

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1094
 Ways and Means

(Delegates Washington and W. Fisher)

Education, Health, and Environmental Affairs

Election Law - Early Voting Centers - Hours of Operation

This bill increases the hours during which early voting centers are open for regular primary and general elections, so that early voting centers are open from 7:00 a.m. to 8:00 p.m. each early voting day, for each election, instead of (1) from 8:00 a.m. to 8:00 p.m. each day, for presidential general elections and (2) from 10:00 a.m. to 8:00 p.m. each day, for all other regular primary and general elections.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$5,000 in FY 2021 and 2025 (for presidential general elections) and increase by approximately \$15,500 in FY 2022 through 2024 (for other primary and general elections). Revenues are not affected.

| (in dollars) | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
|----------------|-----------|------------|------------|------------|-----------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 5,000 | 15,500 | 15,500 | 15,500 | 5,000 |
| Net Effect | (\$5,000) | (\$15,500) | (\$15,500) | (\$15,500) | (\$5,000) |

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

Local Effect: Local government expenditures increase beginning in FY 2021, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: Early voting was first implemented in 2010 and was expanded under Chapters 157 and 158 of 2013 and Chapter 288 of 2016. The early voting period runs from the second Thursday before a regular primary or general election through the Thursday before the election. A voter may vote at any early voting center in the voter's county of residence.

No later than six months before a primary election, the State Board of Elections (SBE), in collaboration with the local board in each county, must designate each early voting center in that county.

Early voting centers are open, in a presidential general election, during the hours between 8:00 a.m. and 8:00 p.m. each early voting day. In all other elections, early voting centers are open during the hours between 10:00 a.m. and 8:00 p.m. each early voting day.

For further background information on early voting, see the attached **Appendix – Early and Absentee Voting**.

State and Local Fiscal Effect: Increasing the number of hours early voting centers are open each early voting day is expected to increase the State and local boards of elections' costs.

Both the State and local boards of elections' costs increase for additional compensation of voting system support personnel under SBE's staffing contract, which is a voting system cost shared by the State and local boards of elections. These support personnel are used in many, but not all, early voting centers (some counties separately hire their own voting system support personnel). General fund expenditures and local government expenditures each increase by approximately \$5,000 in fiscal 2021 and 2025 (for presidential general elections) and by approximately \$15,500 annually in fiscal 2022 through 2024 (for other primary and general elections), for the additional voting system support personnel compensation under SBE's staffing contract.

Local boards of elections are expected to also incur additional costs, primarily associated with (1) additional non-election judge personnel, that support early voting, working additional hours in the mornings of early voting days (including voting system support personnel that are hired outside of the SBE staffing contract) and (2) an expectation in some counties that the additional hours election judges will have to work will make recruitment of election judges more difficult.

In Montgomery County, for example, which has 11 early voting centers, additional overtime costs for elections staff are expected to be approximately \$57,000 for those elections where early voting centers will open three hours earlier than they currently open,

and approximately \$14,500 for elections where centers open one hour earlier (presidential general elections). Additional overtime costs may also be incurred in Montgomery County for staff of county facilities that host early voting centers (the majority of centers are in county facilities) that will need to open the facilities early enough so that the centers can be prepared prior to the 7:00 a.m. start. In Carroll, Harford, and Washington counties, more limited additional elections staff costs are expected to be incurred – not more than approximately \$3,000, \$2,000, and \$1,500 per election, respectively.

