

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 373
Ways and Means

(Delegate Vogel)

Election Law - Voting Age - Board of Education Elections

This proposed constitutional amendment, if approved by the voters at the next general election, gives the General Assembly the power to provide, by suitable enactment, the authority of a county to lower the age at which an individual may vote in an election for the members of an elected county board of education. Contingent on the passage of the proposed amendment, and its ratification by the voters, the bill (1) authorizes a county to enact a local law that allows an individual who is at least age 16 to vote in an election for members of an elected county board of education and (2) establishes that a registered voter who is under age 18 may vote in an election for members of an elected county board of education if authorized by the county in which the individual is registered to vote.

Fiscal Summary

State Effect: If the constitutional amendment is approved, general fund expenditures increase by \$149,000 in FY 2025 and may increase minimally in future years, as discussed below. Revenues are not affected.

Local Effect: If the constitutional amendment is approved, local government expenditures increase by \$149,000 in FY 2025 and may increase in future years, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

Voter Qualifications

Pursuant to Article I of the Maryland Constitution, every citizen of the United States, at least age 18, who is a resident of the State is eligible to vote in the ward or election district in which they reside. The General Assembly is authorized to regulate or prohibit the right to vote of a person convicted of a serious crime or under care or guardianship for mental disability. The constitution requires individuals to be registered to vote.

Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register. An individual younger than age 18, (1) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least age 18 and (2) may not vote in any other election.

County Boards of Education

Twenty counties have elected school boards and 4 counties have combined appointed and elected school boards. The **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

State and Local Fiscal Effect:

Fiscal 2025

If the constitutional amendment is approved by the voters, State general fund expenditures and local government expenditures each are expected to increase by \$149,000 in fiscal 2025, reflecting the State and local boards of elections shares of (1) one-time costs for programming changes to the Agency Election Management System and the voter registration system (\$260,000 total, \$130,000 each) and (2) one-time costs for pollbook software modifications (\$38,000 total, \$19,000 each).

These changes/modifications are needed in order to allow, in counties where it is authorized, individuals under age 18 to vote in county board of education elections only, during elections when other voters are generally eligible to cast a vote for all offices/questions on the ballot. It is uncertain at this time how these costs will be divided between the State and local boards; however, for the purposes of this fiscal note, it is assumed that these costs are split evenly. It is also assumed the work is begun and completed in fiscal 2025 in advance of the 2026 statewide primary election, regardless of

when, or whether, counties authorize registered voters under age 18 to vote in board of education elections, in order to have the capability available in advance. A portion of these costs may be incurred in fiscal 2026 to the extent work continues into fiscal 2026.

Fiscal 2026 and Future Years

If the constitutional amendment is approved by the voters, State general fund expenditures and local government expenditures also increase in fiscal 2026 and future years for costs of additional mail-in ballots and in-person ballots to the extent counties authorize registered voters under age 18 to vote in board of education elections. State general fund expenditures and local government expenditures each increase by less than \$1,000 on average per election, per county.

Local government expenditures also increase, in counties where registered voters under age 18 are authorized to vote in board of education elections, due to additional personnel costs associated with voting machine testing related to the unique ballots that are provided to under-age-18 voters. Those counties may also incur voter education costs. These additional local government expenditures, however, have not been quantified at this time.

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland State Board of Elections; Anne Arundel County; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2024
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Appendix – Local Boards of Education Membership

Membership

The composition of the local boards of education varies with members serving three- to four-year terms. Twenty counties have elected school boards and four counties have combined appointed and elected school boards. Twenty-two boards have student members; however, only 8 boards allow student members to vote, which generally excludes authority to vote on matters relating to collective bargaining and personnel. Three counties with voting student members also preclude student members from voting on matters relating to operating and capital budgets. **Exhibit 1** shows the selection methods, terms of office, and membership of the 24 local school boards.

Exhibit 1
Local Boards of Education
As of January 2024

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>		<u>Means of Selection¹</u>
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel ²	8	4 years	E	7 from councilmanic districts 1 student (one-year term)
Baltimore City ³	12	3 or 4 years	A/E	2 elected from city at large 9 appointed by mayor 1 student (one-year term)
Baltimore ⁴	12	4 years	A/E	4 appointed from county at large 7 elected from councilmanic districts 1 student (one-year term)
Calvert	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Caroline	7	4 years	A/E	3 elected from school board districts 2 appointed from county at large 2 students (nonvoting, one-year term)
Carroll	11	4 years	E	5 from county at large 5 commissioners <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Cecil	6	4 years	E	5 from commissioner districts 1 student (nonvoting, one-year term)

