

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 1033

(Senator Madaleno, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

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Special Election - Absentee Voting - Late Applications

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This emergency bill establishes specified requirements and other provisions relating to absentee voting and public notice of a special election that are applicable to any special election on or before May 19, 2009 required to be conducted in accordance with State election law.

The bill terminates May 19, 2009.

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Fiscal Summary

**State Effect:** General fund expenditures may increase in FY 2009 due to costs for the State Board of Elections (SBE) to undertake steps to inform the public about the scheduled Montgomery County special elections in April and May of 2009, any additional special elections occurring on or before May 19, 2009, and provisions of the bill concerning absentee voting for those elections. Expenditures may increase by \$50,000 to \$75,000 for the scheduled Montgomery County special elections.

**Local Effect:** Montgomery County expenditures increase by up to \$55,000 in FY 2009 due to overtime and mailing costs. Expenditures may increase in other jurisdictions to the extent other special elections occur on or before May 19, 2009. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill specifies that:

- a registered voter or the voter's agent may apply in person for an absentee ballot at the office of the local board of elections of a county during a special election;
- a local board of elections must be open to receive applications for an absentee ballot and to receive absentee ballots for a special election on specified days and times preceding the election;
- beginning 30 days before a special election, SBE and any affected local board of elections must undertake steps to inform the public about the special election and specified provisions of the bill concerning absentee voting, including a series of public service media announcements, mailings to all registered voters eligible to vote in the special election, and other measures as appropriate; and
- unless otherwise expressly provided, any provision of the Election Law Article of the Annotated Code that applies to absentee voting also applies to absentee voting for a special election subject to the bill.

SBE may adopt regulations and guidelines for the conduct of absentee voting before a special election subject to the bill.

**Current Law:** An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot application generally must be received by a local board not later than the Tuesday prior to an election. Absentee ballots are sent to voters as soon as practicable after the receipt and review of an application. Beginning on the Wednesday preceding an election, a registered voter or the voter's duly authorized agent can also apply for an absentee ballot in person at the local board office through the closing of the polls on election day. Under SBE regulations, an absentee ballot must be returned to the local board office by the closing of polls on election day or be mailed on or before election day and received by the local board by specified dates and times.

Absentee voting provisions of State election law apply to every election governed by State election law. Except for municipal elections other than in Baltimore City, State election law generally applies to all primary, general, and special elections, including those for county offices.

Special elections may be held to fill a vacancy in the office of Representative in the U.S. Congress, U.S. Senate, or county council if a county's charter provides for special elections. In the case of a U.S. Senate vacancy, an interim replacement is appointed by the Governor and a special election, if necessary, is held during the next regular statewide election. Special elections to fill a vacancy in the office of

Representative in Congress or in a county council seat generally may be held independent of a regular primary or general election.

A local board of elections generally must provide notice of each election in its county to the registered voters of the county either by mailing a specimen ballot one week before the election or by publication or dissemination by mass communication during the calendar week preceding the election. A specimen ballot is mailed to all registered voters in the county eligible to vote in the election.

**Background:** A special primary and general election are scheduled in Montgomery County, for April 21, 2009 and May 19, 2009, respectively, to fill a county council seat.

**State Fiscal Effect:** General fund expenditures may increase for SBE to undertake steps to inform the public about the scheduled Montgomery County special elections, any additional special elections that might occur on or before May 19, 2009 (though none are expected at this time), and provisions of the bill concerning absentee voting for those elections. SBE estimates approximately \$50,000 to \$75,000 in costs may be incurred to hire a public relations firm to conduct a public education campaign for the Montgomery County special elections.

Given the impending dates of the Montgomery County special primary and general elections, however, it is unclear to what extent a public education campaign carried out by a public relations firm will be able to be conducted. Legislative Services advises that general fund expenditures may be less to the extent efforts may need to be undertaken with existing staff, possibly coordinating with the Montgomery County Board of Elections, to the extent doing so would be sufficient to satisfy the requirements of the bill.

**Local Fiscal Effect:** Montgomery County expenditures increase by up to \$55,000 accounting for overtime to maintain the local board office hours specified in the bill and costs for mailings to registered voters eligible to vote in the scheduled special primary and general elections in April and May. Public service media announcements would be conducted through free media. Montgomery County advises that due to the impending dates of the elections, mailings and public service media announcements prior to the scheduled special primary election may not reach voters prior to the election.

Expenditures may increase in other jurisdictions to the extent other special elections occur on or before May 19, 2009.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 25, 2009  
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