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Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 156
Ways and Means

(Delegates Luedtke and Griffith)

Education, Health, and Environmental Affairs

Student and Military Voter Empowerment Act

This bill establishes various requirements relating primarily to voter registration and voting by military and overseas voters and students at institutions of higher education in the State, including (1) a process for a military or overseas voter to submit a federal post card application electronically; (2) designation of a student voting coordinator and development and implementation of a student voting plan at each public institution of higher education; (3) expansion of the placement of links to the State Board of Elections' (SBE) online voter registration system on online portals used by higher education students to register for course work; and (4) a specified SBE web page relating to registration and voting by students enrolled in institutions of higher education. The bill also requires that local boards of elections obtain input from large residential institutional communities when establishing precinct boundaries and designating polling places. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: Higher education expenditures increase for certain affected institutions, with costs ranging from approximately \$15,000 to \$100,000 annually, per institution, beginning in FY 2022. Additional, relatively minimal, costs may be incurred, as discussed below. Revenues are not affected.

Local Effect: Local community college and local board of elections expenditures may also increase, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Electronic Submission of Federal Post Card Application

The bill requires SBE to establish a process for an individual to (1) submit the federal post card application electronically and (2) use a common access card to sign the federal post card application. The process may allow the use of a common access card only for the purpose of verifying identity and allowing an individual to fulfill the signature requirement on the federal post card application. It may not allow an individual to apply to register to vote solely using the common access card.

“Common access card” is the identification card issued by the U.S. Department of Defense (DoD) to active-duty military personnel, eligible reserve personnel, DoD civilian employees, and eligible DoD contractor personnel. “Federal post card application” is the federal form that may be used by absent uniformed services voters and overseas voters to simultaneously apply to register to vote and apply for an absentee ballot.

Student Voting Coordinator and Student Voting Plan

The bill requires a public institution of higher education to designate a staff member as the student voting coordinator, who must develop and implement a student voting plan to increase student voter registration and voting in collaboration with faculty, staff, recognized student organizations, and other appropriate stakeholders at the institution.

The student voting plan must (1) cover the two-year period immediately preceding each statewide general election and (2) be updated after each statewide general election. The plan must include:

- wide dissemination of information about voter registration and voting opportunities to all students, including (1) the voter registration process and deadlines; (2) the process and deadlines for requesting and returning a ballot by mail; (3) locations and dates for early voting and election day voting, including transportation options to the voting locations; (4) information about same-day registration at early voting centers and at polling places on Election Day; and (5) a link from the institution’s online student portal to the web page concerning student voter registration and voting that is maintained by SBE (discussed further below) or to a web page on the student portal that includes the same information;
- provision of voter registration materials at central locations and high-traffic areas on campus;

- reasonable accommodation and collaboration with the local board of elections regarding the placement of an early voting center or polling place on campus if requested by the local board;
- encouragement and support of recognized student organizations engaged in activities to increase voter registration and voting by students;
- a policy allowing a student to be excused from class or absent from a job with the institution for a period of up to two hours for the purpose of voting on Election Day, if the student does not have two hours of continuous time out of class or off from a job with the institution during the time the polls are open on Election Day; and
- any other activities to promote student participation in civic affairs and the election process that the institution determines are appropriate.

The student voting plan must be made available to the public on the institution's website and be provided to the Maryland Higher Education Commission (MHEC) and SBE.

Links to Online Voter Registration System

The bill adds to an existing requirement that a public institution of higher education provide a prominently placed link to the online voter registration system on the home page of the online portal used by students to register for course work, by requiring each private nonprofit institution of higher education that receives operating or capital funding from the State to also provide such a link. The bill also newly requires that both the public and private nonprofit institutions of higher education – if there are fewer than 15 clicks on the link in any calendar year – relocate the link to a different, more conspicuous location for the immediately following calendar year and take any other appropriate steps to encourage students to use the link.

The bill modifies existing reporting requirements applicable to public institutions of higher education and makes the reporting requirements applicable to both public institutions of higher education and private nonprofit institutions of higher education that receive operating or capital funding from the State and are members of the Maryland Independent College and University Association (MICUA). The public institutions report to MHEC and the private nonprofit institutions report to MICUA. A report must be submitted by each institution by January 1 each year addressing (1) the number of individuals who clicked on the link in the immediately preceding calendar year; (2) if there were fewer than 15 clicks on the link in the immediately preceding year, a description of any appropriate steps the institution is taking to encourage students to use the link; and (3) any efforts planned, to improve access to voter registration for students at the institution. MHEC and MICUA must compile and summarize the reported information and each submit a report by

January 15 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

State Board of Elections Web Page

The bill requires SBE to maintain a page on its website that (1) explains in plain, easily understandable language the requirements for students enrolled in institutions of higher education to register to vote in the State and (2) includes links to information regarding voter registration requirements and voting by absentee ballot in other states in which students enrolled in institutions of higher education may reside.

