

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 641
 Ways and Means

(Delegates Williams and Wilkins)

Education, Energy, and the Environment

Election Law - Curbside Voting

This bill establishes a process for curbside voting to be made available at one designated location in each county, during early voting and on Election Day, to any registered voter on request. The State Board of Elections (SBE) and each local board of elections must emphasize in communications with voters and the general public that curbside voting is primarily an accommodation for voters with disabilities, as defined in the federal Americans with Disabilities Act (ADA), and elderly voters. SBE must adopt regulations to carry out the bill. **The bill takes effect January 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$147,000 in FY 2026, and by at least \$131,000 annually thereafter. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	147,000	131,000	131,000	131,000
Net Effect	\$0	(\$147,000)	(\$131,000)	(\$131,000)	(\$131,000)

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

Local Effect: Local government expenditures increase by at least \$286,000 in FY 2026, and by at least \$247,000 annually thereafter. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary:

Curbside Voting Required at Designated Locations

“Curbside voting” means the process by which a voter completes and casts a ballot at a

designated outside location and under observation of election judges. Curbside voting must be made available to any registered voter on request, on the days and during the hours that early voting centers and polling places are open. SBE and each local board of elections must emphasize in communications with voters and the general public that curbside voting is primarily an accommodation for voters with disabilities, as defined in ADA, and elderly voters.

The bill requires that each local board of elections, at least six months before each statewide primary election, and subject to the approval of SBE, designate a location for curbside voting outside:

- one early voting center or other building during early voting; and
- on election day (1) the office of the local board or (2) if using the office of the local board is not practicable, one polling place.

A local board must take into account the following factors when determining a location for curbside voting:

- accessibility of the location to historically disenfranchised communities;
- proximity of the location to dense concentrations of voters;
- accessibility of the location by public transportation; and
- maximizing voter participation, including through the use of community centers and public gathering places as locations for curbside voting.

The curbside voting location must be equipped to (1) allow the voter to complete the ballot without assistance, unless assistance is requested by the voter and (2) preserve the secrecy of the voter's ballot while voting.

The bill prohibits SBE from certifying a voting system unless it determines that the voting system will accommodate curbside voting.

SBE must adopt regulations to implement the bill.

Curbside Voting Boundary

In accordance with regulations adopted by SBE, the local board of elections must establish a line around each curbside voting location beyond which canvassing, electioneering, or posting of campaign material is prohibited; however, if a curbside voting location is established outside an early voting center or polling place, the local board must, to the maximum extent practicable, (1) establish the curbside voting location within the electioneering boundary of the early voting center or polling place and (2) avoid expanding

the area within the electioneering boundary of the early voting center or polling place to accommodate the curbside voting location.

Curbside Voting Process

At each curbside voting location, the local board of elections must:

- post signs informing voters of (1) the location of curbside voting and (2) how to notify an election judge that the voter is waiting at the curbside voting location; and
- ensure that voters receive prompt service from the election judges.

A voter seeking to use curbside voting must (1) request curbside voting from an election judge at the curbside voting location and (2) provide an election judge with the information required to check in the voter through the pollbook at the curbside voting location. An election judge must give a voter using curbside voting the choice to vote by marking a paper ballot or by using a ballot marking device at the curbside voting location. If the voter chooses to vote using a paper ballot, after marking the ballot, the voter must deposit the ballot in the container provided by the election judge to be counted. If the voter chooses to vote using a ballot marking device, an election judge must bring a ballot marking device outside to the voter.

Current Law: SBE, in consultation with the election directors of the local boards, must specify and produce certain informational materials to be posted in each early voting center and polling place, including instructions relating to the availability of assistance to elderly and disabled voters. “Disabled” is defined under the Election Law Article as having a temporary or permanent physical disability. SBE must provide election judges with uniform statewide training on the voting system, including (1) all features of the voting system that provide access to voters with disabilities and (2) the rights of voters with disabilities, including those rights guaranteed by State and federal law.

Each early voting center and polling place must, whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters. If the polling place assigned to an elderly or disabled voter is not structurally barrier free, the voter may request a reassignment by the local board of elections.

A voting system selected, certified, and implemented by SBE, in consultation with the local boards, must (1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities; (2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and (3) comply with both ADA and the federal Help America Vote Act (HAVA), including

accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to HAVA.

SBE may not certify a voting system unless it determines that, among other things, the voting system will (1) protect the secrecy of the ballot; (2) protect the security of the voting process; (3) count and record all votes accurately; (4) accommodate any ballot allowed by law; and (5) protect all other rights of voters and candidates.

State Fiscal Effect: General fund expenditures increase by at least \$147,000 in fiscal 2026 (accounting for the bill's January 1, 2025 effective date) and by at least \$131,000 annually thereafter, reflecting (1) the costs to conduct voter outreach – beginning with the 2026 primary election – to inform voters of the availability of curbside voting (\$125,000); (2) one-time costs for an additional pollbook and pollbook printer for each curbside voting location (\$15,000); and (3) costs to lease an additional ballot marking device for each curbside voting location (\$6,000). This estimate reflects the State's share of these costs, assuming that these costs are split evenly between the State and local boards in accordance with current cost-sharing between the State and the local boards of elections. Future years' expenditures reflect ongoing voter outreach and ballot marking device costs.

The estimate does not account for (1) any additional personnel costs SBE may incur to coordinate curbside voting across the State or (2) any costs SBE may incur to reimburse the local boards for \$50 of the minimum extra compensation paid to returning election judges, to the extent that any of the additional election judges hired by the local boards for curbside voting (discussed below) are returning election judges.

Local Fiscal Effect: Local government expenditures increase, collectively, by at least \$286,000 in fiscal 2026 (accounting for the bill's January 1, 2025 effective date), and by at least \$247,000 annually thereafter, reflecting (1) the local boards' share of the costs of voter outreach (\$125,000); (2) the local boards' share of one-time costs for an additional pollbook and pollbook printer for each curbside voting location (\$15,000); (3) the local boards' share of costs to lease an additional ballot marking device for each curbside voting location (\$6,000); (4) costs of two additional election judges for each curbside voting location (\$115,000); and (5) one-time costs for supplies (*e.g.*, signs, a container, canopies, and election judge alert systems) (\$24,000). Future years' expenditures reflect ongoing voter outreach, ballot marking device, and election judge costs.

The estimate assumes that the additional election judges are paid at least \$250 per day, plus a \$50 stipend for training. It does not account for any costs the local boards incur to pay the local boards' \$50 share of the minimum \$100 extra compensation paid to returning election judges, to the extent that any of the additional election judges hired by the local boards for curbside voting are returning election judges.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 41 of 2023; HB 1404 of 2022; and HB 1020 of 2021.

Designated Cross File: None.

Information Source(s): Baltimore City; Allegany and Talbot counties; Maryland State Board of Elections; Department of Legislative Services

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Analysis by: Arnold H. Adja

Direct Inquiries to:
(410) 946-5510
(301) 970-5510