

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 712

(Senator Hollinger)

Education, Health, and Environmental Affairs

Ways and Means

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**Election Law - Voter Bill of Rights**

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This emergency bill • requires separate precincts to be set up at higher education institutions • requires the powers and duties of the State Board of Elections (SBE) to be exercised in accordance with an affirmative vote by a supermajority of the members • requires local boards to administer voter registration and absentee voting for nursing homes and assisted living facilities in accordance with SBE-approved procedures • extends early voting hours • provides guidelines for establishing early voting polling places • requires a review to be conducted regarding election day voter registration and • requires each early voting and election day polling place to be equipped with a computer device that contains a record of all registered voters in the county and is capable of being networked to other polling place devices (e-poll books).

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**Fiscal Summary**

**State Effect:** The FY 2007 budget bill includes a \$13.37 million FY 2006 deficiency appropriation to cover costs associated with early voting, \$11.5 million of which is contingent on certification of e-poll books by SBE and is expected to be allocated toward a lease purchase of the e-poll books. The overall cost of the e-poll books is expected to be roughly \$28 million, however, prior to a lease purchase agreement being entered into, it is not certain how the total cost will be allocated over FY 2006, 2007, and subsequent years. Any costs associated with leasing early voting polling places are also expected to be covered by the deficiency appropriation. Assuming the balance of the cost of the e-poll books would be paid for with general funds, future years would reflect additional payments toward the overall cost of the e-poll books. General fund expenditures could also increase in election years due to the purchase of additional voting machines and local board costs.

**Local Effect:** County expenditures could increase in election years due to additional election judge costs, administering absentee balloting and voter registration at nursing homes and assisted living facilities, and setting up and operating additional polling places at higher education institutions.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** A local board must establish a separate precinct to serve a public or private higher education institution if the board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located. If the institution receives State funds, the polling facility must be provided at no charge to the local board and the institution must assist the local board in recruiting election judges.

Early voting hours are extended from eight hours each day to 7 a.m. to 8 p.m. each day during the period from the Tuesday before a primary or general election through the Saturday before the election.

When establishing early voting polling places, a local board must select a geographically central and easily accessible site if only one location is being used in the county. If more than one site is being used, the local board selects sites from recommendations provided by the chairmen of the local central committees of the recognized political parties.

The State Administrator of Elections and the Office of the Attorney General must conduct a review regarding election day voter registration starting with the 2008 primary and report findings and recommendations to the Governor and the General Assembly on or before December 31, 2006.

The Governor must allocate the resources to implement the requirements of the bill, including any federal or special funds, grants, or gifts received for the purposes of the bill, except for federal funds received in accordance with the Help America Vote Act of 2002.

## **Current Law:**

### *Creation or Alteration of Precincts*

A local board may create and alter precinct boundaries, designate polling place locations in any election district, ward, or precinct in the county, and combine or abolish precincts. A local board may not create or change a precinct boundary or polling place during the period beginning the Tuesday, 13 weeks prior to a primary election, through the day of the general election. The board must adopt a written resolution to create a new precinct or change a precinct boundary stating the purpose of the change, containing a written description of precinct boundaries, and accompanied by a map of the area involved. The resolution must be filed with the State Board of Elections (SBE) within five days of its adoption. Voters affected by the change must be notified by mail at least 30 days after the change.

### *Polling Places*

Polling places are designated by local boards according to statutory guidelines, including that polling places be located as conveniently as practicable for the majority of registered voters assigned to that polling place. A public official responsible for a building requested by a local board for an election must make the space available at no charge.

### *Early Voting*

Each local board must establish early voting polling places in its county, and the City of Baltimore and Anne Arundel, Baltimore, Harford, Howard, Montgomery, and Prince George's counties must have at least three early voting polling places. Early voting polling places must meet requirements applicable to election day polling places. A voter may vote at any early voting polling place in their county of residence and each local board must ensure that every ballot style used in the county is available at each polling place. Early voting polling places are open eight hours each day between the Tuesday before a primary or general election and the Saturday before the election.

## **Background:**

- There are 61 higher education institutions in Maryland. It is unknown how many of these institutions would be eligible for a separate polling precinct, having 500 students, faculty, or staff registered to vote in the precinct that includes the institution.
- Early voting was enacted into Maryland law pursuant to Chapter 5 of 2006.

- Election day registration is currently available to some extent (not necessarily in all counties) in Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming.

### **State Fiscal Effect:**

#### *E-poll Books*

SBE estimates it would cost roughly \$28 million to purchase e-poll books for polling places statewide and has proposed a lease purchase of the e-poll books to implement early voting, in accordance with Chapter 5 of 2006. The fiscal 2007 budget bill includes a \$13.37 million fiscal 2006 deficiency appropriation to cover costs associated with early voting as set forth in Chapter 5 of 2006 that may occur in fiscal 2006 or 2007. Of that amount, \$11.5 million is contingent on certification of e-poll books by SBE and is expected to be allocated toward the lease purchase of the e-poll books.

