

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1589
Ways and Means

(Delegate Bates, *et al.*)

Election Law - Deadline for Certification of Ballot and Election Results

This bill extends, from 18 to 32 days, the amount of time allowed for the State Board of Elections to certify the content and arrangement of a general election ballot after the primary election in any year other than a Presidential election year. The date on which each local board of canvassers generally must transmit a certified copy of the election results of the respective county to the Governor, the State board, and the clerk of the circuit court of the county, is moved from the second Friday to the fourth Friday after a primary or general election. The last date by which results of a special primary or special election must be transmitted, is extended from the second Thursday to the fourth Thursday after the election.

Fiscal Summary

State Effect: It is assumed the bill's changes would not directly affect the finances of the State Board of Elections.

Local Effect: None. The changes could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law:

Ballot Certification

SBE must certify the content and arrangement of each ballot for a primary election: • in a Presidential election year – at least 42 days before the election; and • in any other year – at least 50 days before the election.

SBE must certify the ballot for a general election: • in a Presidential election year – at least 55 days before the election; and • in any other year – not more than 18 days after the primary election.

SBE must certify the ballot for a special primary election at least 18 days before the election, and for a special general election, not later than a date specified in the Governor's proclamation declaring the election.

On petition of SBE, the Court of Appeals may establish a later date for certification in extraordinary circumstances.

Ballot Preparation

Within 48 hours after certification, SBE must deliver to each local board a copy of the certified ballot content and arrangement for that county. Generally within five days of certification, the local board must prepare the arrangement for all ballots to be used in the county, and display the content and arrangement, in a manner accessible to the public, on all days the board's office is open through the day of the election. Unless a delay is required by court order, the local board may begin to print ballots after three days of public display and, with approval of SBE, correction of any noted errors.

Transmittal of Results

Local boards of elections serve as the local board of canvassers. Each board of canvassers, after each election, must transmit a certified copy of the election results for the county to the Governor, SBE, and the clerk of the circuit court of the county.

Results of a primary or general election must be transmitted on the second Friday after the election, or, if the canvass is completed after that date, within 48 hours after the completion of the canvass.

Results of a special primary or special election are required to be transmitted as soon as possible, but not later than the second Thursday after the election. Results of a special primary or special election held at the same time as a primary or general election are transmitted in accordance with the requirements for transmittal of results of a primary or general election.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2006
nas/jr

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