

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 258 (Senator Forehand, *et al.*)  
Education, Health, and Environmental Affairs

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Elections - Special Elections - Voting by Mail

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This bill specifies that a special election may be conducted by voting by mail and requires the State Board of Elections (SBE) to adopt specified regulations to govern voting by mail.

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Fiscal Summary

**State Effect:** State expenditures are expected to decrease in the event a special election is conducted by mail instead of at polling places; however, the cost savings for a given special election cannot be reliably estimated at this time.

**Local Effect:** Local government expenditures are also expected to decrease in the event a special election is conducted by mail instead of at polling places.

**Small Business Effect:** Potential minimal.

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Analysis

**Current Law:** State law generally provides for elections, whether regular or special elections, to be conducted through both voting at polling places and absentee voting. A special primary or general election may be held at a time other than the date of a regular primary or general election to (1) fill a congressional vacancy; or (2) to fill a county council vacancy if the charter of a county provides for special elections. A special election to fill a U.S. Senate vacancy is held concurrently with a regular election.

**Background:** In response to the Statutory Overview portion of the U.S. Election Assistance Commission's 2008 Election Administration and Voting Survey, only

12 states indicated that “all vote-by-mail” elections are sometimes permitted to occur, while the remaining states indicated that all vote-by-mail elections were either not allowed or not practiced anywhere in the state. Oregon and Washington (with the exception of one county) conduct all elections by mail.

In the past two years, special elections have been held to fill a congressional vacancy and three county council vacancies:

- 2009 – Montgomery County Council District 4 (April and May)
- 2008 – 4<sup>th</sup> Congressional District (parts of Montgomery and Prince George’s counties) (June – general election only)
- 2008 – Montgomery County Council District 4 (April and May)
- 2008 – Prince George’s County Council District 5 (April and May)

**State Fiscal Effect:** State expenditures are expected to decrease in the event a special election is conducted by mail instead of at polling places; however, the cost savings for a given special election cannot be reliably estimated at this time. Information is not readily available regarding the actual State costs of conducting past special elections and SBE is not certain at this time of everything that would be required to conduct a special election by mail. SBE, however, expects that costs associated with a special election will be reduced as a result.

SBE indicates that certain contractual services costs incurred to operate the current touch screen voting system (such as transportation, county technicians, election day support specialists, and polling place set up and breakdown), which the State shares with the local governments pursuant to Chapter 564 of 2001, will be eliminated or greatly reduced if a special election is conducted by mail. On the other hand, costs will increase for ballot printing and envelopes and instructions for voters, which are expected to also be shared with the local governments.

The cost difference between conducting a special election at polling places and by mail will also be affected by the type of system used to conduct voting at polling places. In contrast with the current touch screen system, if the State acquires and implements an optical scan voting system (in accordance with Chapters 547 and 548 of 2007 and Chapter 428 of 2009) a significant number of paper ballots would need to be printed for a special election regardless of whether it is conducted at polling places or by mail. Contractual services costs may differ for the two systems as well, resulting in differing reductions in costs when conducting a special election by mail instead of at polling places.

**Local Fiscal Effect:** Local government expenditures are also generally expected to decrease in the event a special election is conducted by mail instead of at polling places. Costs associated with conducting an election at polling places, including election judge compensation, any polling place rental costs, and voting system services, would be eliminated or reduced, while ballot printing and postage costs, at least, would increase.

Election judge compensation makes up a significant portion of counties' election costs. Prince George's County spent \$268,800 on election judge compensation and training for the 2008 4<sup>th</sup> Congressional District special election (pursuant to a temporary change in the law, only one special general election was held and not a special primary and general election). The county's share of the cost of printing a paper ballot for every registered voter for an election by mail of the same size would be approximately \$54,000 (a certain percentage of extra ballots may also be needed), based on recent and expected paper ballot costs. Other costs, such as postage, would also increase. As mentioned above with respect to the State fiscal effect, SBE is not certain of everything that would be required to conduct a special election by mail.

One uncertain aspect of conducting a special election by mail is the manner in which ballots would be returned by voters – whether the county/counties or the voters would pay the return postage, whether locations would be established for voters to deliver ballots, or possibly a combination of both. The bill requires SBE to include in the regulations governing voting by mail “requirements and criteria for the designation of places of deposit for the ballots cast in the special election.” One county indicates that if first class postage were required to be paid for voters to return their ballots, there may not be any cost savings from conducting a special election by mail instead of at polling places.

As mentioned above with respect to the State fiscal effect, the type of voting system used to conduct voting at polling places will affect the cost difference between conducting a special election at polling places and by mail.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Baltimore, Charles, Frederick, Montgomery, Prince George's, and Somerset counties; U.S. Election Assistance Commission; Department of Legislative Services

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