

Department of Legislative Services
 Maryland General Assembly
 2013 Session

FISCAL AND POLICY NOTE

Senate Bill 373 (Senator Ferguson, *et al.*)
 Education, Health, and Environmental Affairs

Early Voting Access Act of 2013

This bill expands the number of early voting centers in each county during regularly scheduled general elections and allows for increased numbers of early voting centers in each county during regularly scheduled primary elections, at the discretion of the State Board of Elections and the local board of elections in each county. The bill also establishes a nine-day early voting period for the 2014 and future elections.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: General fund expenditures increase by \$126,000 in FY 2015 due to costs for additional early voting centers for the 2014 general election and by approximately \$400,000 in FY 2016 and future years for additional voting equipment and associated operations and maintenance costs, assuming a new voting system is implemented for the 2016 elections. Costs associated with ending early voting on the Sunday before election day cannot be reliably estimated.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	126,000	399,900	438,900	399,300
Net Effect	\$0	(\$126,000)	(\$399,900)	(\$438,900)	(\$399,300)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local government expenditures increase by approximately \$595,200 in FY 2014 and by approximately \$3.4 million in FY 2015 for additional early voting days and centers. Local governments also incur a portion of the cost of additional voting equipment and associated operations and maintenance costs if a new voting system is implemented. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Early Voting Centers

The bill alters provisions that determine the number of early voting centers in a county as shown in **Exhibit 1**.

Early Voting Days and Hours

The bill establishes the days and hours of early voting for elections going forward, as shown in **Exhibit 2**, along with the days and hours set in current law for the already held 2010 and 2012 elections (for purposes of comparison).

Exhibit 1 Early Voting Centers Per County

Current Law		Under the Bill			
<i>Primary or General Election</i>		<i>Primary Election</i>		<i>General Election</i>	
No. of Registered <u>Voters</u>	No. of <u>Centers</u>	No. of Registered <u>Voters</u>	No. of <u>Centers</u>	No. of Registered <u>Voters</u>	No. of <u>Centers</u>
< 150,000	1	< 150,000	at least 1	< 150,000	2
150,000 – 300,000	3	150,000 – 300,000	at least 3	150,000 – 300,000	6
> 300,000	5	>300,000	at least 5	>300,000	10

Background: See the attached **Appendix – Early and Absentee Voting**.

Exhibit 2
Early Voting Days and Hours

Current Law		Under the Bill
<u>2010 Elections</u>	<u>2012 Elections</u>	<u>2014 and Future Elections</u>
<i><u>Days (6)</u></i>	<i><u>Days (6)</u></i>	<i><u>Days (9)</u></i>
Second Friday before the election through Thursday before the election, excluding Sunday	Second Saturday before the election through Thursday before the election	Second Saturday before the election through Sunday before the election
<i><u>Hours</u></i>	<i><u>Hours</u></i>	<i><u>Hours</u></i>
10 a.m. – 8 p.m. (each day)	10 a.m. – 8 p.m. (Saturday; Monday – Thursday)	10 a.m. – 8 p.m. (each day except Sunday)
	12 noon – 6 p.m. (Sunday)	12 noon – 6 p.m. (each Sunday)

State Fiscal Effect: General fund expenditures increase by approximately \$126,000 in fiscal 2015, accounting for the State’s portion of voting equipment delivery and network service costs and one-time equipment costs for an additional 48 early voting centers required to be established by the bill for the 2014 gubernatorial general election. This assumes only the minimum number of centers will be established for the 2014 gubernatorial primary election, though costs could also increase in fiscal 2014 if jurisdictions establish more than the minimum number of centers for the primary. State expenditures will not be affected by the additional number of early voting days for the 2014 primary.

A significant portion of the State costs associated with this bill will be incurred from fiscal 2016 forward, assuming a new optical scan voting system is implemented for the 2016 elections. Based on certain assumptions about equipment costs for the new system, general fund expenditures may increase by approximately \$400,000 in fiscal 2016, accounting for the cost of additional optical scan machines and ballot-on-demand printers for the 48 additional early voting centers (financed over a five-year lease purchase term) and software and maintenance costs for the optical scan machines. Ballot-on-demand printers are needed to be able to provide various ballot styles at an early voting center for voters throughout a county. The voting system-related expenditure increases represent

the State’s share of the voting system costs. Pursuant to Chapter 564 of 2001 (HB 1457), SBE shares voting system costs with the local boards of elections.

Exhibit 3
Impact on State Expenditures

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
General early voting cost increases	\$0	\$126,019	\$0	\$39,309	\$0
Optical scan machines and ballot-on-demand printers for additional early voting centers – capital costs			386,993	386,594	386,188
Optical scan machines – operations and maintenance			12,904	13,020	13,112
Total	\$0	\$126,019	\$399,897	\$438,923	\$399,300

Note: Operations and maintenance costs for the ballot-on-demand printers are not included and could further increase costs.

