

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 263
Ways and Means

(Delegate Rosenberg, *et al.*)

Elections - Early Voting Centers - Sunday Voting

This bill moves the early voting period prior to each primary and general election closer to election day so that it runs from the second Sunday before the election through the Sunday before the election.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: General fund expenditures may increase by a significant amount beginning in FY 2016. Total expenditures to be shared by the State and local boards of elections include \$2.5 million for initial computer networking costs and an additional \$1.5 million per election, for telecommunications and technical support. These expenditures will allow for election day epollbooks to have updated voter information despite the short time between the end of early voting and election day.

Local Effect: County expenditures increase by at least \$250,000 in FY 2015 to hire and train additional election judges for the November 2014 election. County expenditures may increase more significantly beginning in FY 2016 to pay for networking and technical support costs mentioned above that are not covered by the State, as well as potential voter notification costs. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law: Each early voting center is open for voting beginning the second Thursday before a primary or general election through the Thursday before the election.

Background:

Early Voting in Maryland

Early voting was first implemented in 2010 and use of early voting, as a percentage of overall turnout, has increased from just under 10% in the 2010 primary election to approximately 16% in the 2012 general election. A greater number of early voting centers will be open in some counties for the 2014 elections (increasing from 46 to 63 early voting centers statewide) and the early voting period will be two days longer, from the second Thursday before the election through the Thursday before the election. For further background information on early voting see the attached **Appendix – Early and Absentee Voting**.

Study on Extending Early Voting to Sunday

Under Chapters 157 and 158 of 2013, the State Board of Elections (SBE) was required to conduct a detailed analysis of options and administrative requirements for extending the early voting period to the Sunday before election day. SBE contracted with the University of Baltimore's Schaefer Center for Public Policy to conduct this study as well as another study required under Chapters 157 and 158 on voting wait times. The Schaefer Center's report (*Voting and the Administration of Elections in Maryland*, January 15, 2014) notes that "early voting" can have varying definitions, but no state authorized early voting, as it is generally understood in Maryland (voting at early voting centers using the same voting system used on election day), through the Sunday before the election during the 2012 presidential general election.

The report describes the process that the local boards of elections and SBE go through between the end of early voting and election day to update the information in election day e-pollbooks with those who voted early and deliver the e-pollbooks to the election day polling places. According to the report, if early voting were to end on the Sunday before election day, managing the same process in a much shorter period of time would be very difficult for smaller jurisdictions and nearly impossible for larger jurisdictions.

Based on information in the report, it appears that the remaining options to implement this bill are to:

- forego updating election day epollbooks with early voting information (this was not presented as an option in the report but was noted as having been discussed with local election directors and met with opposition);
- network election day polling places with SBE’s central database server to allow for the election day epollbooks to have access to updated voter information without the time-consuming process of updating information on each epollbook (the report estimates the cost of this option would be \$2.5 million for the initial build-out and an additional \$1.5 million for each election for telecommunications costs and additional technical support personnel); or
- forego updating election day epollbooks but provide polling places with a printed list of early voters and late absentee voters that would be used to “pre-check” voters at polling places prior to being checked in on an epollbook to filter out any voters that had already voted early (the report estimates the cost of this option would be \$250,000 each election for an additional “pre-check” election judge at each of the 1,100 polling places with more than 1,000 voters on election day).

State/Local Fiscal Effect:

November 2014 Election

The option of networking election day polling places with SBE’s central database server is expected to take a more significant amount of time to plan and implement than is available prior to the November 2014 election. Therefore, assuming some method of preventing persons that voted early from also voting on election day will be employed, county expenditures increase collectively by at least \$250,000 in fiscal 2015 to implement the option of sending printed lists to the polling places for an election judge or judges to pre-check voters with in order to ensure that individuals have not already voted during early voting and have not received an absentee ballot. The \$250,000 estimate was based on the cost of one additional election judge per polling place. However, at least one local board indicates that more than one additional judge per polling place would be hired in that jurisdiction.

Irrespective of additional costs, the availability of already-designated early voting centers for the adjusted early voting period for the November 2014 election is expected to be a concern in at least some counties.

