

Department of Legislative Services
 Maryland General Assembly
 2015 Session

FISCAL AND POLICY NOTE

House Bill 1018 (Delegate Hixson, *et al.*)
 Ways and Means

Election Law - Early Voting Centers and Polling Places - Waiting Times to Vote

This bill requires the State Board of Elections (SBE) to adopt a comprehensive plan by July 1, 2016, to ensure that no voter has to wait more than 30 minutes to vote at an early voting center or polling place. The plan must include specified data collection and the data must be analyzed, made publicly available, and used to update the plan by July 1 of each year in which a regularly scheduled general election is held.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$265,000 in FY 2016 for contractual services and hardware costs. Future year expenditures reflect voter education costs in FY 2017 and ongoing contractual services costs. Revenues are not affected.

(in dollars)	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	265,000	500,000	100,000	0	100,000
Net Effect	(\$265,000)	(\$500,000)	(\$100,000)	\$0	(\$100,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local government expenditures increase for additional election judges and/or temporary staff.

Small Business Effect: None.

Analysis

Bill Summary: The comprehensive plan must include:

- a system to collect data relating to (1) actual voter wait times at regular intervals throughout each voting day at each early voting center and polling places with a history of excessive wait times selected by SBE and (2) factors that may contribute to excessive wait times;
- a system to provide up-to-the-minute information to the public on the Internet concerning voter wait times at each early voting center and polling places with a history of excessive wait times selected by SBE;
- evaluation of the layout of polling places to maximize efficiency and minimize wait times;
- estimation of voter turnout for an election, including the times and locations that voters are likely to vote;
- testing of the length of time it takes a voter to vote the ballot that will be used in an election;
- use of election judges to greet voters, provide them appropriate direction or assistance, and collect data on the number of potential voters who leave without voting because the wait time is too long;
- appropriate accommodations for voters with disabilities, including allowing a voter with a disability to move to the front of any waiting line at the request of the voter; and
- voter education to increase voter preparedness and reduce the length of time required for individual voters to vote.

SBE must submit the plan to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means by July 1, 2016. SBE must analyze the data collected relating to actual voter wait times and factors that may contribute to excessive wait times and, by January 15 of each year following a regularly scheduled general election, make the data available on the board's website and submit a summary report of the data to the above-mentioned committees.

SBE must use the data to update the comprehensive plan by July 1 of each year in which a regularly scheduled general election is held and submit the updated plan to the committees by the same date.

Current Law/Background: Following reports of long wait times for some voters in Maryland at early voting centers and polling places during the 2012 general election, Chapters 157 and 158 of 2013 required SBE to undertake a review and analysis of voting wait times during the 2010 and 2012 elections and ways to reduce wait times. The 2014

budget bill (Chapter 462 of 2014) also required SBE to report on actions taken to keep wait times under 30 minutes in the 2014 elections and plans for future elections, including implementation of a system of data collection beginning with the 2016 elections.

SBE contracted with the University of Baltimore's Schaefer Center for Public Policy to assist in meeting both of the requirements. The center's most recent report, in response to the 2014 budget bill requirement, found that few voters experienced wait times in excess of 30 minutes during the 2014 general election. However, the report noted the significant increase in voter turnout that will be experienced during the 2016 presidential general election as well as other factors in 2016, including a transition to a new voting system and implementation of same day voter registration during early voting, that will pose challenges to election officials in managing the election process at early voting centers and polling places. SBE, in its report accompanying the Schaefer Center report, discussed the center's recommendations and certain initial plans to limit wait times. SBE's report noted, however, that with implementation of a new voting system just beginning, the full extent of measures that will be taken has not yet been determined.

The issue of voting wait times has also been addressed recently in reports by the Presidential Commission on Election Administration (January 2014) and the U.S. Government Accountability Office (September 2014), both of which were initiated following reports nationally of long wait times for voters during the 2012 general election.

State Fiscal Effect: General fund expenditures increase by at least \$265,000 in fiscal 2016, reflecting the cost of contractual services (\$100,000) to assist in developing the comprehensive plan and the purchase of 150 tablet computers for a system to provide up-to-the-minute information to the public on the Internet concerning voter wait times at each early voting center and polling places with a history of excessive wait times (\$165,000). This estimate assumes implementation of the comprehensive plan and does not account for expected, but undetermined software and data package costs for the tablets.

