

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 726 (Senator Rosapepe, *et al.*)
Education, Health, and Environmental Affairs

Election Law - Maryland Student Voting Rights Act

This bill makes various changes to State election law related to student voting, voter registration, provisional voters, voting efficiency, establishment of polling places on campuses of higher education institutions, and establishment of polling places open to all registered voters statewide.

Fiscal Summary

State Effect: General fund expenditures could increase significantly in FY 2008 and future election years to fund the implementation of local voting efficiency plans. Expenditures could also increase due to additional polling places, online voter registration, and a daily-updated online voter registration list. These costs, however, cannot be reliably estimated. Higher education expenditures would increase by at least \$134,000 annually for additional personnel. In the event the portion of the bill requiring the establishment of “easy voting polling places” becomes effective, general fund expenditures could increase significantly in FY 2010 and/or FY 2011, prior to the 2010 elections, and in future election years.

Local Effect: Local government expenditures could increase to hire additional election judges and operate additional polling places in FY 2008 and future election years. Expenditures could increase significantly in FY 2010 and/or FY 2011 and future election years due to the cost of establishing “easy voting polling places.”

Small Business Effect: None.

Analysis

Bill Summary:

Student Voting

A student at a higher education institution in the State who lives on-campus may register to vote at the precinct in which the institution is located or at an alternative permanent address. At a public higher education institution, a student living on campus must be assigned one official residence address even if the student moves to a different on-campus facility.

Public higher education institutions must allow candidates and parties to distribute campaign material to students and employees in public places on campus and through on-campus mailboxes. The institutions must also:

- communicate with students by e-mail a minimum of three times in the three months before an election regarding specified election information;
- coordinate an on-campus voter registration drive at the start of the school year;
- employ an individual or contract with a nonprofit entity to coordinate voter registration and education activities.

At a public higher education institution, students must be given the opportunity to register to vote or update a voter registration record when a student enrolls, registers, obtains a student ID, or pays for course work.

A separate precinct must be established at a public or private higher education institution if a local board determines that at least 500 students, faculty, and staff at the institution are registered voters in the precinct in which the institution is located, regardless of whether a precinct already exists within one-half mile of the institution. An electioneering line established at a polling place at a higher education institution may be as near as practicable to 100 feet from the actual polling place within a building, rather than 100 feet from the entrance or exit of the building closest to the actual polling place.

Easy Voting Polling Places

Contingent on the passage and ratification by voters of a specified constitutional amendment, easy voting polling places must be established at each public higher education institution in the State. Each such polling place must be open for early voting

and primary, general, and special election days, be available to any qualified voter in the State, and be programmed to include every ballot style used in the State.

Voter Registration/Provisional Balloting

An individual may apply to register to vote over the Internet, in accordance with State Board of Elections (SBE) regulations.

A voter registration applicant who provides a full Social Security number must be promptly added to the voter registry, pending further review by the State or local board. An applicant must be notified in writing if the State or local board is unable to verify or discovers a discrepancy in the information submitted by the applicant that would prevent the individual from voting a regular ballot on election day.

Local boards must provide access on the Internet to a voter registration list for the county that is updated at least once a day.

Guidelines for the administration of provisional ballots, established by SBE, must provide for the names of all individuals who cast a provisional ballot to be posted within 24 hours of an election.

Voting Efficiency

Each local board must develop a plan six months before an election specifying how it will guarantee that no voter will wait more than 15 minutes to receive a ballot at a polling place. Each local board must hold a hearing and receive public comment on the plan and the SBE budget must include funding necessary to support staffing and operations at polling places to implement the 15-minute wait limit.

Each local board must ensure that each polling place is equipped with the number of voting machines required by SBE regulations.

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.

Student Voter Registration

Public higher education institutions in the State must give students the opportunity to request a voter registration application when enrolling, registering, or paying for coursework, and provide an application if requested.

Voting Unit Requirements

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, or two voting units per polling place;
- for a special election, the local board determines 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.

Early Voting

Chapter 5 and Chapter 61 of 2006, which established early voting in State law, were later held to be void by the Maryland Court of Appeals (*Lamone v. Capozzi*, per curiam order issued August 2006) because they were inconsistent with and in derogation of certain provisions of the Maryland Constitution. Under the enactments, early voting would have been available from 7 a.m. to 8 p.m. each day from the Tuesday before an election through the Saturday before an election. Voters would have been allowed to vote at any early voting polling place in the voter's county of residence.

