

Department of Legislative Services  
 Maryland General Assembly  
 2007 Session

FISCAL AND POLICY NOTE

House Bill 886 (Delegate Holmes)  
 Ways and Means

Every Vote Counts Act

This bill makes various changes to State election law regarding • the State Board of Elections’ (SBE) duties and actions; • limits on the number of registered voters assigned to a precinct; • required numbers of voting units in a polling place; • local board requirements regarding absentee ballot and voter registration administration; • certificates of candidacy for a write-in candidate; and • monitoring and inspection of activities on election day by State and local law enforcement officers.

Fiscal Summary

**State Effect:** General fund expenditures could increase by approximately \$9.6 million in FY 2008 for additional e-pollbooks and support services and the State’s share of additional voting machines. Expenditures could also increase due to development and production of supplemental training materials. Future years reflect continuing minimal support services costs and any additional training materials in election years.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	9,602,200	17,500	0	35,000	0
Net Effect	(\$9,602,200)	(\$17,500)	\$0	(\$35,000)	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Local government expenditures would increase in FY 2008 by each county’s share of the cost of additional voting machines as well as minimal election day support and transportation costs. Local government expenditures could also increase due to storage costs for additional voting machines and the cost of establishing and operating additional polling places. Future years reflect continuing costs in election years for

minimal election support services costs associated with operating additional polling places. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *SBE*

Under the bill, except by unanimous approval of its full membership, SBE may not alter the voting system in the calendar year of a statewide election or within one year after the date of the primary for a presidential election. SBE also must ensure that appropriate election training manuals and related materials are developed and distributed to the local boards no later than six months before an election.

#### *Local Boards*

If the number of registered voters in a precinct totals 3,000 or more, the local board must split the precinct roughly in half and establish an additional polling place. A local board must send the State Administrator of Elections a written description and map of a new precinct or precinct boundary within 15 days, instead of 5 days.

Each local board must begin the process of sending absentee ballots on the thirty-fifth day before an election. Voter registration must close at 9 p.m. on the thirtieth day, instead of the twenty-first day, preceding an election.

For a regularly scheduled primary or general election, at least one voting unit must be provided for each 150 registered voters, plus an additional voting unit for every fractional part of that number. No less than two voting units must be provided in a polling place. The local board may determine the number of voting units needed during a special election. In any election, a polling place may not have more than 20 voting units and at least one voting unit must be accessible to individuals with disabilities.

#### *Write-in Candidates*

The certificate of candidacy for a write-in candidate must be filed by the earlier of seven days after a total expenditure of at least \$51 is made to promote the candidacy by a

campaign finance entity of the candidate, or 5 p.m. on the *second* Wednesday preceding an election (instead of the Wednesday preceding an election).

### *Law Enforcement*

While on duty, a State or local law enforcement officer must periodically monitor and inspect activities on election day at each polling place within the officer's area of patrol in accordance with regulations and guidelines established by SBE after consultation with State and local law enforcement authorities.

### **Current Law:**

#### *SBE*

SBE is responsible for developing and overseeing the implementation of a program of instruction for election judges. Pursuant to SBE regulations, the State administrator develops and issues a judges' manual, which local boards must use for training of election judges and as guidelines for conducting an election.

#### *Polling Places and Voting Units*

A local board may create and alter precinct boundaries, designate the location of polling places, and combine or abolish precincts. Precinct boundaries and polling places generally may not be created or changed during a specified period prior to elections.

SBE regulations require that:

- for a regularly scheduled primary or general election, each local board generally must provide each polling place with the greater of one voting unit for each 200 registered voters, and not less than two voting units per polling place;
- for a special election, the local board determines in its discretion the number of voting units to be provided in each polling place; and
- each polling place must contain at least one voting unit with accessible voting equipment.