Source: Department of Legislative Services

The bill’s requirement that early voting end on the Sunday before election day is at least expected to increase costs and may prove difficult to implement given the current process conducted between the end of early voting and election day. This process ensures that updated voter information, reflecting early voting activity, is loaded onto all of the epollbooks used on election day to prevent people from voting more than once. The process involves work being done on the statewide voter registration database, transfer of information from the database to each of the election day epollbooks and preparation and distribution of epollbooks and election day supplies.

Local Fiscal Effect: Local government expenditures increase by approximately \$595,200 in fiscal 2014, accounting for local boards of elections’ increased costs for additional days of early voting. This assumes only the minimum number of centers will be established for the 2014 gubernatorial primary election and that an early voting period

of six days, similar to past early voting periods, would be held in 2014 in the absence of this bill.

A significant portion of the local government costs associated with this bill will be incurred from fiscal 2015 forward due to costs associated with the increased number of early voting days and expanded number of voting centers for the 2014 general election. Local government expenditures increase by approximately \$3.4 million in fiscal 2015 and by nearly as much in fiscal 2017, for the 2016 general election. Beginning in fiscal 2016, local government expenditures will also increase to account for the local governments' share of the cost of additional optical scan voting machines and ballot-on-demand printers needed for additional early voting centers, assuming an optical scan system is implemented for the 2016 elections.

Exhibit 4
Impact on Local Government Expenditures

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
General early voting cost increases	\$595,189	\$3,397,545	\$595,189	\$2,943,157	\$595,189
Optical scan machines and ballot-on-demand printers for additional early voting centers – capital costs			386,993	386,594	386,188
Optical scan machines – operations and maintenance			12,904	13,020	13,112
Total	\$595,189	\$3,397,545	\$995,086	\$3,342,771	\$994,489

Note: Operations and maintenance costs for the ballot-on-demand printers are not included and could further increase costs.

Source: Department of Legislative Services

As mentioned above, ending early voting on the Sunday before election day is expected to at least increase costs, but may prove difficult to implement. The extent of the increased costs cannot be reliably estimated.

Additional Information

Prior Introductions: None.

Cross File: HB 217 (Delegate Rosenberg, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Department of Budget and Management; RTI International, *Maryland Voting Systems Study* (2010); Allegany, Anne Arundel, Baltimore, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Kent, Montgomery, Prince George's, St. Mary's, Somerset, Talbot, Washington, and Worcester counties; Baltimore City; Department of Legislative Services

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mc/hlb

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Appendix – Early and Absentee Voting

In Maryland

Maryland voters have the option of voting at an early voting center prior to election day or by absentee ballot, as alternatives to voting at a polling place on election day. These options are relatively recent changes to Maryland law. In-person early voting at early voting centers was first implemented in 2010 and “no excuse” absentee voting (not requiring a reason that a voter cannot vote on election day) was first allowed in 2006.

Exhibit 1 shows that, as a percentage of overall turnout in the 2010 and 2012 elections, use of early voting has been steadily increasing, from just under 10% in the 2010 primary election to approximately 16% in the 2012 general election, and use of absentee voting has been relatively consistent, between 3% and 6%. The actual numbers of voters who utilized these methods, however, as opposed to the percentages of voter turnout that they represented, varied much more significantly, consistent with the significant differences in overall turnout for the different elections (shown in parentheses in Exhibit 1).