Future years reflect (1) ongoing contractual services costs every other fiscal year to assist in revising and updating the plan (\$100,000) and (2) costs of a statewide voter education campaign prior to the 2016 presidential general election (\$500,000) to the extent sufficient voter education aimed at reducing voter wait times cannot be accommodated in existing planned voter education regarding the new optical scan voting system being implemented for the 2016 elections.

Local Fiscal Effect: Local government expenditures increase, at least for additional election judges and/or temporary staff to manage voting lines and data collection in accordance with the comprehensive plan. As shown in the **Appendix – Election Administration/Costs in Maryland**, election judge and temporary staff and overtime costs made up roughly 24% (\$9.4 million) of the collective local boards of elections'

budgets for fiscal 2014. While the extent of the overall increase in expenditures for local boards of elections resulting from this bill cannot be reliably estimated, *for illustrative purposes only*, a 5% increase over local boards of elections' election judge and temporary staff/overtime costs in fiscal 2014 results in a \$470,000 collective increase in costs, spread across the local boards.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Frederick, Kent, and Montgomery counties; Maryland Association of Counties; Schaefer Center for Public Policy; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2015
min/hlb

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Appendix – Election Administration/Costs in Maryland

Election Schedule

- Most State- and county-level offices are voted on during the gubernatorial elections, with a smaller number of offices, including Baltimore City offices (beginning in 2016), voted on during the presidential elections.

Four-year election cycle (for statewide elections)

Year 1 (2015)	Year 2 (2016)		Year 3 (2017)	Year 4 (2018)	
	Presidential Elections			Gubernatorial Elections	
	Primary (April)	General (November)		Primary (June)	General (November)

- Elections for offices in municipalities other than Baltimore City are held at various times during the year and with varying frequency.

Election Administration

State Board of Elections

Local (County and Balt. City)
Boards of Elections

- | | |
|---|--|
| <ul style="list-style-type: none"> • Policy making • Management and coordination of statewide elections-related systems (<i>e.g.</i>, voting system, voter registration system) • Supervision and support of local boards of elections | <ul style="list-style-type: none"> • Voter registration • Hiring and training election judges (poll workers) • Mailing specimen (sample) ballots • Processing absentee ballot applications • Voting equipment testing • Early voting centers and polling places (establishment, staffing, supervising, supporting) • Canvassing (vote counting) |
|---|--|

Annual Election Costs*

FY 2014	State Board of Elections	\$11.2 million
<i>(based on budgeted amounts)</i>	Local Boards of Elections	\$39.4 million
	Total	\$50.6 million

*The timing of elections results in one primary or general election occurring in each fiscal year. (see second page for more detail on FY 2014 costs)

Exhibit 1
Fiscal 2014 Election Administration Costs

State Board Costs
<ul style="list-style-type: none">● Total – \$11.2 million<ul style="list-style-type: none">● Regular personnel and nonelection-related office operations costs – \$3.4 million● State share of touchscreen voting system operations and maintenance costs – \$1.7 million● State share of final financing payment for touchscreen voting system – \$1.7 million● Other election-related costs – \$1.8 million● Planning for new voting system – \$1.15 million● Studies required under Chapters 157/158 of 2013 – \$0.25 million● Federal grant funding used for costs associated with online voter registration, the voter registration interface with the Motor Vehicle Administration, a call center, online absentee ballot delivery, and voter accessibility projects – \$1.2 million
Local Boards' Costs (collective totals for 24 local boards)
<ul style="list-style-type: none">● Total – \$39.4 million<ul style="list-style-type: none">● Regular personnel and nonelection-related office operations costs – \$15.5 million● Costs billed by the State board to the local boards (primarily the local share of voting system financing and operations and maintenance costs and voter registration system costs) – \$9.0 million● Voter mailings (voter notification cards and sample ballots) – \$1.4 million● Temporary office staff/overtime – \$3.4 million● Election judges – \$6.0 million● Early voting center/polling place rental/maintenance costs – \$0.2 million● Other costs – \$3.9 million
Overall Total – \$50.6 million

Note: Aside from the \$1.2 million in federal grant funding, the State board expenditures are almost entirely general fund expenditures.

Source: Department of Legislative Services; State Board of Elections; Local Boards of Elections
