

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 1046
 Ways and Means

(Delegate Ramirez, *et al.*)

Education, Health, and Environmental Affairs

Election Law - Early Voting

This bill provides for three days of early voting prior to a general or primary election.

The bill takes effect June 1, 2005.

Fiscal Summary

State Effect: The State Board of Elections (SBE) general fund expenditures could increase by \$90,000 in FY 2007 for technical support specialists to assist early polling places with electronic voting units during the statewide general and primary election. Expenditures would increase by \$45,000 in FY 2008 and 2009 for specialists during the early presidential primary and general election. Additional expenditures for local election personnel and voting system operations would depend on the number of early voting polling places in each jurisdiction and are not included in the table below. Such costs could be significant.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	90,000	45,000	45,000	0
Net Effect	\$0	(\$90,000)	(\$45,000)	(\$45,000)	\$0

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

Local Effect: None. Uncodified bill language requires the Governor to allocate the resources necessary to implement the bill.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires early voting polling places to be open for voting eight hours daily (for three days) beginning the fifth day before a primary or general election through the Saturday before the election. A voter may vote at any early voting polling place in the voter's county of residence. Local boards of election must ensure that every ballot style used in the county for the election is available at each early voting polling place in each county. The State Administrator of Elections is required to establish at least one early polling place in each county with the advice of the local election director. The geographic location of any additional early voting polling places is to be selected by a local board in consultation with the principal majority and the principal minority political party. However, each local board has the final authority to select geographic locations for the number of polling places designated by the State administrator for that county.

SBE must adopt regulations and guidelines for the conduct of early voting on or before January 1, 2006, which address the security of voting units at early polling places, including clear chain of custody.

Current Law: In general, a registered voter may vote by absentee ballot at an election if the voter:

- may be absent on election day from the county in which the voter is registered;
- because of accident, illness, or physical disability, will be unable to go to the polling place on election day;
- because of confinement in or restriction to an institution, will be prevented from going to the polling place on election day;
- because of a death or serious illness in the voter's immediate family, will be unable to go to the polling place on election day;
- is a full-time student at an institution of higher education located outside the voter's precinct but within the county of registration, and academic requirements prevent the voter from going to the polling place on election day; or
- because of employment by or service as an official of the SBE or a local board, is required to be absent from the precinct in which the voter is registered to vote on election day.

A county is required to pay its share of one-half of the State's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting. A county's share of the cost of acquiring and operating the uniform statewide voting systems is based upon the county's voting age population.

Background: The Election Reform Project currently reports that 35 states have some type of early voting system. The duration of early voting varies from state to state, but 10 to 14 days is the average period in which voters may cast their ballots. Satellite locations for both no-excuse absentee and early voting have included local grocery stores (Colorado), courthouses (West Virginia), local libraries (North Carolina), and shopping malls (California). However, state and local election offices are most common.

The federal Help America Vote Act of 2002 (HAVA) establishes uniform election standards for every state. Approximately \$3.6 billion in funding was authorized for the states to assist in compliance. The Act outlines requirements covering such subjects as disabled voter access to polling places, mail-in registration, statewide voter registration, and provisional balloting. To date, the State has received just over \$49.7 million in federal funds under HAVA. These funds have been deposited in the Maryland Election Modernization Fund pursuant to Chapter 197 of 2003.

State Fiscal Effect: General fund expenditures would increase substantially for the costs of supporting early voting polling places across the State because the bill does not permit the use of federal funds received under HAVA. The State would bear the entire cost of implementing early voting since the bill requires the Governor to allocate the resources required.

Technical Support Costs: SBE will need technical support specialists to monitor and troubleshoot the Diebold voting machines during an election. The early polling places would require a minimum of 25 specialists who are paid \$75 per hour, or \$600 for an eight-hour day.

The total costs for specialists during each early voting election would be \$45,000. Thus, in fiscal 2007, general fund expenditures would increase by \$90,000 for the two early voting periods preceding the gubernatorial primary and general elections in 2006, \$45,000 in fiscal 2008 for the early presidential primary, and \$45,000 in fiscal 2009 for the presidential general election.

Election Personnel and Voting Equipment Costs: The primary cost driver for conducting early voting by local boards of election is additional election personnel and any rental costs for boards that do not have adequate space to conduct early voting on-site. Montgomery County would require seven additional election aides at a cost \$4,000 per

election. Washington County would require three additional election aides and rental space, at an estimated cost of \$5,000 per election. Both estimates would increase if additional early voting polling places are added.

It is anticipated that additional expenditures could be offset over time as more individuals vote during the early voting period. This would gradually decrease the number of voters on election day, allowing local boards to reduce resources used on election day accordingly.

Additional Information

Prior Introductions: None.

Cross File: SB 478 (Senator Miller, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Kent County, Montgomery County, Washington County, Worcester County, Baltimore City, Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2005
mll/jr Revised - House Third Reader - April 11, 2005

Analysis by: Michelle L. Harrison-Davis

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