a five-day early voting period prior to primary and general elections and would have allowed early voters to vote at any early voting polling place (three locations in the State's larger counties, and one in all other counties) in the voter's county of residence.

In the 2007 session, Chapter 513 was enacted, proposing the above-mentioned constitutional amendment and specifying that the provisions of Chapters 5 and 61 that allowed for early voting would not take effect if the constitutional amendment became effective and that applicable provisions of the Annotated Code of Maryland containing the voided laws were repealed. The constitutional amendment was subsequently approved by the voters at the 2008 general election.

State Fiscal Effect: General fund expenditures may increase by \$2.5 million to \$3.2 million over the course of fiscal 2010 and 2011 to implement early voting, with certain costs not yet determined. Some of the costs included in the estimate reflect the State's portion of costs expected to be shared with counties pursuant to Chapter 564 of 2001, which requires the counties to pay one half of the State's cost of acquiring and operating the State's voting systems. Additional costs included in the estimate, however, may also be borne, at least partially, by local boards of elections, reducing costs to the State.

This estimate is based on specific costs identified by SBE to this point and estimated costs of additional voting units and ballot-on-demand printers for early voting (assuming procurement of a paper-based voting system, pursuant to Chapters 547 and 548 of 2007). Costs accounted for, and other potential costs not accounted for, in this estimate are shown in **Exhibit 1**.

The estimate reflects a range in voter education, outreach, and communication costs of between \$350,000 and \$1 million. Such efforts, however, may be able to be coordinated with similar efforts undertaken for a new voting system, which may help to reduce costs.

State expenditures will also increase in future years, though to a lesser overall extent, accounting for continuing capital lease payments for additional voting equipment and recurring implementation costs for early voting for the 2012 presidential elections.

Local Fiscal Effect: Local government expenditures are similarly expected to increase to implement early voting. In Anne Arundel County and Howard County, for example, expenditures may increase to implement early voting for the 2010 elections by \$1.0 million (for five early voting centers) and \$0.6 million (for three early voting centers), respectively, as shown in **Exhibit 2**. These costs are expected to be relatively consistent from jurisdiction to jurisdiction, proportional to the number of early voting centers in a county. Costs for a jurisdiction with one early voting center, therefore, may be approximately \$200,000. While costs are expected to be relatively consistent from jurisdiction to jurisdiction, they presumably will still vary due to differences in registered voter populations in different jurisdictions and other factors.

As mentioned previously, under State Fiscal Effect, some of the costs identified by SBE may be borne at least partially by the local boards of elections, potentially representing costs in addition to those estimated for Anne Arundel County and Howard County. SBE has also indicated a potential need for a voter registration data entry center to accomplish entering the heaviest volume of voter registrations (received around the voter registration deadline) within a compressed schedule resulting from voting beginning at an earlier date. Costs of such a center cannot be reliably estimated at this time, but likely will be borne primarily by the local boards of elections, which are responsible for processing voter registration applications.

Exhibit 1
SBE-identified and Assumed Voting Unit/Ballot-on-Demand Costs

Additional Voting Units ¹	\$44,000
Ballot-on-Demand Printers ²	\$238,000
Ballot-on-Demand Printer Paper	\$25,000
Additional Voting System and Ballot-on-Demand Printer Vendor Costs ³	\$450,000
Statewide Voter Registration System Software Analysis, Development, and Testing	\$600,000
Election Management System Analysis, Development, and Testing	\$125,000
Electronic Pollbook Staff	\$111,000
Early Voting Center Information Technology (routers, PCs, etc.)	\$356,000
Project Management Support	\$220,000
Voter Education, Outreach, and Communication	\$350,000 - \$1 million
Other Potential Costs (ballot-on-demand software and maintenance costs, additional statewide voter registration database software licenses, staff overtime, and additional supplies associated with ballot-on-demand printers and otherwise)	Undetermined
Total	\$2.5 million - \$3.2 million

¹ This assumes (1) procurement of a paper-based, optical scan voting system, pursuant to Chapters 547 and 548 of 2007; (2) a need for at least one additional optical scan unit per early voting center (some counties may require more) (each assumed at \$5,500 per unit), for an assumed 50 early voting centers; (3) purchase of the additional voting units, along with election day voting units, over the course of a five-year capital lease-purchase financing schedule; and (4) the costs being split by the State and counties, pursuant to Chapter 564 of 2001. The identified cost only reflects fiscal 2010 and 2011 payments.

² These printers are expected to be needed to accommodate multiple ballot styles at a given early voting center. This accounts for State fiscal 2010 and 2011 payments on a five-year capital lease-purchase of 228 printers (based on SBE estimates of the number needed for the early voting centers and accounting for spare, backup printers), assuming the equipment is procured along with a new voting system. The per unit costs are assumed to be \$5,000 per printer and \$1,500 per accompanying laptop computer, based on price information gathered primarily from Florida counties that used the printers in 2008. The full equipment costs to the State, if purchased outright, would be \$741,000, at those assumed costs and quantity.

³ Rough estimates provided by SBE.

Source: State Board of Elections, Department of Legislative Services

Exhibit 2
Estimated County Costs For Early Voting in Fiscal 2010 and 2011
Prior to 2010 Elections

	<u>Five Early Voting Centers¹</u>	<u>Three Early Voting Centers¹</u>
One-time Costs		
Voting Units ²	\$8,800	\$5,300
E-pollbooks	121,100	54,500
Ballot-on-Demand Printers ³	21,900	10,400
Subtotal	\$151,800	\$70,200
Per-election Costs		
Early Voting Site Rental and Security	\$16,500	\$13,100
Election Judge-related Costs	191,900	96,400
Voting Unit/E-pollbook/Ballot-on-Demand Costs	22,400	19,700
Ballots and Related Materials	21,700	13,000
Staff, Printing, Supplies, Outreach, and Other Costs	179,500	134,900
Subtotal	\$432,000	\$277,100
Costs for 2010 Primary and General Elections⁴	\$1,015,800	\$624,400

¹ Primarily based on estimates provided by Anne Arundel and Howard counties.

² This assumes (1) procurement of a paper-based, optical scan voting system, pursuant to Chapters 547 and 548 of 2007; (2) a need for at least two additional optical scan units per early voting center (per Anne Arundel County and Howard County estimates); (3) purchase of the additional voting units, along with election day voting units, over the course of a five-year capital lease-purchase financing schedule; and (4) the costs being split by the State and counties, pursuant to Chapter 564 of 2001. The identified costs only reflect fiscal 2010 and 2011 payments.

³ This accounts for State fiscal 2010 and 2011 payments on a five-year capital lease-purchase, assuming the equipment is procured along with a new voting system (see footnote 2 in Exhibit 1).

⁴ This accounts for one-time costs and per election costs for two elections. As noted in the text of this fiscal note, additional costs identified by SBE (under State Fiscal Effect) may be borne, at least partially, by the local boards of elections which are not reflected in this total, including undetermined costs listed in Exhibit 1 such as ballot-on-demand software and maintenance costs, which presumably will be considered voting system costs and be shared by the State and counties pursuant to Chapter 564 of 2001.

Source: Anne Arundel County, Howard County, Department of Legislative Services

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Howard County, State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2009
mlm/hlb Revised - Correction - March 24, 2009
Revised - House Third Reader/Updated Information - April 2, 2009
Revised - Enrolled Bill/Updated Information - May 19, 2009

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510