

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 99 (Senator Kagan)
Education, Energy, and the Environment

Election Law - Affiliating With a Party and Voting - Unaffiliated Voters

This bill authorizes an unaffiliated voter to apply to change the voter’s existing voter registration to affiliate with a political party during early voting before a primary election. If an election judge at the early voting center determines that the voter resides in the county, the voter may vote (and have counted) a provisional ballot for the political party. **The bill takes effect January 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures are expected to increase in FY 2026 and 2028 and future years in which a primary election occurs, but the extent of the increase cannot be reliably estimated. Under one set of assumptions, general fund expenditures increase by at least \$39,000 in FY 2026 and \$24,000 in FY 2028 and future years in which a primary election occurs. Revenues are not affected.

Local Effect: Local government expenditures are expected to increase in FY 2026 and 2028 and future years in which a primary election occurs, but the extent of the increase cannot be reliably estimated. Under on set of assumptions, local government expenditures increase, collectively, by at least \$121,000 in FY 2026 and \$106,000 in FY 2028 and future years in which a primary election occurs. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law: Party affiliation changes can be made at any time that voter registration is open. Voter registration is only closed beginning on the twenty-first day preceding an

election until the eleventh day after the election. There are certain exceptions to the close of registration during that time period: (1) during early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration, then subsequently vote the appropriate ballot; and (2) on election day, an individual may appear at a precinct polling place in the individual's county of residence and apply to register to vote, and then vote.

State Fiscal Effect: General fund expenditures are expected to increase to implement the bill due to the (1) the State's share of the cost of ordering additional paper ballots for early voting in primary elections to have enough ballots for any unaffiliated voters who appear in person at an early voting center to change their voter registration to affiliate with a political party and vote a provisional ballot; (2) the State's share of one-time costs for additional pollbook equipment at early voting centers to accommodate additional provisional voters; and (3) the State's share, pursuant to Chapter 157 of 2023, of extra compensation (50% of \$100 per day) paid to additional (returning) election judges needed to accommodate additional provisional voters at early voting centers.

The extent of the increase in general fund expenditures cannot be reliably estimated at this time; however, *for illustrative purposes*, general fund expenditures increase by at least \$39,000 in fiscal 2026 and \$24,000 in fiscal 2028 and future years in which a primary election occurs if it is assumed that:

- up to 5% of unaffiliated registered voters apply to affiliate with a political party and vote during early voting in a primary election pursuant to the bill; and
- a minimum of 25% of early voting centers do not have existing capacity to absorb the additional provisional voters and need an additional election judge and additional pollbook and pollbook printer (with 75% of the additional election judges assumed to be returning election judges).

This illustrative estimate consists of:

- additional paper ballots – \$17,000 in fiscal 2026 and 2028;
- pollbook equipment – \$15,000 in fiscal 2026; and
- returning election judge extra compensation – \$7,000 in fiscal 2026 and 2028.

The costs of paper ballots and pollbook equipment are assumed to be split evenly with the local boards of elections in accordance with the State's current cost-sharing with the local boards of elections.

While not a required cost of the bill (and not included in the illustrative estimate), the State Board of Elections (SBE) indicates that a minimal statewide voter education campaign to inform unaffiliated voters of the ability to affiliate with a party and vote during early voting in a primary election may total \$100,000 in fiscal 2026, split evenly between the State and local boards (\$50,000 each) in accordance with current cost-sharing between the State and the local boards of elections.

SBE estimates that costs associated with programming, training local board staff, and revising election judge manuals, forms, and instructions can be handled with existing resources.

Local Fiscal Effect: Local government expenditures are expected to increase to implement the bill due to (1) the local boards of elections' share of the cost of ordering additional paper ballots as mentioned above under the State Fiscal effect; (2) the local boards' costs of ordering additional provisional ballot applications; (3) the local boards' share of one-time costs for additional pollbook equipment; (4) the local boards' costs of minimum compensation (\$250 per day) of additional election judges needed to accommodate additional provisional voters at early voting centers; (5) the local boards' share of extra compensation (50% of \$100 per day) paid to additional election judges, who are returning election judges, needed to accommodate additional provisional voters at early voting centers; and (6) the local boards' costs of canvassing additional provisional ballots.

The extent of the increase in local government expenditures cannot be reliably estimated at this time; however, *for illustrative purposes*, if the same assumptions discussed above under the State Fiscal Effect are made, local government expenditures increase, collectively, by at least \$121,000 in fiscal 2026 and \$106,000 in fiscal 2028 and future years in which a primary election occurs.

This illustrative estimate consists of:

- additional paper ballots – \$17,000 in fiscal 2026 and 2028;
- additional provisional ballot applications – \$4,000 in fiscal 2026 and 2028;
- pollbook equipment – \$15,000 in fiscal 2026;
- minimum compensation of additional election judges – \$48,000 in fiscal 2026 and 2028;
- returning election judge extra compensation – \$7,000 in fiscal 2026 and 2028; and
- canvassing of additional provisional ballots – \$30,000 in fiscal 2026 and 2028.

As mentioned above under the State Fiscal Effect, while not a required cost of the bill (and not included in the illustrative estimate), to the extent a statewide voter education campaign

is undertaken, local boards of elections are assumed to be responsible for one-half of the cost (\$50,000).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Cross File: HB 257 (Delegate Qi) - Ways and Means.

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

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