

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 252

(Delegate Washington, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs
 and Judicial Proceedings

Election Law – Correctional Facilities – Voting Coordinators

This bill requires each correctional facility to designate an employee to act as the correctional facility’s voting coordinator. The bill establishes the responsibilities of a voting coordinator and specified prohibitions. Each voting coordinator must also complete an annual State Board of Elections (SBE) training program.

Fiscal Summary

State Effect: General fund expenditures increase by \$772,800 in FY 2020 and by ongoing amounts in future years. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	772,800	951,800	983,100	1,016,300	1,050,700
Net Effect	(\$772,800)	(\$951,800)	(\$983,100)	(\$1,016,300)	(\$1,050,700)

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

Local Effect: Local government expenditures increase in most counties for additional personnel to serve as voting coordinators. Under one set of assumptions, local expenditures could increase by at least \$438,750 in the first year and \$585,000 on an annualized basis.

This bill imposes a mandate on a unit of local government.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires each correctional facility to designate an employee to act as the correctional facility's voting coordinator. The voting coordinator must facilitate voter registration and voting by eligible detainees.

The voting coordinator must be responsible for (1) informing eligible detainees of upcoming elections and how the eligible detainees may exercise the right to vote; (2) the dissemination to eligible detainees of information on eligibility requirements to register to vote and voter registration applications; (3) the dissemination to eligible detainees of information on absentee voting and absentee ballot applications; and (4) the efficient transmission of voter registration applications, absentee ballot applications, and absentee ballots between eligible detainees at the correctional facility and the local boards of elections.

A voting coordinator may not (1) seek to influence an eligible detainee's political preference or party registration; (2) display any political preference or party allegiance; or (3) make any statement to an eligible detainee or take any action the purpose or effect of which is to lead an eligible detainee to believe that a decision whether or not to register, vote, or support or oppose any candidate or question on the ballot has any effect on the eligible detainee's treatment by the correctional facility.

Each voting coordinator must complete an annual training program conducted by SBE concerning the responsibilities of the voting coordinator under the bill.

"Correctional facility" means a State correctional facility or a local correctional facility.

"Eligible detainee" means an individual who is eligible to vote while (1) detained in a correctional facility awaiting trial or (2) incarcerated in a correctional facility solely for a misdemeanor offense.

Current Law:

Voter Registration

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. A person who has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction is not qualified to be a registered voter.

An individual may apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by SBE, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); (4) pursuant to Chapter 287 of 2016 and Chapter 19 of 2018 (with statutory implementation dates during 2019), during an applicable transaction at electronic voter registration agencies (soon to be “automatic voter registration agencies” under Chapter 19 of 2018, effective July 1, 2019), which are the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration; or (5) through SBE’s online voter registration system.

Absentee Voting

An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by mailing it, postmarked on or before Election Day, or delivering it to the local board of elections in person by the close of polls on Election Day.

State Fiscal Effect: General fund expenditures increase by \$772,764 in fiscal 2020, which accounts for the bill’s October 1, 2019 effective date. This estimate reflects the cost of hiring 2 case management supervisors and 10 case management specialists to handle voting coordination at State detention and correctional facilities (both are “correctional facilities” under the bill). Some of the case management specialists will be dedicated to facilities with a larger amount of voting coordination work (those with larger populations/turnover of eligible detainees) while others will serve more than one facility. The Department of Public Safety and Correctional Services indicates that the voting coordinator duties under the bill cannot be absorbed by existing staff. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position(s)	12
Salaries and Fringe Benefits	\$698,331
Operating Expenses	<u>74,433</u>
Total FY 2020 State Expenditures	\$772,764

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

Local Fiscal Effect: Local government expenditures are expected to increase in most counties for additional staff to serve as voting coordinators at local correctional facilities. Many facilities have limited staff that cannot absorb additional duties. While the type of position needed may vary by jurisdiction, it is anticipated that at least an additional part-time position would be required. For example, in Queen Anne’s County, an experienced officer is expected to be needed to fulfill the duties of voting coordinator, while in Calvert County an office aide is expected to be sufficient. The cost of a part-time officer in Queen Anne’s County is \$42,750 annually and the cost of a part-time office aide in Calvert County is \$22,370 annually. These costs include salaries and fringe benefits.

Assuming an additional part-time position is required in most facilities, local expenditures could increase by \$438,750 in the first year and \$585,000 on an annualized basis. This estimate assumes that 18 counties would require an additional part-time position at an average cost of \$32,500, which reflects the average annual cost in Queen Anne’s and Calvert counties. Future year expenditures would increase due to salary and benefit adjustments.

Additional Information

Prior Introductions: HB 542 of 2018 received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: SB 936 (Senator Carter) – Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; Department of Public Safety and Correctional Services; Baltimore City; Calvert and Queen Anne’s counties; Maryland Correctional Administrators Association; Maryland Association of Counties; Department of Legislative Services

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