Assuming the balance of the cost of the e-poll books would be paid for with general funds, future year expenditures would reflect additional payments for the e-poll books to cover the remainder of the \$28 million overall cost. Because a lease purchase agreement has not yet been entered into, it is not certain how the overall cost will be allocated over fiscal 2006, 2007, and subsequent years.

#### *Early Voting Polling Places and Extended Hours*

The bill's changes could increase local board costs to the extent smaller counties that will only use one early voting polling place need to lease a geographically central polling place when it would otherwise have conducted early voting at the election board office or other public venue. *For illustrative purposes*, Garrett County pays a maximum of \$100 a day for the privately-owned polling places it uses, which would amount to \$500 for five days of early voting.

Any costs arising from leasing private polling places for early voting, however, are expected to be covered under the \$13.37 million fiscal 2006 deficiency appropriation included in the fiscal 2007 budget bill to cover costs associated with early voting as set forth in Chapter 5 of 2006.

Extended early voting hours could increase election judge costs for local boards. SBE estimates the cost of election judges for early voting statewide will be at least \$570,000 (based on 10 election judges per polling place at an average salary of \$150/day), which is expected to be covered under the \$13.37 million fiscal 2006 deficiency appropriation.

Local boards have indicated they will likely need to increase compensation for early voting election judges or hire additional election judges due to the extended voting hours under the bill, which would increase the cost estimated by SBE. Local boards have also indicated that extending early voting to 8 p.m. on the Saturday before election day would further interfere with election day preparation.

### *Higher Education Institution Polling Places*

According to several local election boards, a polling place would require three voting machines which would cost roughly \$8,000. Additional costs for election judges and training personnel, notification of voters, delivery costs, and supplies would likely vary based on the compensation of election judges and training personnel in each county as well as the number of expected voters at each new polling place, affecting notification costs and possibly the number of election judges needed.

Election judge compensation is statutorily specified for some counties. Otherwise, local boards are authorized to fix the compensation of election judges within limits authorized by the county's governing body. *For illustrative purposes*, Montgomery and Harford counties provided rough estimates of \$3,000 to \$6,000 for the costs of setting up and operating each polling place, excluding the purchase and associated costs of additional voting machines.

SBE estimates the cost of creating and running a polling place to be between \$30,000 and \$50,000, which may include additional costs associated with the voting machines for technical support, software installation, maintenance, and storage.

Future years would reflect the above-mentioned costs occurring for statewide elections (both primary and general combined), excluding the cost of purchasing the additional voting machines and any software installation or other one-time start-up costs associated with the voting machines.

Under current law, presumably the costs of additional voting machines and associated support services would be shared between the State and each county and the counties would be responsible for the remaining costs of establishing and operating the additional polling places. However, it is unclear under the bill's requirement that the Governor allocate resources required to implement the bill whether the State might be responsible for more or possibly all of these costs.

### *Nursing Home and Assisted Living Voter Registration and Absentee Voting*

SBE currently has in place procedures regarding absentee ballot and voter registration assistance for licensed nursing homes and assisted living facilities. According to the procedures, each facility in the local board's jurisdiction is visited. Several local boards have indicated that they currently conduct voter registration outreach at nursing homes and in some cases assisted living facilities. To the extent the bill's changes cause local boards to conduct voter registration and absentee voting activities at nursing homes and assisted living facilities to a greater degree than is currently being conducted by each local board, those boards could incur additional costs associated with hiring and training temporary staff and conducting additional visitations. Under the bill's requirement that the Governor allocate resources to implement the bill, it is not clear whether these costs would be borne by the State or the local boards.

**Local Fiscal Effect:** It is assumed costs associated with implementing early voting, including the costs of purchasing e-poll books and leasing early voting polling places, will be covered by State general funds allocated in the fiscal 2007 budget bill and general funds allocated in future years.

Counties may be responsible for costs associated with establishing and operating polling places at higher education institutions, estimated to range from \$11,000 to \$50,000 per polling place; costs associated with hiring additional election judges to cover extended early voting hours; and any costs associated with increased voter registration and absentee ballot activities at nursing homes and assisted living facilities. As stated in the State Fiscal Effect discussion above, it is unclear under the bill's requirement that the Governor allocate resources required to implement the bill how much of these costs would be a county responsibility.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1368 (Delegate Hixson, *et al.*) – Ways and Means.

**Information Source(s):** Harford County, Montgomery County, Maryland Higher Education Commission, University System of Maryland, Maryland State Board of Elections, Department of Legislative Services

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