Both Harford and Montgomery counties expect to have difficulty recruiting enough election judges to work the longer early voting days. Montgomery County expects to incur costs of approximately \$31,500 in fiscal 2022 and \$28,500 in fiscal 2023 and 2024 (fiscal years in which early voting days are lengthened by three hours) for temporary staff to recruit and train election judges to replace repeat election judges that are dissuaded from serving as election judges by the longer hours. In Harford County, election judge compensation costs may double (an increase of \$96,000 per election) if early voting days need to be split into two shifts (at the same flat rate for election judge pay) to ensure enough individuals will be willing to work the shifts. If the early voting days are kept as a single shift and the flat rate for election judge pay is instead increased by \$50 (from an average of \$200), costs increase by \$24,000 per election.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Baltimore City; Carroll, Harford, Kent, Montgomery, Washington, and Worcester counties; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2020
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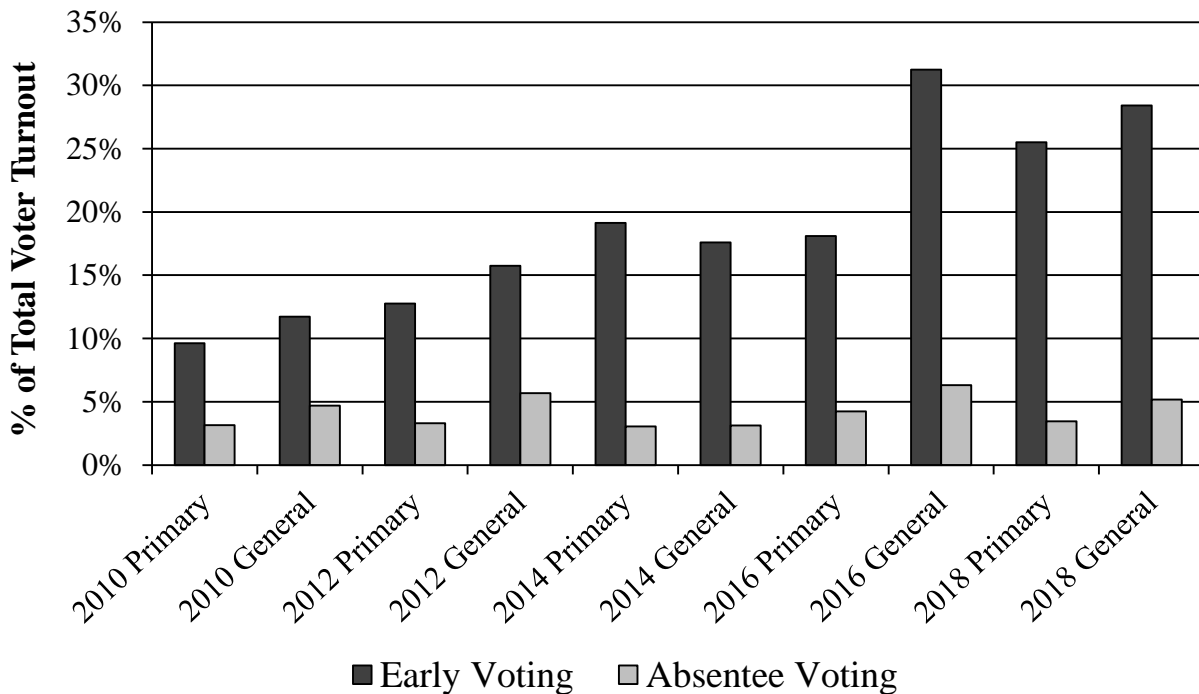
Appendix – Early and Absentee Voting

In Maryland

Maryland voters have the option of voting at an early voting center prior to Election Day or by absentee ballot, as alternatives to voting at a polling place on Election Day. In-person early voting at early voting centers was first implemented in 2010, and “no excuse” absentee voting (not requiring a reason that a voter cannot vote in person) was first allowed in 2006.

Exhibit 1 shows that, as a percentage of overall turnout in the 2010 through 2018 elections, use of early voting has been generally increasing, surpassing 25% in recent elections, and use of absentee voting has been between 3% and 7%.

Exhibit 1
Maryland Early and Absentee Voting Turnout
2010-2018



Election (and Total Voter Turnout for That Election)

Source: State Board of Elections; Department of Legislative Services

Chapters 157 and 158 of 2013 increased the number of early voting centers and the length of the early voting period, and Chapter 288 of 2016 further increased the number of centers. **Exhibit 2** and **Exhibit 3** show the changes made by Chapters 157 and 158 and Chapter 288. The number of early voting centers in each county, for the 2018 general election, is shown in **Exhibit 4**. A voter may vote at any early voting center in the voter's county of residence. In addition, pursuant to Chapters 157 and 158, an individual has been able to both register to vote (or change his/her voter registration address) and vote at an early voting center since 2016.

Chapters 157 and 158 also expanded and clarified the methods by which a voter may request and receive an absentee ballot. An absentee ballot must be requested in writing (there are State and federal forms that can be used) or, pursuant to Chapters 157 and 158, a request can be submitted online through the State Board of Elections (SBE) website. The available methods for a voter to receive an absentee ballot are (1) by mail; (2) by facsimile transmission; (3) through the Internet; or (4) by hand during an in-person transaction. To return an absentee ballot, a voter may either (1) mail in the completed ballot, postmarked on or before Election Day; (2) deliver it to the local board of elections in person by the close of polls on Election Day; or (3) pursuant to an SBE regulation change effective in January 2020, deliver it to an early voting center or to a polling place before the polls close at that polling place on Election Day.