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>		<u>Means of Selection¹</u>
Charles ⁵	10	4 years	E	1 from county at large 8 from commissioner districts 1 student (one-year term)
Dorchester	8	4 years	E	5 from councilmanic districts 3 students (nonvoting, one-year term)
Frederick	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Garrett	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Harford ⁶	11	4 years	A/E	6 elected from councilmanic districts 3 appointed from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term)
Howard	8	4 years	E	2 from county at large 5 from councilmanic districts 1 student (one-year term)
Kent ⁷	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Montgomery	8	4 years	E	2 from county at large 5 from school districts 1 student (one-year term)
Prince George's ⁸	10	4 years	E	9 from school board districts 1 student (one-year term)
Queen Anne's	7	4 years	E	1 from county at large 4 from commissioner districts 2 students (nonvoting, one-year term)
St. Mary's	6	4 years	E	1 from county at large 4 from commissioner districts 1 student (nonvoting, one-year term)
Somerset	5	4 years	E	5 from commissioner districts
Talbot	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington ⁹	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico	7	4 years	E	5 from councilmanic districts 2 from county at large
Worcester	10	4 years	E	7 from commissioner districts 3 students (nonvoting, one-year term)

¹ E = Elected and A/E = Combined appointed by Governor and elected board, except (1) in Baltimore City, members are appointed by the mayor from a list of names provided by the Baltimore City Public School Board Community Panel and (2) in Harford County, members are appointed by the county executive with the advice and consent of the county council. Entries for local boards that are at any point in the process of transitioning between means of selection reflect the final state the board will be in once the transition fully takes effect.

² Chapter 473 of 2017 restructured the Anne Arundel County Board of Education from a nine-member appointed board to an eight-member elected board consisting of seven elected members (one from each of the seven councilmanic districts on a nonpartisan basis) and one student member. The terms of the elected members are staggered; four members were elected at the 2018 general election and three members were elected at the 2020 general election as the terms of previously appointed board members expired. In this manner, the elected board is phased in. The members elected in 2018 serve a six-year term, while the members elected in 2020 serve a four-year term. Thus, beginning in 2024, all members must stand for election. An elected member of the board generally serves a four-year term beginning on the first Monday in December after the member's election and until a successor is elected and qualifies.

³ Elected members serve a four-year term and appointed members serve a three-year term. Chapters 764 and 765 of 2023 expanded student member voting rights to include matters relating to capital and operating budgets; school closings, reopenings, and boundaries; and student disciplinary matters. Additionally, Chapters 764 and 765 require that the student member be elected by the high school students of Baltimore City Public Schools in accordance with procedures established by the board in collaboration with the Associated Student Congress of Baltimore City.

⁴ Chapter 785 of 2023 authorized the student member of the board to vote on matters relating to capital and operating budgets provided the student member completes specified budget training within two months of their election. Chapter 786 of 2023 altered the timing of elections for board members such that (1) the four appointed members must be appointed by the Governor in *presidential election years* from a list of nominees submitted by the Baltimore County School Board Nominating Commission and (2) the seven elected members of the county board must continue to be elected in *gubernatorial election years*.

⁵ Chapters 404 and 405 of 2021 added two new members to the Charles County Board of Education and altered the selection method for board members by requiring that eight board members be elected from the county commissioner districts (two from each of the four districts) and one board member be elected from the county at large. Previously, the seven board members were all elected from the county at large. All seats are subject to election in November 2022; however, the at-large member elected in November 2022 must serve a two-year term (instead of the usual four-year term) until a successor is elected to a full term in November 2024. Chapters 404 and 405 also provided the student member with voting rights, subject to certain restrictions.

⁶ Chapter 569 of 2022 eliminated the role of the Governor in appointing members to the Harford County Board of Education. Instead, beginning with members appointed following the 2022 gubernatorial election, the Harford County Executive will appoint board members, subject to the advice and consent of the Harford County Council by a vote of at least five members. In appointing members to the board, the county executive must ensure, to the extent practicable, that the total makeup of the board reflects the gender, ethnic, and racial diversity of the county. Members appointed to the board following the 2022 election must serve for a term of two years until a successor is appointed and qualifies. Subsequent board members will be appointed following the 2024 presidential election and each presidential election thereafter.

⁷ Chapters 674 and 675 of 2023 codify a nonvoting student member of the Kent County Board of Education into statute and specify the selection method and responsibilities of the student member.

⁸ Chapter 217 of 2022 altered the membership of the Prince George's County Board of Education by removing the four appointed members from the board. Effective July 1, 2024, the board will become an elected board that consists of nine elected members, each of whom must reside in and be elected from a different school board district, and one student member. Chapter 793 of 2023 expanded the voting rights of the student member by allowing the student member to vote on, among other matters before the board, (1) capital and operating budgets; (2) school closings, reopenings, and boundaries; and (3) student disciplinary matters. The student member still may not vote on collective bargaining decisions, teacher and administrator disciplinary matters, and other personnel matters. The Act preserved a restriction on the student member attending an executive session relating to specified hearings or collective bargaining and additionally prohibits the student member from attending an executive session on a personnel matter on which the student member may not vote.

⁹ Although not in statute, the Washington County Board of Education reports that there is a student member on the board and that the student member can only concur on votes and must abstain from certain matters.

Source: Sections 3-101 through 3-1405 of the Education Article; Local Boards of Education