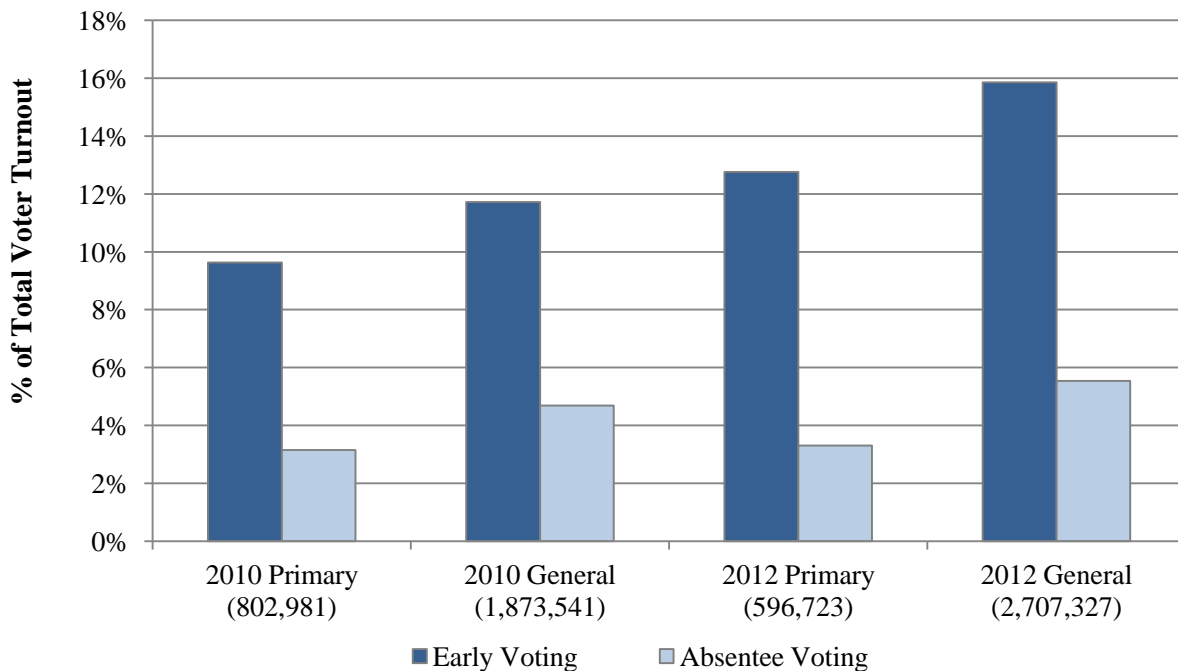
The number of early voting centers in each county is dependent on the number of registered voters in the county. A county with fewer than 150,000 registered voters has one early voting center; a county with more than 150,000 but fewer than 300,000 registered voters has three early voting centers; and a county with more than 300,000 registered voters has five early voting centers (**Exhibit 2**). A voter may vote at any early voting center in the voter’s county of residence.

Early voting was available for six days prior to the 2010 primary and general elections and the 2012 primary election, ending on the Thursday before the election in each case. Hurricane Sandy caused early voting to only be available for five days prior to the 2012 general election, ending on the Friday before the election. The early voting hours were generally from 10 a.m. to 8 p.m. each day with the exception of shorter hours when early voting fell on a Sunday and extended hours during the 2012 general election to mitigate the lesser number of days resulting from Hurricane Sandy.

The Maryland Code provides that early voting should be available for any regularly scheduled primary or general election but only specifies early voting periods and hours for the already held 2010 and 2012 elections. The statute does not specify what the early voting periods and hours will be for future elections or for other “regularly scheduled primary or general elections,” such as the already held 2011 Baltimore City elections. Pursuant to Attorney General advice, the State Board of Elections established the early voting dates and hours for the 2011 Baltimore City elections.

With respect to absentee voting, a voter must request an absentee ballot from their local board of elections and may either mail in the completed ballot, postmarked on or before election day, or deliver it to the local board of elections in person by the close of polls on election day. A person may also request, complete, and submit an absentee ballot all at one time at a local board of elections office.

Exhibit 1
Maryland Early and Absentee Voting Turnout
2010-2012



Note: Official turnout information for the 2012 general election was not available as of early February. The 2012 general election information above is based on official results for the presidential race reported by the State Board of Elections, which should be comparable to the overall turnout.

Source: State Board of Elections; Department of Legislative Services

In Other States

Currently, 32 states (and the District of Columbia) offer in-person early voting and 27 states (and the District of Columbia) permit no excuse absentee voting, according to the National Conference of State Legislatures (NCSL). In addition, Washington and Oregon conduct all elections by mail. Overall, 26 states and the District of Columbia

offer both early voting and no excuse absentee voting, as Maryland does, and 15 states allow neither early voting nor no excuse absentee voting.

The timing and length of early voting periods varies among the early voting states. According to NCSL, the average starting time for early voting, across the 32 states, is 22 days before an election. Maryland's early voting periods started on the eleventh day before the elections in 2010 and on the tenth day before the elections in 2012. NCSL indicates that the average length of early voting periods across the states is 19 days and early voting typically ends just a few days before election day, somewhere between the Thursday and the Monday before election day.

Exhibit 2
Number of Early Voting Centers in Each Jurisdiction
2012 Elections

<u>One Early Voting Center</u>	<u>Three Early Voting Centers</u>	<u>Five Early Voting Centers</u>
Allegany	Harford ¹	Anne Arundel
Calvert	Kent	Baltimore City
Caroline	Queen Anne's	Baltimore
Carroll	St. Mary's	Montgomery
Cecil	Somerset	Prince George's
Charles	Talbot	
Dorchester	Washington	
Frederick	Wicomico	
Garrett	Worcester	

¹Harford County had over 150,000 registered voters as of December 2012, which will cause the county to have three early voting centers for future elections if voter registration in the county remains at that level.

Source: State Board of Elections; Department of Legislative Services
