Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 382 (Delegate Washington)

Ways and Means

Election Law - Absentee and Provisional Ballots - Status Information

This bill requires the State Board of Elections (SBE) to allow a voter to access specified information on the status of the voter's absentee or provisional ballot.

Fiscal Summary

State Effect: General fund expenditures may increase annually for the cost of text messaging services, and potentially significantly in FY 2020 only, for software development. Revenues are not affected.

Local Effect: Local government expenditures increase, potentially by over $40,000 in FY 2020 only, for software development. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill expands the extent to which SBE is required to allow a voter to access information concerning the status of the voter's absentee or provisional ballot, by replacing existing requirements regarding voter access to information regarding whether the voter's provisional ballot was counted with new requirements applicable to absentee and provisional ballots.

Under the bill, for an absentee ballot, SBE must allow a voter to access the following information: (1) the date and time when the voter's absentee ballot application was received by the local board; (2) the date and time when the local board sent a blank absentee ballot

to the voter; and (3) the date and time when the voter's completed absentee ballot was received by the local board.

For both an absentee and a provisional ballot, SBE must allow a voter to access the following information: (1) whether the voter's absentee or provisional ballot was counted and (2) if the voter's absentee ballot was not counted, the reason the ballot was not counted.

A voter may access the information concerning the status of the voter's absentee or provisional ballot (1) through SBE's website or (2) if requested, by receiving a postcard, email message, or text message from SBE. A voter may request to receive a postcard, an email message, or a text message concerning the status of the voter's absentee or provisional ballot on the voter's absentee or provisional ballot application.

SBE must provide updated information concerning the status of a voter's absentee or provisional ballot in a timely manner and must ensure the security, confidentiality, and integrity of the information provided to a voter. Access to information about an individual absentee or provisional ballot must be restricted to the individual who requests or casts the ballot.

Guidelines established by SBE for the administration of absentee ballot voting by the local boards of elections and guidelines established for the administration of provisional ballot voting by the local boards of elections must provide for voter access to information concerning the status of the voter's absentee or provisional ballot.

Current Law/Background: Statute requires SBE to ensure the establishment of a system that any individual who casts a provisional ballot may access without cost to discover whether the ballot was counted and, if not counted, the reason it was not. The system must ensure the confidentiality of the individual who accesses the system and the secrecy of each ballot.

The Voter Lookup page on SBE's website allows a voter to, among other things, see the status of the voter's absentee or provisional ballot. The absentee ballot statuses that can be displayed are: application received, ballot sent, returned undeliverable, ballot received, accepted, and rejected. The provisional statuses that can be displayed are: accepted in full, accepted in part, and rejected.

State Fiscal Effect: General fund expenditures may increase to establish a capability for SBE to send information concerning the status of a voter's absentee or provisional ballot using text messages, a method SBE does not currently use to communicate with voters. It appears that a commercial messaging service could potentially be relatively inexpensive (but with ongoing fees for the service), but depending on the level of software development needed to integrate text messaging with the system that provides information for the

Voter Lookup page on SBE's website (assuming that would be the system texts would originate from) and to ensure the security, confidentiality, and integrity of the messaging, cost may be more significant, presumably of a magnitude similar to or higher than the costs mentioned below for software development in the State's voter registration system.

Local Fiscal Effect: Local government expenditures increase, collectively, by potentially over $40,000 in fiscal 2020 only, for software development in the State's voter registration system. Costs of modifications to the voter registration system are billed to the local boards of elections by SBE. Modifications will need to be made to the system to allow for recording in the system of (1) the time of day when absentee ballot applications are received, blank absentee ballots are sent, and completed absentee ballots are received and (2) whether a voter has requested on the voter's absentee or provisional ballot application that they receive a postcard, email message, or a text message concerning the status of the voter's absentee or provisional ballot.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Carroll, Montgomery, Queen Anne's, and St. Mary's counties; Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2019
an/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510