

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 366
Ways and Means

(Delegate Bohanan)

Election Administration and the Recruitment and Retention of Election Judges

This bill requires public higher education institutions in the State to be closed for normal academic activities on each statewide general election day and be open to accommodate voting on each primary and general election day. The governing board of each institution must consider specified policies aimed at assisting in the administration of elections. A separate precinct generally must be established on the campus of, or within one-half mile of, a public or private higher education institution. The bill also specifies that a local election director may appoint an election judge to serve for all or part of a day at a polling place on election day. A local board must apportion the compensation for an election judge on the basis of each day or part of a day that the election judge actually works.

Fiscal Summary

State Effect: General fund expenditures could increase in FY 2008 and 2009 due to costs related to contractual services for voting machines and e-pollbooks, as well as provisional ballots, if additional polling places have to be established by the local boards for the 2008 primary and general elections. Higher education expenditures could increase in FY 2009 due to overtime and election judge recruitment costs associated with additional polling places during the 2008 general election. The increases in expenditures cannot be reliably estimated, but are not expected to be substantial. Future year expenditures could reflect similar costs in election years. Revenues are not affected.

Local Effect: Local government expenditures could increase in FY 2008 and 2009 due to the cost of shifting or establishing additional polling places for the 2008 primary and general elections to meet the requirements of the bill. Future year expenditures could reflect similar costs in election years. Revenues are not affected. *This bill may impose a mandate on a unit of local government.*

Small Business Effect: None.

Analysis

Current Law:

Polling Places at Higher Education Institutions

A local board must establish a separate precinct at or within one-half mile of a public or private higher education institution, to specifically serve the 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 higher education 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. A local board is not required to establish a separate precinct if there is already a precinct within one-half mile that serves the voters who attend or work at the institution.

Election Judges

Each local election director, with the approval of the local board, appoints election judges for each polling place for a term that begins 13 weeks before a statewide primary election and continues until 13 weeks before the next statewide primary election, unless the person is excused for good cause or is not needed for a special election held during the term.

Similar to the bill, under State law a local board may adopt guidelines that provide for the appointment of an election judge, other than a chief judge, to serve for less than a full day and for the judge to be compensated on a pro rata basis.

At least four election judges must be provided to staff each polling place, though in a precinct with fewer than 200 registered voters, the local board only must provide two election judges. One or two election judges assigned to each polling place are designated chief election judges that supervise the other judges. Each judge must take and subscribe to a written oath prescribed in the Maryland Constitution.

Voting Machine Funding

Chapter 564 of 2001, which required the State Board of Elections (SBE) to select, certify, and acquire a uniform statewide voting system for both polling places and absentee

voting, provides in uncodified language that each county must pay its share, based on its voting age population, of one-half of the State's cost of acquiring and operating the uniform statewide voting systems for polling places and absentee voting. Operating costs include the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees.

Background:

Polling Places at Higher Education Institutions

The requirement that separate precincts be created at certain public or private higher education institutions was enacted by Chapter 61 of 2006. Chapter 61 was enacted as an emergency measure and was effective from the date of enactment. Chapter 61 was petitioned to referendum in the 2006 general election, remaining in force for the 2006 elections due to its emergency enactment, and was approved by Maryland voters in the general election.

Election Judges

A number of jurisdictions experienced problems with recruitment of election judges during the 2006 elections. Baltimore City also experienced a substantial problem during the 2006 primary of election judges not showing up for work, which led to a number of polling places opening late.

Among the counties, chief election judge salaries generally range from \$120 to \$300 with a median salary of \$175. Salaries for regular election judges range from \$110 to \$250 with a median salary of \$145. Compensation for training is generally in the range of \$25 in most counties, though some consider training to be compensated for as part of the judges' election day salary.

State Fiscal Effect:

Additional Polling Places

Additional polling places established under the bill's requirements may result in a general fund expenditure increase in fiscal 2008 and 2009, and subsequent fiscal years in which an election occurs due to costs related to contractual services for voting machines and e-pollbooks as well as provisional ballots. It is assumed existing voting machine and e-pollbook spares could be used for any additional polling places. Voting machine related and provisional ballot costs would be shared with the local boards pursuant to Chapter 564 of 2001. The increase in costs cannot be reliably estimated; however, the

number of additional polling places required is expected to be limited and any increase in costs is not expected to be substantial.

Public Higher Education Institutions

Higher education expenditures could increase in fiscal 2009 for overtime for staff members (*i.e.*, police, grounds, and building employees) who could be required to work on general election day as well as the recruitment of election judges for any on-campus polling places required by the bill. These costs cannot be reliably estimated at this time.

The bill's requirement that public higher education institutions close on general election day would require an adjustment to either the start or end of school semesters to make up for class time lost on election day. This, however, is not expected to have a significant fiscal effect on the institutions.

Local Fiscal Effect: Local government expenditures could increase if fiscal 2008 and 2009, and subsequent fiscal years in which an election occurs due to the cost of shifting polling places or setting up additional polling places on or within one-half mile of higher education institution campuses. Under the bill, a local board would be required to establish separate precincts on or within one-half mile of higher education institution campuses that are not already required under current law on campuses where 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.

According to the Maryland Higher Education Commission, there are 61 higher education institution campuses in Maryland, located in 18 counties and Baltimore City. Information is not readily available as to how many of these institutions have at least 500 students, faculty, or staff attending or working at the institution who are registered to vote in the precinct in which the institution is located and do not have a polling place located within one-half mile of the campus (causing a separate precinct to be established on or within one-half mile of the campus under current law). Polling places were located on at least eight campuses during the 2006 elections.

A local board may incur costs to either create an additional polling place, move a polling place, or otherwise restructure precincts to meet the requirements of the bill, to the extent campuses do not have 500 students, faculty, or staff who are registered to vote in the precinct in which the institution is located and a polling place is not already within one-half mile of the campus.

Montgomery County, for example, indicates polling places could be shifted to locate polling places on or within one-half mile of higher education institution campuses to the extent required by the bill. Polling places were located on three of the seven campuses in

Montgomery County and a polling place was located within one-half mile of an additional campus during the 2006 elections. The county advises its expenditures would increase by approximately \$2,600 in voter notification costs for each additional polling place that might be required to be located on campuses that currently are not used as polling places and do not have a polling place within one-half mile. This estimate is based on the printing and mailing costs for the average number of registered voters per precinct (2,400) in the county.

Prince George's, Wicomico, and Allegany counties indicate costs of setting up an additional polling place, aside from any costs shared with SBE related to contractual services for the voting machines and provisional ballots, of between \$850 and \$3,180 per polling place. The cost of setting up an additional polling place on a private higher education institution campus could be higher due to facilities costs.

Additional polling places may increase local government expenditures due to costs shared with SBE related to contractual services for the voting machines and provisional ballots. The number of additional polling places required, however, is expected to be limited and any increase in costs is not expected to be substantial. It is assumed existing voting machine and e-pollbook spares could be used for any additional polling places.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George's County, State Board of Elections, Morgan State University, University System of Maryland, Maryland Higher Education Commission, Department of Legislative Services

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