

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 63

(Senator Lenett, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Election Law - Voter's Bill of Rights

This bill requires a specified “Voter’s Bill of Rights” document to be • posted in each polling place; • included with each official sample ballot distributed; • offered to voters at polling places on election day; and • available in a language other than English in any precinct where the ballot is required to be made available in a language other than English under federal or State law. The document must also include instructions on how to contact the appropriate local board, and a toll-free number to do so, if a voter’s rights are alleged to have been violated.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: The bill’s requirements could be handled with existing resources.

Local Effect: Local government expenditures could increase in FY 2008 and future election years for printing and postage costs associated with posting and distributing the “Voter’s Bill of Rights” as well as the cost for each local election board to set up a toll free number for individuals to report alleged violations of voters’ rights.

Small Business Effect: None.

Analysis

Current Law:

Informational Materials Posted at Each Polling Place

The State Board of Elections (SBE), in consultation with the local election directors, is required to specify and produce informational materials to be posted in each polling place including general information on voting rights under applicable federal and State laws and instructions on how to contact the appropriate local board if rights are alleged to have been violated; information regarding provisional voting, including information on an individual's right to cast a provisional ballot and the standards that will be applied in determining whether a provisional ballot will be counted; and general information on federal and State laws regarding prohibitions on acts of fraud and misrepresentation. Similar information is required to be posted under the Help America Vote Act (HAVA).

Requirement of Voting Materials in Languages other than English

Under HAVA and the Voting Rights Act, States and political subdivisions that have over a certain amount of limited-English proficient citizens in a single language minority group (defined as persons who are American Indian, Asian American, Alaska Native, or of Spanish heritage) may not provide voting materials only in English. A state or political subdivision is subject to the requirement where the number of voting age U.S. citizens of limited English proficiency in a single language minority group within the jurisdiction, as determined by the Director of the Census, based on census data:

- is more than 10,000;
- is more than 5% of all voting age citizens in the jurisdiction; or
- on an Indian reservation, exceeds 5% of American Indian or Alaska Native citizens of voting age on the reservation; and
- the illiteracy rate of the group is higher than the national illiteracy rate.

When covered by the requirement, the jurisdiction must provide all election materials, including registration or voting notices, forms, instructions, assistance, or other materials or information related to the electoral process, including ballots, in the alternative language.

Background: SBE produces posters to be posted in each polling place setting forth qualifications to vote, various voting rights, and State and federal voting-related crimes. The posters include SBE contact information and a toll-free telephone number.

Montgomery County is the only county in Maryland required to provide election materials in a language other than English under the Voting Rights Act. The county offers all election materials, including audio ballots, in Spanish.

Local Expenditures: Local government expenditures could increase in fiscal 2008 and future election years due to printing and postage costs and the cost of setting up toll-free telephone numbers.

Printing and postage costs would increase to include the Voter's Bill of Rights documents with specimen ballots and to post and provide copies of the document at polling places. Prince George's County estimates it could cost \$25,000 just to include the document with specimen ballots, while Harford and St. Mary's counties estimate that including the document in specimen ballots and posting it and making it available at polling places could cost roughly \$21,000 and between \$11,000 and \$12,000, respectively.

Local election boards could also incur costs to set up toll-free telephone numbers for individuals to report alleged voters' rights violations. These costs could vary depending on the provider and plan used and the volume of calls received and therefore cannot be reliably estimated. Assuming the toll-free numbers are set up for a limited period of time and a reasonable number of calls are received, the costs for each local board should not be substantial.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Carroll County; Cecil County; Harford County; Montgomery County; Prince George's County; St. Mary's County; State Board of Elections; Department of Legislative Services

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