

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1540  
Ways and Means

(Delegates James and Riley)

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Early Voting - Number of Early Voting Centers - Determination

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This emergency bill amends the existing criteria for the determination of the number of early voting centers established in each county, specifying that the determination be based on the number of active and inactive voters in the county. The bill also specifies that, notwithstanding an existing requirement that each early voting center be designated no later than six months before a primary election, it must be construed to apply retroactively and be applied to and interpreted to affect any election held after January 1, 2010.

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Fiscal Summary

**State Effect:** State expenditures increase by a relatively minimal amount for the State's share of certain costs of conducting early voting at two (or possibly four) additional early voting sites.

**Local Effect:** Harford County expenditures are expected to increase by approximately \$145,000 in FY 2011 to conduct early voting at two additional early voting centers. Frederick County expenditures, though not expected to be affected, may also increase to the extent the county is also required to establish two additional early voting centers.  
**This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

### Current Law:

#### *Early Voting/Designation of Early Voting Centers*

Chapter 445 of 2009 established early voting in State law, specifying early voting days and hours for the 2010 and 2012 statewide elections as shown below in **Exhibit 1**.

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### Exhibit 1 Early Voting Days and Hours under Chapter 445

	Days	Hours
<b>2010 gubernatorial primary and general elections</b>	Second Friday before the election through Thursday before the election, excluding Sunday	10 a.m. – 8 p.m. each day
<b>2012 presidential primary and general elections</b>	Second Saturday before the election through Thursday before the election	10 a.m. – 8 p.m., Saturday and Monday through Thursday; 12 noon – 6 p.m., Sunday

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The State Board of Elections (SBE) is required to designate each early voting center in collaboration with the local board in each county no later than six months before a primary election. The number of early voting centers in each county is dependent on the number of registered voters in the county. A county with fewer than 150,000 registered voters has one early voting center; a county with more than 150,000 but fewer than 300,000 registered voters has three early voting centers; and a county with more than 300,000 registered voters has five early voting centers. A voter may vote at any early voting center in the voter's county of residence.

SBE regulations specify that the State Administrator of Elections must determine, for the purpose of determining the number of early voting centers in each county, the number of registered voters in each county as of 5 p.m. on: (1) for a gubernatorial or Baltimore City election, January 2 in the year of the election; or (2) for a presidential election, June 1 in the year preceding the election. The regulations specify that, for purposes of making the determination, the State Administrator must include only active voters.

## *Inactive Status*

Under the Election Law Article, if it appears from information provided by the postal service or other specified agencies that a voter has moved to a different address outside the State, the election official in the county where the voter most recently resided in the State must send the voter a confirmation notice informing the voter of his or her potential inactive status. If the voter fails to respond to the confirmation notice, the voter's name is placed into inactive status on the statewide voter registration list. A voter is restored to active status after completing and signing any of a number of election documents including a voter registration application and an absentee ballot application. The Election Law Article also specifies that an inactive voter who fails to vote in two successive general elections is removed from the statewide voter registration list and that registrants placed into inactive status may not be counted for official administrative purposes including establishing precincts and reporting official statistics. The constitutionality of these provisions has been the subject of Court of Appeals opinions in recent years. A September 2009 Attorney General opinion, however, concluded that counting of registered voters for the purpose of establishing early voting centers is an "official administrative purpose" and that inactive voters may be excluded in doing so.

**Background:** SBE has designated early voting centers in each county, with five early voting centers designated in Anne Arundel, Baltimore, Montgomery, and Prince George's counties and Baltimore City; three early voting centers designated in Howard County; and one early voting center designated in each of the remaining counties. **Appendix 1** shows the number of active and inactive registered voters in each county and the current number of early voting centers designated in each county. As shown in Appendix 1, under the current status of active and inactive registered voters, Harford County would have three early voting centers under the bill instead of the one early voting center currently designated. Frederick County appears to be the only other county that may possibly be affected by the bill for the 2010 elections barring significant increases in voter registration in other counties.

**State Fiscal Effect:** State expenditures increase by a relatively minimal amount accounting for the State's share of certain costs of conducting early voting at two (or possibly four) additional early voting sites. SBE indicates that additional State costs would include equipment transportation, epollbook connections, early voting support staff, and possibly additional ballot printing. In the case of Harford County, however, the costs of equipment transportation and early voting support staff may in fact be borne solely by the county.

State expenditures may also increase in fiscal 2012 and 2013 to the extent the bill's change would cause additional early voting centers to be established for the 2012 presidential elections.

*For contextual purposes*, the State's share of certain costs to conduct early voting in 2010 that are expected to or may be shared by the State and counties (including equipment transportation, establishing an electronic pollbook network, and early voting support staff) is estimated to be approximately \$400,000, assuming the costs are split evenly between the State and the counties. That amount accounts for costs of conducting early voting at 46 early voting centers and also includes costs of developing voter outreach content, which presumably would not be affected by an increase in early voting centers. The estimate also assumes the existing touchscreen voting system will be used during the 2010 elections.

**Local Fiscal Effect:** Harford County expenditures are expected to increase by approximately \$145,000 in fiscal 2011 to conduct early voting at two additional early voting centers, accounting for various costs including election judge compensation, voting machine technicians, and security for the early voting centers.

The number of registered voters in Frederick County is not expected to increase by enough to require three early voting centers to be established in the county under the bill for the 2010 elections. To the extent such an increase does occur, however, county costs to conduct early voting will increase in a similar manner as Harford County, though possibly to a greater or lesser extent depending on the resources devoted to each early voting center by the county.

Expenditures may also increase for Harford, Frederick, and/or other counties in fiscal 2012 and 2013 to conduct early voting at additional early voting centers depending on future numbers of active and inactive registered voters in those counties.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Attorney General's Office; Frederick, Harford, Kent, Montgomery, Washington, and Worcester counties; Baltimore City; Maryland Association of Counties; Department of Legislative Services

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Analysis by: Scott D. Kennedy

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

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**Appendix 1**  
**County Voter Registration and Early Voting Centers**

<b>County</b>	<b>No. of Active Registered Voters*</b>	<b>No. of Inactive Registered Voters*</b>	<b>No. of Active and Inactive Voters</b>	<b>Current No. of Early Voting Centers</b>
Allegany	41,620	3,035	44,655	1
Anne Arundel	323,204	27,003	350,207	5
Baltimore City	361,820	21,348	383,168	5
Baltimore	480,183	37,072	517,255	5
Calvert	54,989	3,815	58,804	1
Caroline	17,625	1,135	18,760	1
Carroll	103,092	6,458	109,550	1
Cecil	58,140	6,052	64,192	1
Charles	87,413	7,371	94,784	1
Dorchester	19,374	1,179	20,553	1
Frederick	133,760	11,352	145,112	1
Garrett	17,974	1,406	19,380	1
<b>Harford</b>	<b>147,859</b>	<b>6,891</b>	<b>154,750</b>	1
Howard	172,733	15,957	188,690	3
Kent	12,266	756	13,022	1
Montgomery	564,807	48,817	613,624	5
Prince George's	509,896	9,613	519,509	5
Queen Anne's	29,161	2,286	31,447	1
St. Mary's	57,814	4,722	62,536	1
Somerset	12,965	886	13,851	1
Talbot	24,612	3,354	27,966	1
Washington	83,767	6,868	90,635	1
Wicomico	52,961	4,219	57,180	1
Worcester	34,414	2,984	37,398	1
<b>Total</b>	<b>3,402,449</b>	<b>234,579</b>	<b>3,637,028</b>	<b>46</b>

\*As of February 28, 2010.

Source: State Board of Elections

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