

**Department of Legislative Services**  
 Maryland General Assembly  
 2017 Session

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

Senate Bill 64 (Senator Kagan)  
 Education, Health, and Environmental Affairs

**Voter Registration - Affiliating With a Party**

This bill allows a voter who is not affiliated with a political party to, during early voting, appear in person at an early voting center in the individual’s county of residence and change party affiliation on an existing voter registration. If an election judge determines that the voter is a resident of the county, the election judge must issue the voter the appropriate ballot for the voter’s new party affiliation. The bill also specifies that a registered voter who has declined to affiliate with a political party may change to a party affiliation at any time an individual may register to vote under Title 3 (voter registration) of the Election Law Article.

**Fiscal Summary**

**State Effect:** General fund expenditures may increase by approximately \$13,500 in FY 2018. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	13,500	0	0	0	0
Net Effect	(\$13,500)	\$0	\$0	\$0	\$0

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

**Local Effect:** Local government expenditures may increase by at least \$21,500 in FY 2018. Some jurisdictions may also incur additional personnel costs ranging from \$1,000 to \$18,500 per jurisdiction in fiscal years in which a primary election occurs. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

## Analysis

**Current Law:** Party affiliation changes can be made at any time that voter registration is open. Voter registration is only closed from 9 p.m. on the twenty-first day preceding an election until the eleventh day after the election. An exception to the closing of registration prior to an election is that, during early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration, then subsequently vote the appropriate ballot.

**Background:** The Republican and Democratic parties are required to use the primary elections to nominate candidates for public office, and the parties have discretion whether to allow voters not affiliated with the party to vote in the party's primary. The two parties currently have "closed" primaries, only allowing voters affiliated with each party to vote in the party's primary elections to nominate candidates for the general election. Unaffiliated and third-party voters, therefore, are not able to vote in primary elections, with the exception of any nonpartisan races being voted on in the election, such as local board of education races.

**State Fiscal Effect:** General fund expenditures may increase by approximately \$13,500 in fiscal 2018. This estimate reflects the cost of additional paper ballots that may need to be ordered for early voting in the 2018 primary election to have enough of a supply of ballots for any unaffiliated voters who appear in person at an early voting center to change party affiliation and vote a Republican or Democratic party ballot. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections. The estimate is based on the following assumptions:

- overall turnout for the 2018 primary election will be approximately 30% of eligible voters;
- approximately 20% of the turnout for the 2018 primary election will be during early voting;
- at most, the percentage of unaffiliated registered voters who will appear in person at an early voting center to affiliate with a party and vote will be similar to the percentage of overall eligible voters who turn out for early voting at the 2018 primary election; and
- early voting centers will need to stock additional ballots equal to approximately three times as many ballots as the number of potential unaffiliated voters who may arrive and change party affiliation, to account for the fact that it will not be known ahead of time whether those voters will need Republican or Democratic party ballots, or which specific ballot styles, based on the voter's address, will be needed.

To the extent ballot marking devices (which allow voters to use a touchscreen to produce a paper ballot containing the voter's choices) can be used for early voting in the 2018 primary election, the bill does not materially impact State finances. The ballot marking devices help in managing the need for various different ballot styles (each reflecting the election races applicable to a given voter based on his or her residence location and/or party) at an early voting center by eliminating the need to have sufficient numbers of preprinted ballots of each style available for voters who turn out for early voting. However, an issue regarding how ballots are displayed on the ballot marking devices arose prior to the 2016 primary election, and the machines were not used for early voting in 2016 (except for use of the machines by voters with disabilities). It is uncertain whether the issue can be resolved in time for the 2018 primary election. This fiscal and policy note assumes that preprinted ballots may need to be used for early voting for the 2018 primary election, but ballot marking devices will be used for the 2020 primary elections.

State finances will not be affected in fiscal years in which a general election occurs, since a registered voter's party affiliation or nonaffiliation will not affect his or her access to early voting during a general election or which ballot he or she is able to vote during early voting.

**Local Fiscal Effect:** Local government expenditures may increase by at least \$21,500 in fiscal 2018, due to ePollbook programming costs, costs for additional printed ballots, and potential early voting personnel costs, as follows:

- ePollbook programming, \$8,000 (divided among the 24 jurisdictions);
- additional printed ballots, \$13,500 (divided among the 24 jurisdictions);
- early voting personnel – potentially needed in some jurisdictions, if there is enough volume of requests for party affiliation changes (*e.g.*, Allegany County, \$1,200; Baltimore City, \$18,500; Frederick County, \$18,200; Montgomery County, \$1,000; Talbot County, \$1,800)

As mentioned above, the cost of printing paper ballots is shared between the State and local boards of elections, and \$13,500 represents the local boards' share. To the extent ballot marking devices can be used for early voting in the 2018 primary election, local government finances are not materially affected by ballot costs related to the bill. It is assumed for the purposes of this fiscal and policy note that the devices can be used for early voting in the 2020 primary election. Any additional early voting personnel costs are also incurred in future fiscal years in which a primary election occurs. Baltimore City indicates that it retains any additional election judges hired for early voting during the primary election to also serve during early voting for the general election and therefore may incur increased early voting personnel costs in fiscal years in which a general election occurs as well.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Maryland Department of Transportation; Baltimore City; Allegany, Frederick, Harford, Montgomery, Talbot, and Wicomico counties; Department of Legislative Services

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