Input on Precinct Boundaries and Polling Place Locations

The bill requires a local board of elections, when it is establishing precinct boundaries and designating the location of polling places, to contact and obtain input from large residential institutional communities including institutions of higher education, continuing care retirement communities, senior communities, and military installations.

Current Law:

Federal Post Card Application

Federal law governing registration and voting by absent uniformed services voters and overseas voters in elections for federal office requires the establishment of an official post card form, containing both an absentee voter registration application and an absentee ballot application, for use by states, and requires the use of the form by each state.

Voter Registration – Public Institutions of Higher Education

Statute requires SBE to designate public institutions of higher education as “voter registration agencies,” along with offices in the State that provide public assistance, offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities, one-stop career centers in the Maryland Department of Labor, and military recruiting offices.

As a voter registration agency, a public institution of higher education must provide a link to SBE’s online voter registration system on the home page of the online portal used by students to register for coursework. The link must be prominently placed on the home page in a location where it may be easily viewed by students registering for course work.

A report must be submitted by each institution by January 1 each year addressing (1) the number of students at an institution who are residents of the State and registered for

coursework and the number of those students who clicked on the link and (2) any efforts planned, to improve access to voter registration for students at the institution. MHEC must compile and summarize the reported information and submit a report by January 15 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

Precincts and Polling Places

As it deems expedient for the convenience of voters, a local board of elections may (1) create and alter the boundaries for precincts in the county; (2) designate the location for polling places in any election district, ward, or precinct in the county; and (3) combine or abolish precincts.

A local board must establish a separate precinct on campus, or within one-half mile of the campus, to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located. A local board is not required to establish a separate precinct if there is already an established precinct within one-half mile of the public or private institution of higher education's campus that serves the voters who attend or work at the institution.

State Fiscal Effect: Higher education expenditures increase for at least some public institutions of higher education to meet the bill's requirements of designating a student voting coordinator and developing and implementing a student voting plan. Based on information submitted by public institutions of higher education for this bill and for similar past legislation, costs vary from approximately \$15,000 to \$100,000 annually beginning in fiscal 2022, per institution, depending on the level of effort undertaken by each institution to implement the bill's requirements of a student voting coordinator and student voting plan. Those costs largely reflect the costs of dedicating a staff (or student employee) position, or a portion of a position, to implement the bill.

To the extent student voting plans result in placement of early voting centers or precinct polling places on public institution of higher education campuses that would not otherwise occur in the absence of the bill, institutions may incur additional, relatively minimal, costs for security and/or facilities staff for the voting sites. For illustrative purposes, Frostburg State University estimates, if an early voting center were located on campus, it would incur additional costs of approximately \$7,500 to \$10,000 for overtime for a police officer and for compensation of contractual or student facilities staff for the eight-day period.

The bill's requirement that SBE maintain a specified web page and the requirements related to links to SBE's online voter registration system, and related reporting, are not expected to materially affect State finances.

Local Fiscal Effect:

Community Colleges

Similar to the potential increase in higher education expenditures under the State Fiscal Effect, local government expenditures may increase by a similar amount (\$15,000 to \$100,000 annually beginning in fiscal 2022, per institution) for at least some community colleges, to meet the bill's requirements of designating a student voting coordinator and developing and implementing a student voting plan. Also similar to the State Fiscal Effect, expenditures for community colleges may increase relatively minimally, on a per institution basis, for added security and/or facilities costs, to the extent the bill results in placement of early voting centers or precinct polling places on community college campuses that would not otherwise occur in the absence of the bill.

The bill's requirements related to links to SBE's online voter registration system, and related reporting, are not expected to materially affect local government finances.

Local Boards of Elections

Expenditures may increase relatively minimally for local boards of elections in larger counties, to contact and obtain input from large residential institutional communities when establishing precinct boundaries and designating the location of polling places. Montgomery County, for example, the State's largest jurisdiction, estimates it will incur \$10,500 in additional costs (largely temporary staff and overtime costs) in fiscal 2022, when redistricting occurs, and \$3,000 annually in future fiscal years.

Expenditures may also increase to the extent that modifications to the State's voter registration system are required to meet the bill's requirements regarding electronic submission of the federal post card application. Costs associated with the State's voter registration system are billed by SBE to the local boards of elections (allocated among the counties based on voting age population). SBE advises that it is not certain at this time how those requirements will be implemented, and whether they can be handled with existing resources or may result in costs being incurred for modifications to the State's voter registration system.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 283 (Senator Elfreth) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Baltimore City Community College; Military Department; Maryland Department of Aging; Anne Arundel, Baltimore, Garrett, Howard, and Montgomery counties; Maryland Higher Education Commission; Maryland Independent College and University Association; Maryland Association of Community Colleges; Department of Legislative Services

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