In Other States

Research by the National Conference of State Legislatures (NCSL) indicates that (1) in 2020, 40 states and the District of Columbia will offer some form of in-person early voting and (2) 33 states and the District of Columbia either permit no excuse absentee voting or, in some cases, conduct all elections by mail. Among those 33 states, Colorado, Hawaii, Oregon, Utah, and Washington conduct all elections by mail.

The timing and length of early voting periods varies among the early voting states. According to NCSL, the average starting time for early voting is 22 days before an election. NCSL indicates that the average length of early voting periods across the states is 19 days and early voting typically ends just a few days before Election Day.

**Exhibit 2
Early Voting Centers**

| Prior to Chs. 157/158 | | Under Chs. 157/158 | | Under Ch. 288 (Current Law) | |
|---|--|---|---|---|---|
| Registered Voters in a <u>County</u> | <u>Early Voting Centers</u> | Registered Voters in a <u>County</u> | <u>Early Voting Centers*</u> | Registered Voters in a <u>County</u> | <u>Early Voting Centers*</u> |
| < 150,000 | 1 | < 125,000 | 1 | < 125,000 | 1 |
| 150,000-300,000 | 3 | 125,000-300,000 | 3 | 125,000-200,000 | 3 |
| > 300,000 | 5 | 300,000-450,000 | 5 | 200,000-300,000 | 4 |
| | | > 450,000 | 8 | 300,000-450,000 | 7 |
| | | | | > 450,000 | 11 |

*In addition to these required centers, each county may establish one additional early voting center if the State Board of Elections, in collaboration with the local board of elections, and the governing body of the county agree to establish an additional center. Chapter 288 limited this option to apply only to counties with less than 200,000 registered voters, but Chapter 539 of 2019 removed that limitation.

Source: Department of Legislative Services

Exhibit 3
Early Voting Days and Hours

Prior to Chs. 157/158

2010 Elections

Days (6)

Second Friday before the election
through Thursday before the election,
excluding Sunday

Hours

10:00 a.m. - 8:00 p.m. (each day)

2012 Elections

Days (6)

Second Saturday before the election
through Thursday before the election

Hours

10:00 a.m. - 8:00 p.m. (Saturday;
Monday-Thursday)
12:00 noon - 6:00 p.m. (Sunday)

**Under Chs. 157/158 (Current Law;
No Changes Were Made by Ch. 288)**

2014 and Future Elections

Days (8)

Second Thursday before the election
through Thursday before the election

Hours

Presidential general election:
8:00 a.m. - 8:00 p.m. (each day)

All other elections:
10:00 a.m. - 8:00 p.m. (each day)

Source: Department of Legislative Services

Exhibit 4
Early Voting Centers in Each County

| <u>Jurisdiction</u> | <u>Registered Voters (December 2018)</u> | <u>Early Voting Centers 2018 General Election</u> |
|----------------------------|---|--|
| Allegany | 43,436 | 1 |
| Anne Arundel | 394,529 | 7 |
| Baltimore City | 393,029 | 7 |
| Baltimore | 561,443 | 11 |
| Calvert | 66,605 | 1 |
| Caroline | 20,495 | 1 |
| Carroll | 123,565 | 2 |
| Cecil | 66,398 | 1 |
| Charles | 114,818 | 2 |
| Dorchester | 21,611 | 1 |
| Frederick | 177,016 | 4 |
| Garrett | 20,006 | 2 |
| Harford | 183,711 | 4 |
| Howard | 220,609 | 4 |
| Kent | 13,232 | 1 |
| Montgomery | 670,134 | 11 |
| Prince George's | 589,433 | 11 |
| Queen Anne's | 36,364 | 2 |
| St. Mary's | 71,937 | 1 |
| Somerset | 13,307 | 1 |
| Talbot | 27,291 | 1 |
| Washington | 97,010 | 1 |
| Wicomico | 62,847 | 1 |
| Worcester | 39,280 | 1 |
| Total | 4,028,106 | 79 |

Source: State Board of Elections