2016 and Future Elections

To the extent the option presented in the Schaefer Center report of networking election day polling places with SBE’s central database server is undertaken for the 2016 and

future elections, State general fund expenditures and/or county expenditures increase significantly. As mentioned above, the Schaefer Center report estimated this option would cost \$2.5 million for the initial build-out of the network and an additional \$1.5 million per election for telecommunication costs and additional technical support personnel. It is not clear at this time how these costs will be allocated among the State and local boards of elections. To the extent polling places need to be relocated to facilitate networking, local boards may also incur costs to notify voters of the relocations.

Additional Information

Prior Introductions: None.

Cross File: Although SB 200 (Senator Ferguson, *et al.* - Education, Health, and Environmental Affairs) is designated as a cross file, it is different.

Information Source(s): State Board of Elections; Baltimore, Carroll, Montgomery, and St. Mary's counties; Maryland Association of Election Officials; Schaefer Center for Public Policy, University of Baltimore; Department of Legislative Services

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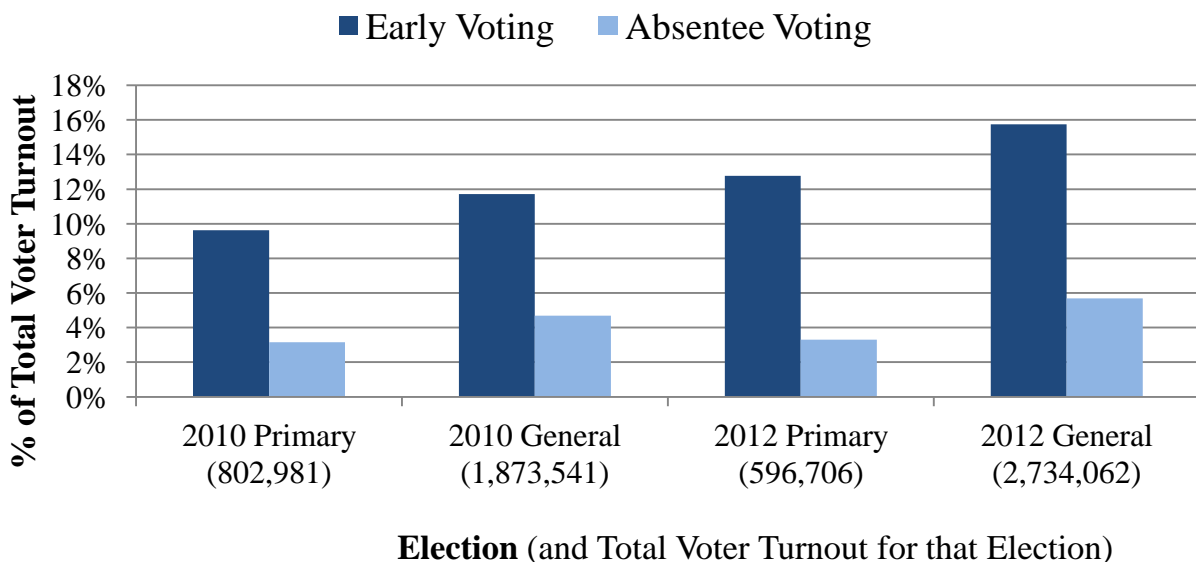
Appendix – Early and Absentee Voting

In Maryland

Maryland voters have the option of voting at an early voting center prior to election day or by absentee ballot, as alternatives to voting at a polling place on election day. These options are relatively recent changes to Maryland law. In-person early voting at early voting centers was first implemented in 2010 and “no excuse” absentee voting (not requiring a reason that a voter cannot vote on election day) was first allowed in 2006.

Exhibit 1 shows that, as a percentage of overall turnout in the 2010 and 2012 elections, use of early voting has been steadily increasing, from just under 10% in the 2010 primary election to approximately 16% in the 2012 general election, and use of absentee voting has been relatively consistent, between 3% and 6%. The actual numbers of voters who utilized these methods, however, as opposed to the percentages of voter turnout that they represented, varied much more significantly, consistent with the significant differences in overall turnout for the different elections (shown in parentheses in Exhibit 1).

