

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 426 (Delegate Mosby)
Rules and Executive Nominations

Department of Legislative Services - Voting by Mail - Study

This bill requires the Department of Legislative Services (DLS) to study and make recommendations on voting by mail. Findings and recommendations must be submitted to the General Assembly by December 1, 2020. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: General fund expenditures may increase by approximately \$150,000 in FY 2021. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires DLS, in coordination with the State Board of Elections (SBE) and the Maryland Association of Election Officials (MAEO), to study and make recommendations regarding the administrative, technological, legal, security, and fiscal requirements to implement voting by mail and the return of mail-in ballots by alternate methods. In conducting the study, DLS must (1) research options for convenient, reliable, and secure procedures and materials for voting by mail and (2) make recommendations regarding a plan of action and milestones for designing, testing, and implementing a system for voting by mail, including proposed legislation and any necessary administrative changes. DLS must submit its findings and recommendations to the General Assembly by December 1, 2020.

Current Law: State law generally requires establishment and operation of polling places for elections. Maryland voters also 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. An individual must request an absentee ballot. 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.

Chapter 677 of 2012 authorized county council special elections in Montgomery County to be conducted by mail, and Chapters 197 and 198 of 2013 expanded those provisions to apply to special elections to fill a vacancy in the office of representative in Congress, special elections to fill a vacancy in a county council, and other specified local special elections statewide. Pursuant to a constitutional amendment (Chapter 261 of 2014) adopted by the voters at the November 2014 general election, special elections for a county executive vacancy may also be conducted by mail.

In a special election conducted by mail, a vote by mail ballot is mailed to each registered voter who is eligible to vote in the special election. The completed ballot must be mailed by the voter on or before the day of the special election or returned to the local board of elections office in person by 8:00 p.m. on the day of the special election. At least one voting center is also made available, in a special election conducted by mail, for those who choose to vote in person.

Background: Five states – Colorado, Hawaii, Oregon, Utah, and Washington – conduct all elections by mail. Sixteen other states, including Maryland, have instituted all-mail elections to a lesser extent, such as only for certain elections.

State Fiscal Effect: General fund expenditures may increase by approximately \$150,000 in fiscal 2021 to hire a consultant to assist DLS with information gathering and research in order to comprehensively meet the bill’s requirements. This estimate is based on a past voting system study commissioned by DLS and an expectation that the information gathering and research will require a comparable amount of resources. DLS notes that the extent to which the department will be able to coordinate with SBE and MAEO may be limited given their focus on the 2020 elections.

Additional Information

Prior Introductions: SB 476 of 2019 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Designated Cross File: SB 408 (Senator Kramer, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; National Conference of State Legislatures; Department of Legislative Services

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