

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 546 (Montgomery County Delegation)
Ways and Means

Montgomery County - Special Elections - Voting by Mail
MC 15-11

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

Fiscal Summary

State Effect: General fund expenditures are expected to decrease in the event a special election in Montgomery County 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: Montgomery County expenditures are also expected to decrease in the event a special election is conducted by mail instead of at polling places. In the case of a county council special election, Montgomery County expenditures are expected to decrease by approximately \$520,000.

Small Business Effect: Potential minimal.

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 three years, special elections have been held in Montgomery County to fill a congressional vacancy and two county council vacancies:

- 2009 – Montgomery County Council District 4 (April and May)
- 2008 – 4th Congressional District (parts of Montgomery and Prince George's counties) (June – general election only)
- 2008 – Montgomery County Council District 4 (April and May)

State Fiscal Effect: General fund expenditures are expected to decrease in the event a special election in Montgomery County 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. *For illustrative purposes*, the State's share of costs for transportation, testing, field support, and ballot programming voting system services (expected to be a significant portion of overall costs) for a special primary and general congressional election at polling places, using the State's current voting system, may be approximately \$150,000. Pursuant to Chapter 564 of 2001, the counties pay one-half of the State's cost of acquiring and operating the voting system.

If a special election is conducted by mail, voting system services costs will decrease, while paper ballot costs will increase. SBE is not certain at this time of everything that would be required to conduct a special election by mail, but expects that costs associated with a special election will be reduced if conducted by mail.

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: Montgomery County expenditures are also expected to decrease in the event a special election is conducted by mail instead of at polling places.

Montgomery County expenditures for a special primary and general election to fill a county council vacancy are expected to decrease by approximately \$520,000 if a special election is conducted by mail, due to the elimination of election judge and other costs (partially offset by increased staff, printing, postage, and other costs associated with mailing and processing mailed ballots).

One uncertain aspect of conducting a special election by mail is the manner in which ballots would be returned by voters – whether the county or the voters would pay the return postage, whether locations would be established for voters to deliver ballots, or whether a combination of both delivery locations and ballots returned by mail would be used. 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.” The estimate above of approximately \$520,000 in savings for a county council special election in Montgomery County assumes the county would pay for return postage.

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.

Additional Information

Prior Introductions: SB 258 of 2010, a similar bill, but applicable statewide, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: None.

Information Source(s): State Board of Elections, Montgomery County, U.S. Election Assistance Commission, Department of Legislative Services

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mc/hlb

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