

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1032 (Montgomery County Delegation)  
Ways and Means

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**Montgomery County Board of Education - Elections - Voting by County  
Residents  
MC 25-16**

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This bill includes a constitutional amendment that authorizes the Montgomery County Council to, by law, establish qualifications for voting by residents of the county in any election for the elected members of the Montgomery County Board of Education, provided the qualifications are not more restrictive than qualifications for voting under the Maryland Constitution or State law. Contingent on adoption of the constitutional amendment, the Montgomery County Board of Elections must establish procedures to allow residents of the county who satisfy qualifications established by the county council to register to vote and vote in any election for the elected members of the Montgomery County Board of Education. Such residents, who register to vote, are authorized to vote in those elections.

The bill takes effect June 1, 2016, and the contingent statutory provisions take effect October 1, 2019, if the constitutional amendment is adopted.

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**Fiscal Summary**

**State Effect:** If the constitutional amendment is adopted and a law is enacted by the Montgomery County Council as authorized, general fund expenditures increase minimally each year, beginning in FY 2020, due to additional ballot costs. Revenues are not affected.

**Local Effect:** If the constitutional amendment is adopted and a law is enacted by the Montgomery County Council as authorized, Montgomery County expenditures increase by \$250,000 for one-time modifications to the statewide voter registration database, likely in FY 2018 or FY 2019, and by relatively minimal amounts annually, beginning in FY 2020, due to additional ballot costs.

**Small Business Effect:** None.

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## Analysis

### **Current Law/Background:**

#### *Montgomery County Board of Education*

The Montgomery County Board of Education consists of seven elected members and one student member. Five of the elected members each reside in a different board of education district, and two may reside anywhere in the county. The elected members are elected by the voters of the entire county. Members of the board serve four-year terms that are staggered so that four members are elected in gubernatorial election years and three are elected in presidential election years. The board members are elected on a nonpartisan basis.

#### *Voter Qualifications*

Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The General Assembly is authorized to regulate or prohibit the right to vote of a person convicted of a serious crime or under care or guardianship for mental disability. The constitution requires individuals to be registered in order to vote.

Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register.

**State Fiscal Effect:** If the constitutional amendment is adopted and the Montgomery County Council enacts a law establishing qualifications for voting by residents of the county in board of education elections, general fund expenditures increase, beginning in fiscal 2020, for the State's share of costs of additional ballots for voters who qualify to vote only in board of education elections. Any increase is expected to be relatively minimal, however. *For illustrative purposes*, for every 10,000 ballots printed for such voters, general fund expenditures increase by \$1,050, based on a per ballot cost of \$0.21. Ballot costs are shared by the State and local boards of elections pursuant to Chapter 564 of 2001.

State costs of printing ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being

voted on). However, it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget.

**Local Fiscal Effect:** If the constitutional amendment is adopted and the Montgomery County Council enacts a law establishing qualifications for voting by residents of the county in board of education elections, Montgomery County expenditures increase by \$250,000 for costs associated with modifications to the statewide voter registration database. The database will need to be modified to manage inclusion of voters in the database who only qualify to vote in Montgomery County Board of Education elections and do not otherwise qualify to vote in other elections. The State Board of Elections bills the costs of modifications to the statewide voter registration database to the local boards, divided based on voting age population in each county. For the purposes of this fiscal and policy note, however, it is assumed that costs associated with managing residents of Montgomery County who are only qualified to vote in board of education elections are billed only to Montgomery County. It is also expected that this cost occurs in fiscal 2018 or 2019 assuming a time delay before a Montgomery County law takes effect, assuming adoption of the constitutional amendment.

County expenditures also increase for additional ballot costs for voters who only qualify to vote in board of education elections and not other elections. *For illustrative purposes*, if 10,000 ballots are printed for those voters in an election, county expenditures increase by \$1,050. Additional costs associated with absentee ballots and specimen ballots may also be incurred for those voters.

Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections, Montgomery County, Department of Legislative Services

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