State Expenditures:

Local Board Staffing and Operations Costs

The bill requires that funding be included in SBE's budget to support staffing and operations at polling places needed to implement plans developed by local boards

guaranteeing that no voter will wait for more than 15 minutes to receive a ballot to vote at a polling place. It cannot be reliably estimated at this time what level of additional staffing or equipment might be required by local boards to guarantee a wait of no more than 15 minutes. General fund expenditures could increase significantly for the cost of additional election judge salaries and/or additional equipment. The median salary of regular election judges (nonchief election judges) statewide is \$145 per election and 1,591 polling places were used during the 2006 elections. Training pay for election judges varies by county, but on average is \$25. *For illustrative purposes only*, if an additional election judge was needed for half of the polling places statewide, general fund expenditures could increase by \$135,320 to train and employ the additional judges in fiscal 2008 for the 2008 presidential primary. Per unit costs of voting units and e-pollbooks are \$2,750 and \$3,027, respectively.

Higher Education Institution Polling Places

The bill's requirement that separate precincts be established at or within one-half mile of specified public or private higher education institutions, regardless of whether a precinct already exists within one-half mile of the institution, 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.

Information is not readily available as to how many additional precincts would be required and therefore the increase in costs cannot be reliably estimated. It is assumed existing voting machine and e-pollbook spares could be used for any additional polling places. Costs related to contractual services for voting machines and provisional ballots would be shared with the local boards pursuant to Chapter 564 of 2001.

Potential "Easy Voting Polling Place" Costs

In the event the portion of the bill requiring the establishment of "easy voting polling places" becomes effective, upon passage and approval by voters of the specified constitutional amendment, general fund expenditures could increase significantly for the 2010 elections. A determination of the actual costs associated with setting up easy voting polling places at each public higher education institution, that would be open for early voting and on election day and that any qualified voter in the State could vote at, cannot be made without further review of the processes, equipment, and connectivity that would be required for each polling place.

SBE advises that 577 different ballot styles were used in the 2006 primary election and it is unclear how that many different provisional ballot formats would be handled at each

polling place. In addition, to ensure a voter cannot vote at an easy voting polling place as well as at their assigned precinct or another easy voting polling place, SBE advises connectivity between all polling places and e-pollbooks would be required. According to SBE, an in-depth analysis of how to implement easy voting polling places would be required at a potential cost of \$100,000. While the total cost of implementing the polling places cannot be reliably estimated at this time, the cost is expected to be substantial. SBE estimates the total cost of networking all polling places together could be in the range of \$5 million.

Higher Education Staff

The requirement that public higher education institutions coordinate a voter registration drive on campus at the start of a school year and employ an individual or contract with a nonprofit entity to coordinate voter registration and education activities could require additional personnel for some institutions, but not others. The University System of Maryland, for example, indicates that most of its institutions could handle the coordination of voter registration and education activities with existing staff, although two would require an additional staff member and incur communications, supplies, and other equipment costs. This would result in an increase in higher education expenditures of \$134,439 in fiscal 2008 reflecting the bill's effective date of October 1, 2007.

Online Voter Registration and Registry Updates

SBE advises that the bill's requirement that local boards provide access to a daily-updated voter registration list on the Internet could best be implemented by SBE through the University of Maryland, Baltimore County which currently hosts a voter registration look-up web site. SBE advises an upgrade would likely be needed for web hosting equipment to allow users to search for voter registration by district, county, etc. which could cost \$50,000. The cost of implementing an online voter registration system cannot be reliably estimated at this time. SBE advises implementation would require consideration of security concerns and methods of "signing" a voter registration application online.

Local Expenditures: Local government expenditures could increase due to the bill's requirement that at least one election judge at each polling place be available to give instruction to voters and costs associated with any additional polling places, but otherwise are not expected to increase significantly in fiscal 2008. In the event the portion of the bill requiring the establishment of "easy voting polling places" becomes effective, local government expenditures could increase significantly in fiscal 2010 and/or fiscal 2011, prior to the 2010 elections; however, similar to State expenditures

associated with easy voting polling places, it cannot be reliably estimated at this time to what extent local government expenditures would increase.

It is assumed that the bill's requirement that one election judge at each polling place be available to explain the voting process, give instruction on the voting system, and answer voters' questions could be met with existing election judge resources to some extent. Montgomery County, however, estimates its expenditures could increase by just over \$50,000 in fiscal 2008 to hire 240 additional election judges to meet the requirement. The county currently uses a bilingual instruction video at each polling place. It is uncertain to what extent the local boards overall would require additional election judges.

Assuming, in accordance with the bill, funding is included in SBE's budget to support staffing and operations under the plans developed by the local boards guaranteeing that no voter waits more than 15 minutes, local government expenditures should not be significant. In addition, it is assumed online voter registration and a daily-updated voter registry would be more efficiently implemented through SBE given the recent implementation of the statewide voter registration system.

Additional Information

Prior Introductions: None.

Cross File: HB 1204 (Delegate Ross) (By Request) – Rules and Executive Nominations.

Information Source(s): Cecil County, Montgomery County, Harford County, State Board of Elections, St. Mary's College, Morgan State University, University System of Maryland, Maryland Higher Education Commission, Baltimore City Community College, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2007
ncs/jr

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510