

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 119
Ways and Means

(Delegates Washington and Palakovich Carr)

Election Law - Permanent Absentee Ballot List

This bill allows for a voter to apply to be placed on a permanent absentee ballot list. A local board of elections must send an absentee ballot to each voter on the permanent absentee ballot list each time there is an election.

Fiscal Summary

State Effect: The bill is not expected to affect State finances.

Local Effect: Local government expenditures may increase, beginning in FY 2022, by an indeterminate amount. Under an illustrative scenario, local government expenditures increase collectively, for the 2022 elections, by at least \$15,000 and \$60,000 in FY 2022 and 2023, respectively.

Small Business Effect: None.

Analysis

Bill Summary:

Application for Permanent Absentee Ballot Status

The bill establishes that all voters are eligible for permanent absentee ballot status and may apply for permanent absentee ballot status at any time by completing and submitting (1) the State Board of Elections (SBE) approved permanent absentee ballot application; (2) a written request that includes the voter's name, residence address, and signature; or (3) the online permanent absentee ballot application provided by SBE. However, a voter

who has applied for permanent absentee ballot status may not receive an absentee ballot for the next election if the application is made after the applicable absentee ballot deadline for that election.

Similar to a regular absentee ballot application, (1) a voter must specify in the permanent absentee ballot application the method by which the voter chooses to receive an absentee ballot (mail, facsimile transmission, or the Internet) and (2) a voter who uses the online permanent absentee ballot application to request that an absentee ballot be sent by any method or who uses any method to request to receive a blank absentee ballot through the Internet must provide specified identifying information.

Addition to Permanent Absentee Ballot List

A voter who submits a proper application for permanent absentee ballot status must be placed on the permanent absentee ballot list and a local board of elections must send an absentee ballot to each voter on the permanent absentee ballot list each time there is an election.

Removal from Permanent Absentee Ballot List

A voter who has permanent absentee ballot status must be removed from the permanent absentee ballot list if (1) the voter requests to be removed; (2) the voter is removed from the statewide voter registration list; (3) the voter fails to return an absentee ballot for two consecutive statewide general elections; or (4) any mail sent to the voter by SBE or a local board of elections is returned undeliverable.

Changes in a Voter's Address or Method of Receipt of Absentee Ballot

A voter who has permanent absentee ballot status must notify the applicable local board of elections if (1) an absentee ballot is to be sent to an address that is different than the address previously provided by the voter or (2) the voter wishes to receive an absentee ballot by a different method than the method previously indicated by the voter.

Current Law: A voter may request an absentee ballot by completing and submitting:

- the SBE-approved absentee ballot application;
- a form provided under federal law;
- a written request that includes (1) the voter's name, residence address, and signature, and (2) the address to which the ballot is to be mailed, if different from the residence address; or
- the accessible online absentee ballot application provided by SBE.

A voter who uses the online absentee ballot application to request that an absentee ballot be sent by any method or who uses any method to request to receive a blank absentee ballot through the Internet must provide:

- a Maryland driver's license number or Maryland identification card number, the last four digits of the applicant's Social Security number, and other information identified by SBE that is not generally available to the public but is readily available to the applicant; or
- if the applicant is an absent uniformed services voter or overseas voter as defined in the Uniformed and Overseas Citizens Absentee Voting Act or a voter with a disability and does not have a Maryland driver's license or Maryland identification card, a Social Security number.

Promptly after receipt of an absentee ballot application, an election director must review the application and determine whether the applicant qualifies to vote by absentee ballot. If the applicant qualifies to vote by absentee ballot, the local board of elections must provide the ballot to the voter by one of the following methods requested by the voter: (1) mail; (2) facsimile transmission; (3) the Internet; or (4) by hand during an in-person transaction.

Background: Under the current absentee ballot application process, prior to a primary election, a voter can request, with one application, that an absentee ballot be sent to the voter for both the primary and general election. However, a new application must then be submitted for subsequent elections.

The National Conference of State Legislatures indicates that the states that currently offer permanent absentee voting to all voters are Arizona, California, Hawaii, Minnesota, Montana, New Jersey, Utah, and the District of Columbia. In addition, Oregon, Washington, and Colorado hold their elections by mail, where all registered voters automatically receive a ballot by mail for each election.

Local Fiscal Effect: Local government expenditures increase beginning in fiscal 2022, to the extent the permanent absentee ballot list causes a greater number of absentee ballots to be mailed in subsequent elections after the 2020 elections, when registered voters would first have the opportunity to apply for permanent absentee ballot status.

The extent to which the number of absentee ballots mailed may increase because of the permanent absentee ballot list, however, cannot be reliably determined. *For illustrative purposes*, assuming approximately \$60,000 and \$240,000 is paid collectively by the local boards of elections to print and mail absentee ballots for the 2022 primary and general

elections in the absence of the bill (based on 2018 elections payment amounts that are not yet final), a 25% increase in absentee ballots mailed as a result of the permanent absentee ballot list increases local boards of elections' collective cost to print and mail absentee ballots by \$15,000 and \$60,000 for the 2022 primary and general elections (in fiscal 2022 and 2023, respectively).

Local government expenditures may also increase in some counties due to additional personnel costs associated with processing returned absentee ballots of voters on the permanent absentee ballot list who move without notifying their local board of elections. Prince George's County, for example, indicates its personnel costs may increase by \$14,000 each year.

Additional Information

Prior Introductions: SB 409 of 2011, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 787, was amended in the House and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. SB 293 of 2010, also a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: None.

Information Source(s): State Board of Elections; Baltimore City; Frederick, Montgomery, and Prince George's counties; Department of Legislative Services

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