

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1119
Ways and Means

(Delegate Carter, *et al.*)

Elections - Baltimore City - Election Dates

This bill alters the year in which the Baltimore City municipal primary and general elections are held so that, beginning in 2018, each election coincides with the gubernatorial primary and general elections. The bill also specifies that the term of a municipal officer of Baltimore City elected in 2015 is three years.

Fiscal Summary

State Effect: State expenditures are not impacted in the near term, but decrease overall in future years, due to the elimination of off-year Baltimore City elections after 2015. State costs associated with the 2011 Baltimore City elections were approximately \$265,000.

Local Effect: Baltimore City expenditures also are not impacted in the near term, but decrease overall in future years, due to the elimination of off-year elections after 2015. Baltimore City costs associated with the 2011 elections were approximately \$3.6 million.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Under State law, the Baltimore City primary election for municipal offices is held on the second Tuesday following the first Monday in September of the year following the year of the gubernatorial election. The general election is held on the Tuesday following the first Monday in November of the same year.

The Baltimore City Charter provides for the mayor, city council, and comptroller to be elected on the Tuesday after the first Monday in November 2007, and on the same day and month in every succeeding fourth year.

Background: The Baltimore City municipal election dates were originally set by Article XI of the Maryland Constitution, providing for a mayoral election every four years in October and a city council election annually in October. Baltimore City election dates have since been changed, once by the General Assembly in 1898, and three times by Baltimore City voters in 1964, 1999, and 2004 after being delegated the power to make changes to §§ 1-6 of Article XI, by the General Assembly in 1920.

The 1999 Charter amendment moved the municipal general election from the year after the gubernatorial election to the same year as the presidential elections on the Tuesday after the first Monday in November 2004 and every fourth year thereafter. The municipal primary election, however, remained in September of the year after the gubernatorial election (2003), as provided under State law. The Charter amendment created a conflict between the municipal general election date under the Charter (November 2004) and the municipal general election date under State law (November 2003). However, in the Office of the Attorney General's view, State law setting the Baltimore City municipal general election date in the year after the gubernatorial election (2003), which had been enacted as part of a revision of State election law in 1998, had not been intended to repeal the authority delegated to voters of the city to set the date of the municipal general election and therefore the municipal general election should be held as prescribed in the City Charter. Baltimore City therefore had its municipal primary election in September 2003 and its municipal general election in November 2004.

A number of attempts were made to amend State law between 2000 and 2003 to be consistent with the 1999 Charter amendment, but none were successful. At the November 2004 municipal general election, the City Charter was amended to move the municipal general election back to the year after the gubernatorial election (in November 2007 and every fourth year thereafter) in the same year prescribed by State law for the municipal primary and general elections.

State Fiscal Effect: State expenditures are not impacted in the near term, but decrease in future years when off-year elections otherwise would have been held (beginning in calendar 2019 and fiscal 2020). State costs associated with the 2011 Baltimore City elections were approximately \$265,000. This accounts for the State's share of voting equipment transportation, information technology support personnel and training, and ballot printing costs. The State Board of Elections generally shares voting system-related costs, such as voting equipment transportation, voting system/machine technicians, and ballot printing costs, with the local boards of elections (pursuant to a requirement under

Chapter 564 of 2001). In certain jurisdictions, however, including Baltimore City, certain of these services or portions of these services are obtained independently by the local board of elections.

State expenditures likely will increase, to at least a minimal extent, to incorporate Baltimore City races in the 2018 and future gubernatorial elections, largely due to any increase in paper ballot costs due to a longer ballot. By that time, the State may have acquired a new, paper-based voting system (in accordance with Chapters 547 and 548 of 2007 and Chapter 428 of 2009), which would result in greater paper ballot cost increases due to a longer ballot. The savings that will result from not having to conduct an additional primary and general election separate from statewide elections every four years, however, is expected to be considerably larger than any increase in costs to incorporate the Baltimore City elections into the gubernatorial elections.

Local Fiscal Effect: Baltimore City expenditures also are not impacted in the near term, but decrease in future years when off-year elections otherwise would have been held, (beginning in calendar 2019 and fiscal 2020). Baltimore City costs associated with the 2011 elections were approximately \$3.6 million. This accounts for various costs, including costs for election judges and voting machine technicians, voting equipment prep, transportation, overtime, printing, communications, early voting, and miscellaneous supplies.

Similar to State expenditures discussed above, Baltimore City expenditures likely will increase, to at least a minimal extent, to incorporate Baltimore City races in the 2018 and future gubernatorial elections, largely due to any increase in paper ballot costs due to a longer ballot. The savings that will result from not having to conduct an additional primary and general election separate from statewide elections every four years, however, is expected to be considerably larger than any increase in costs to incorporate the Baltimore City elections into the gubernatorial elections.

Small Business Effect: The Baltimore City Board of Elections contracts, through the city, with outside businesses for certain services needed to conduct an election, such as preparation of voting equipment and supplies, warehouse management, and printing. One or more small businesses may be negatively affected by the loss of the opportunity to support the 2019 and future off-year Baltimore City elections.

Additional Information

Prior Introductions: SB 708 of 2007 passed the Senate and received an unfavorable report from the House Ways and Means Committee. HB 1513 of 2006 received a hearing in the House Ways and Means Committee, but no further action was taken. Similar bills moving the Baltimore City elections to coincide with statewide elections were introduced each year from 2000 to 2004.

Cross File: None.

Information Source(s): State Board of Elections, Baltimore City, Department of Legislative Services

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