Exhibit 1
Maryland Early and Absentee Voting Turnout
2010-2012



Source: State Board of Elections; Department of Legislative Services

There will be additional early voting centers and a longer early voting period for the 2014 and future elections pursuant to Chapters 157 and 158 of 2013. **Exhibit 2** and **Exhibit 3** show the changes made by Chapters 157 and 158. The number of early voting centers in each county is shown in **Exhibit 4**. A voter may vote at any early voting center in the voter's county of residence.

Chapters 157 and 158 also expanded and clarified the methods by which a voter may request and receive an absentee ballot. The available methods for a voter to receive an absentee ballot are (1) by mail; (2) by facsimile transmission; (3) through the Internet; or (4) by hand during an in-person transaction. Chapters 157 and 158 also authorized the State Board of Elections to provide an accessible online ballot marking tool (allowing the ballot to be marked before being printed and returned by mail or in person) for use by a voter who requests to have an absentee ballot sent by the Internet.

An absentee ballot must be requested in writing (there are State and federal forms that can be used) or, pursuant to Chapters 157 and 158, a request can be submitted online through the State Board of Elections website. To return an absentee ballot, a voter may either mail in the completed ballot, postmarked on or before election day, or deliver it to the local board of elections in person by the close of polls on election day.

In Other States

Research by the National Conference of State Legislatures (NCSL) indicates that 32 states and the District of Columbia offer in-person early voting and 27 states and the District of Columbia permit no excuse absentee voting. In addition, Washington and Oregon conduct all elections by mail.

The timing and length of early voting periods varies among the early voting states. According to NCSL, the average starting time for early voting, across the 32 states, is 22 days before an election. NCSL indicates that the average length of early voting periods across the states is 19 days and early voting typically ends just a few days before election day, somewhere between the Thursday and the Monday before election day.

Exhibit 2
Early Voting Centers

Prior to Chs. 157/158		Under Chs. 157/158	
<u>Registered Voters in County</u>	<u>Early Voting Centers</u>	<u>Registered Voters in County</u>	<u>Early Voting Centers*</u>
< 150,000	1	< 125,000	1
150,000-300,000	3	125,000-300,000	3
> 300,000	5	300,000-450,000	5
		> 450,000	8

*In addition to these required centers, each county may establish one additional early voting center if the State Board of Elections, in collaboration with the local board of elections, and the governing body of the county agree to establish an additional center.

Exhibit 3
Early Voting Days and Hours

Prior to Chs. 157/158		Under Chs. 157/158
<u>2010 Elections</u>	<u>2012 Elections</u>	<u>2014 and Future Elections</u>
<i><u>Days (6)</u></i>	<i><u>Days (6)</u></i>	<i><u>Days (8)</u></i>
Second Friday before the election through Thursday before the election, excluding Sunday	Second Saturday before the election through Thursday before the election	Second Thursday before the election through Thursday before the election
<i><u>Hours</u></i>	<i><u>Hours</u></i>	<i><u>Hours</u></i>
10 a.m.-8 p.m. (each day)	10 a.m.-8 p.m. (Saturday; Monday-Thursday) 12 noon-6 p.m. (Sunday)	Presidential election: 8 a.m.-8 p.m. (each day) All other elections: 10 a.m.-8 p.m. (each day)

Exhibit 4
Early Voting Centers in Each County

Jurisdiction	Registered Voters (December 2013)	Early Voting Centers in 2012	Early Voting Centers in 2014
Montgomery	625,030	5	9
Prince George's	567,823	5	8
Baltimore	512,686	5	8
Baltimore City	376,738	5	6
Anne Arundel	351,794	5	5
Howard	194,938	3	3
Harford	162,170	1	4
Frederick	147,538	1	3
Carroll	113,430	1	1
Charles	98,353	1	1
Washington	88,336	1	1
St. Mary's	64,148	1	1
Cecil	61,087	1	1
Calvert	59,606	1	1
Wicomico	58,216	1	1
Allegany	42,223	1	1
Worcester	36,758	1	1
Queen Anne's	32,278	1	2
Talbot	25,705	1	1
Dorchester	20,475	1	1
Garrett	19,001	1	1
Caroline	18,463	1	1
Somerset	13,160	1	1
Kent	12,652	1	1
Total	3,702,608	46	63
