

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

House Bill 732  
Ways and Means

(Delegates Barve and Hixson)

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Elections - Runoff Elections

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This constitutional amendment requires the General Assembly to provide for a runoff election for an office in which only one candidate is elected and one candidate does not receive more than 50% of the votes cast for that office. Only the two candidates who received the highest number of votes in the general election are eligible for the runoff. In the event of a tie between more than two candidates, all the candidates involved in the tie are included in the runoff.

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Fiscal Summary

**State Effect:** General fund expenditures could increase significantly in FY 2010 in the event a runoff election is necessary after the 2010 general election assuming approval of the bill by the voters at the 2008 general election.

**Local Effect:** Local government expenditures could similarly increase significantly in FY 2010 in the event a runoff election is necessary after the 2010 general election.

**Small Business Effect:** None.

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Analysis

**Current Law:** Currently, there is no requirement for candidates to receive a majority of all votes cast in an election.

**Background:** In the 2006 general election, no statewide or General Assembly candidate for an elective office in which only one candidate was to be elected did not receive more than 50% of the vote.

Takoma Park has adopted an “instant runoff” method of voting, where voters rank their candidate choices for a given office allowing for results to be tabulated in a manner that produces a majority winner without a separate runoff election being conducted. The method was first used January 30, 2007 in a special election to fill a vacant city council seat.

**State Expenditures:** Assuming approval by voters during the 2008 general election, general fund expenditures could increase significantly in any fiscal year in which a general election occurs, beginning in fiscal 2010. However, without knowing in advance whether a runoff election would be necessary for a statewide or county-specific race in the fiscal year in which costs would be incurred is unknown.

The cost of a statewide runoff would be significant, but cannot be reliably estimated at this time from available information. Costs could also be affected by implementing legislation.

For the 2006 general election, roughly \$10.4 million is expected to have been spent (costs have not yet all been paid) in fiscal 2007 for maintenance, transportation, absentee ballot printing, support services, technical support, set-up/breakdown, and DRE ballot preparation associated with the voting system. It is assumed additional services in each of these categories would be required for a statewide runoff election though it is uncertain what proportion of the total 2006 election year costs for these services might be incurred to conduct a runoff election. Costs for runoff elections only in certain counties would be considerably less than a statewide runoff.

The State Board of Elections (SBE) advises that the State’s existing voting equipment would be sufficient to conduct a potentially statewide runoff and that any maintenance required to be conducted on voting machines used in the general election would be done prior to the runoff.

Pursuant to Chapter 564 of 2001, which requires each county to pay its share, based on its voting age population, of one-half of the cost of acquiring and operating the State’s voting systems, the State would be responsible for half of the voting system services costs associated with a runoff election, whether it is statewide or in one or more counties.

**Local Fiscal Effect:** Assuming approval by voters during the 2008 general election, similar to State expenditures, local government expenditures could increase in any fiscal

year in which a general election occurs, beginning in fiscal 2010. Each county would be responsible for its share, based on its voting age population, of one-half of the voting system services costs associated with the runoff election.

Local government expenditures would also increase due to election judge salaries, employee overtime and temporary employee pay, printing and mailing costs, polling place facilities costs, and others. Montgomery County, for example, estimates its expenditures could increase by just over \$1 million to conduct a countywide runoff election (in addition to voting system services costs shared with SBE). This estimate does not account for the cost of any temporary employees. Prince George's County also estimates that a countywide runoff election could increase expenditures by just over \$1 million due to the costs of compensation for a variety of employees, technicians, and other staff; election judges; election services; advertising and printing; polling place facilities costs and other costs.

The Maryland Constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2008 general election in newspapers or on specimen ballots.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Prince George's County, Harford County, State Board of Elections, Department of Legislative Services

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