

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 800 (Senator Ready)
 Education, Health, and Environmental Affairs

Election Law - Casting General Election Ballot in Multiple Locations -
 Prohibition

This bill prohibits a person from willfully and knowingly casting a ballot in a general election in more than one location in the same year. A person who violates the prohibition is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years.

Fiscal Summary

State Effect: General fund expenditures increase by \$77,900 in FY 2021; future years reflect annualization and ongoing costs. Special fund revenues may increase minimally.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	77,900	93,700	96,000	99,300	102,700
Net Effect	(\$77,900)	(\$93,700)	(\$96,000)	(\$99,300)	(\$102,700)

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

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Under Maryland law, a person may not willfully and knowingly (1) vote more than once for a candidate for the same office or for the same ballot question or (2) vote or attempt to vote more than once in the same election, or vote in more than one election

district or precinct. A person who violates those prohibitions is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years.

Under federal law, a person who votes more than once in an election must be fined up to \$10,000 and/or imprisoned for up to five years. The prohibition applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for specified offices, including the office of President, Vice President, presidential elector, member of the U.S. Senate, or member of the U.S. House of Representatives.

State Expenditures: General fund expenditures increase by \$77,948 in fiscal 2021, which accounts for the bill’s October 1, 2020 effective date. This estimate reflects the cost of hiring an additional investigator in the Office of the State Prosecutor (OSP) to investigate instances where individuals cast ballots in a general election in more than one location in the same year. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

OSP indicates that there can be hundreds of instances in elections in which individuals cast a ballot in more than one location in an election (with at least one of the ballots being a provisional ballot that is rejected) without having the intent to vote more than once (*e.g.*, showing up to the wrong polling place and being advised to cast a provisional ballot, which can be rejected if the person then visits the correct polling place and casts a regular ballot). This bill would make those instances potential criminal violations, requiring investigation of each instance, which would require an additional OSP investigator. OSP currently only investigates a very small number of those instances, when they are referred by the State Board of Elections for investigation for willfully and knowingly voting or attempting to vote more than once in the same election.

OSP does not expect there to be a significant number of violations under the bill that result from individuals casting a ballot in both Maryland and another state in a general election and can handle investigation of those violations with existing resources.

Position	1
Salaries and Fringe Benefits	\$72,582
Operating Expenses	<u>5,366</u>
Total FY 2021 State Expenditures	\$77,948

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

State Revenues: Special fund revenues may increase minimally to the extent fines are collected under the bill. Fines imposed for criminal violations of State election law are

distributed to the Fair Campaign Financing Fund, which holds funds for public campaign financing of gubernatorial tickets under the Public Financing Act.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Office of the State Prosecutor; Judiciary (Administrative Office of the Courts); National Conference of State Legislatures; Department of Legislative Services

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mr/hlb

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