Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 292   (Senator Pinsky, *et al.*)

Education, Health, and Environmental Affairs

Elections - Instant Runoff Method of Voting

This bill establishes an instant runoff method of voting intended to ensure majority rule in an election.

The bill takes effect January 1, 2007.

Fiscal Summary

State Effect: General fund expenditures would increase by roughly $11.1 million in FY 2008 and $1.5 million in FY 2009, reflecting documentation revision, information technology, voter education, and election judge training development costs leading up to the 2008 presidential primary and general elections. General fund expenditures also would increase by $1.5 million in FY 2011 due to voter education costs prior to the 2010 gubernatorial elections. These estimates do not include costs that cannot be reliably estimated for additional staff to assist in the ballot counting process and additional voting machines possibly needed if allowing voters to rank candidates will cause significantly longer voting lines.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	$0	$0	$0	$0	$0
GF Expenditure	0	11,050,000	1,500,000	0	1,500,000
Net Effect	$0	($11,050,000)	($1,500,000)	$0	($1,500,000)

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

Local Effect: Local election boards would experience increased expenditures due to voter education and election judge training costs.

Small Business Effect: None.

Analysis

Bill Summary:

Instant Runoff Method

The instant runoff method simulates the ballot counts that would occur if all voters participated in a series of runoff elections in which the candidate receiving the lowest number of votes in each election (or "round") was taken off the ballot, until eventually one candidate received a majority of votes.

The rounds are simulated by giving each voter, when casting a ballot, the option of marking alternate runoff choices on their ballots. Ballots are then counted in rounds. The ballots are first counted initially according to the first choice on each ballot. If a candidate receives a majority of votes, that candidate is certified as the winner. If one candidate does not receive a majority of votes, the candidate receiving the least votes is eliminated and the remaining candidates advance to another round. In every round, each ballot is counted as one vote for the top-ranked advancing candidate on that ballot. The rounds continue until a candidate receives a majority of votes, excluding blank votes, spoiled votes, and exhausted ballots. An exhausted ballot is a ballot that no longer contains available choices (advancing candidates).

The bill sets out ● additional methods of eliminating candidates receiving low numbers of votes to accelerate the process; ● applicable procedures when voters skip one or more numerical rankings on a ballot, give two or more candidates the same ranking, or rank the same candidate more than once; and ● procedures for breaking a tie for last place in a round to decide which candidate is eliminated.

Procedural Requirements

To proceed to the instant runoff method once the initial ballot count in an election has not produced a majority of votes for one candidate, the board of canvassers must petition the Circuit Court for Anne Arundel County. The petition must be supported by a statement signed by a majority of the board of canvassers stating that no candidate received a majority of votes in the initial ballot count of first-choice votes. The circuit court then must appoint an instant runoff committee to tabulate the votes in the instant runoff rounds. When a candidate receives a majority or if the rounds are completed and no

candidate receives a majority, the court must issue a certificate of election and forward it to the appropriate certification authority.

Voting Equipment Requirements

Voting equipment certified by the State Board of Elections (SBE) must provide for marking, sorting, and counting ballots, and tabulating votes in sequential rounds using the instant runoff method. No funds or contracts may be issued for voting equipment unless the systems can be ready to implement the instant runoff method and any other ballot types in use within the United States within one year at no extra cost to the contracting or purchasing jurisdiction.

Determination of Number of Rankings/Ballot Instructions/Voter Information

The number of choices a voter may make on a ballot may be limited by SBE if the number of candidates for an office makes ranking all candidates impractical. However, if there are three or more candidates for an office, SBE must provide for at least three to be ranked.

Ballots must include the following instruction: "In addition to your first-choice candidate, you may mark alternate runoff choices if you wish. Marking a second choice cannot help defeat your first choice. Marking a subsequent choice cannot help defeat your top-ranked choices."

Local boards must display sample ballots using fictitious names in each polling place to illustrate the voting procedures applicable in the instant runoff method.

Regulations/Voter Education

SBE must adopt regulations as necessary to implement the requirements of the bill and must conduct a voter education campaign to familiarize voters with the ballot design, instant runoff method, and the advantages of determining a majority winner in an election using the instant runoff method.

Applicability

The instant runoff method is used in each election for: President of the United States, Member of Congress, Governor and Lieutenant Governor, Attorney General, Comptroller, Maryland Senator, House of Delegates member from a single-member district, county executive, State's attorney for any county, and member of a county council or school board elected from a single-member district.

Current Law: All elections for State and federal office require a plurality of votes to win. Currently, there is no requirement for candidates to receive a majority of all votes cast in an election.

State Fiscal Effect: General fund expenditures would increase by roughly $11.1 million in fiscal 2008, $1.5 million in fiscal 2009, and $1.5 million in fiscal 2011.

The software installed in the Diebold direct recording electronic (DRE) voting systems used statewide currently cannot support a ballot that would allow voters to rank candidates for each office, as required by the instant runoff method. SBE is not aware of currently available replacement software that could implement the instant runoff method. Diebold has indicated it may have software available for the 2008 presidential elections that would be available in the beginning of calendar 2008 at the earliest. SBE's contract with Diebold currently provides for software updates at no additional cost, and SBE advises it is possible that software capable of implementing the instant runoff method may be considered an update.

SBE estimates increased costs leading up to the 2008 elections as listed below (assuming software to implement the instant runoff would be available in the beginning of calendar 2008 and would be provided by Diebold at no additional cost to the State):

Documentation revision	$5,000,000
Agency IT costs	4,500,000
Voter education	3,000,000
Election judge training development	50,000
Total	**$12,550,000**

The majority of these costs ($11,050,000) would occur in fiscal 2008, reflecting documentation updates, IT costs, and voter education prior to the presidential primary elections in early calendar 2008. Half of the voter education ($1,500,000) costs listed above would occur in fiscal 2009 prior to the presidential general election.

Additional voter education costs of $1.5 million would be incurred in fiscal 2011, prior to the 2010 gubernatorial primary and general elections.

Other costs, that cannot be reliably estimated, include a possible need for additional contractual staff to assist in counting votes according to the instant runoff method and

possibly more voting machines if ranking candidates will cause voting lines to be significantly longer.

Local Fiscal Effect: Local boards would experience increased expenditures primarily due to voter education (in addition to SBE's voter education costs) and election judge training. Local boards likely would need additional staff or would need to hire a public relations firm to assist with voter education. In addition, SBE recommends, as a part of voter education, that a mandatory primary election specimen ballot mailer be sent to each voter to allow them to determine how they will rank candidates prior to voting. Cost estimates for mailing out specimen ballots among Anne Arundel, Carroll, Howard, Montgomery, Washington, and Wicomico counties range from $13,000 in Washington County to $83,000 in Montgomery County.

SBE advises that election judge training has become more complex due to added security requirements and Help America Vote Act mandates. Adding subject matter on the instant runoff method to election judge training may increase time needed for training and therefore compensation costs for the judges.

Additional Information

Prior Introductions: SB 292 of 2001, a substantially similar bill, received an unfavorable report by the Economic and Environmental Affairs Committee.

Cross File: None.

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

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ncs/jr

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