#### *Absentee Balloting and Voter Registration*

If an applicant qualifies to vote by absentee ballot, the local board must send a ballot as soon as practicable after receipt of the applicant's request, or, if the ballots have not been

received from the printer, as soon as practicable after the local board receives the ballots. Voter registration closes at 9 p.m. on the twenty-first day preceding an election.

### *Law Enforcement*

A police officer on duty at a polling place must obey the order of an election judge at the polling place and is fully protected in making an arrest under an order of an election judge as if the officer had received a valid arrest warrant. A police officer on duty must also protect a challenger or watcher in the discharge of the challenger or watcher's duties.

**State Expenditures:** General fund expenditures could increase by approximately \$9.6 million in fiscal 2008 due to the cost of the State's share of additional voting machines and the cost of additional e-pollbooks and support services.

SBE estimates that a 33% increase in the number of voting units statewide would be necessary to meet the bill's requirement that one voting machine be provided for each 150 registered voters (and an additional voting unit for every fractional part of that number). At a per unit cost of \$2,750 and the State's current inventory of voting machines of just over 19,000, a 33% increase would cost approximately \$17.4 million. Chapter 564 of 2001 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. Therefore, the cost of the additional voting machines would be shared with the counties.

SBE estimates roughly 130 new precincts (based on 2006 voter registration records) may be required statewide due to the bill's requirement that an additional polling place be established for each polling place with 3,000 or more registered voters assigned to it. SBE advises this would require 300 additional e-pollbooks. At a per unit cost of \$3,027, the total cost of the additional e-pollbooks would be approximately \$908,000, which is expected to be solely borne by the State.

Roughly \$35,000 for additional election day support and transportation costs for the additional precincts would also be incurred, which, pursuant to Chapter 564 of 2001, would be shared with the counties.

Additional Voting Units (1/2 of total cost)	\$8,676,608
Additional E-pollbooks	908,100
Election Day Support and Transportation	<u>17,500</u>
<b>Total FY 2008 State Expenditures</b>	<b>\$9,602,208</b>

SBE advises expenditures could also increase if supplemental training manual documentation and related materials need to be developed and produced, due to legislative or other changes in procedure, once the training manual has been sent to local boards six months prior to an election. Any increase cannot be reliably estimated at this time.

Future years would reflect continuing costs in election years for election day support and transportation costs associated with operating additional polling places and development and production of any supplemental training materials.

**Local Expenditures:** Local government expenditures would increase by each county's share, according to its voting age population, of the cost of additional voting machines to meet the bill's requirement that one voting machine be provided for each 150 registered voters (and an additional voting unit for every fractional part of that number) as well as minimal election day support and transportation costs associated with the creation of additional precincts. Local government expenditures could increase collectively by \$8.7 million in fiscal 2008 due to the cost of the additional voting machines and additional election day support and transportation costs.

Local government expenditures could also increase due to storage costs for additional voting machines and costs associated with the bill's requirement that an additional polling place be established for each polling place with 3,000 or more registered voters assigned to it. The extent of any increase would vary from county to county depending on currently available storage space and the number of precincts in each county that currently have 3,000 or more registered voters assigned to the precinct (SBE estimates roughly 130 new precincts being required statewide).

*For illustrative purposes*, Montgomery County advises it would require 4,000 square feet of additional storage space at a cost of \$60,000 annually for the additional voting machines. The county would need to establish 30 new precincts to comply with the bill's requirements, which would result in an increase in expenditures of roughly \$172,500 in fiscal 2008 due to temporary staff salaries, additional election judge salaries, notifications sent to voters, contractual services, and rental costs for additional polling places. Garrett County, on the other hand, does not have 3,000 or more voters assigned to a single precinct. The county advises, however, that it could incur costs for additional supplies, transportation, storage, and polling place rentals (if larger polling places are needed) due to the increased number of voting machines.

Future years would reflect continuing costs in election years for minimal election support services costs associated with operating additional polling places.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 520 (Senator Peters, *et al.*) – Education, Health, and Environmental Affairs.

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

**Fiscal Note History:** First Reader - March 6, 2007  
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