

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 311 (Senator Rosapepe)
Education, Health, and Environmental Affairs

Election Law - Casting of Ballot by Mail - Public Communications

This bill requires the State Board of Elections (SBE) and local boards of elections to emphasize in public communications specified information regarding the availability of absentee voting to voters.

Fiscal Summary

State Effect: The bill does not have a direct, material effect on State finances.

Local Effect: The bill does not have a direct, material effect on local government finances.

Small Business Effect: None.

Analysis

Bill Summary: SBE and local boards of elections must emphasize in public communications that:

- a voter may cast an absentee ballot by mail;
- a voter is not required to provide a reason why the voter is unable to vote in person at a polling place or early voting center to cast an absentee ballot by mail;
- an absentee ballot cast by mail is counted in the same manner as all other ballots;
- casting an absentee ballot by mail is a secure method of voting; and
- casting an absentee ballot by mail is a convenient option because it allows a voter to avoid a possible wait in line to vote at a polling place or early voting center and provides ample time to review each contest on the ballot.

Public communications in which the specified information is emphasized may include, at the discretion of SBE:

- Internet sites of SBE and local boards of elections;
- specimen ballots;
- voter notification card mailings;
- absentee ballot applications;
- public service media announcements; or
- other communications with the public as appropriate.

Current Law/Background: An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by mailing it, postmarked on or before election day, or delivering it to the local board of elections in person by the close of polls on election day.

For information on the level of use of absentee voting by voters in recent elections, see the **Appendix – Early and Absentee Voting**.

State and Local Fiscal Effect: Assuming SBE and local boards of elections limit the implementation of the bill to emphasis of the specified information in existing public communications, and in a manner that does not materially increase the cost of those communications, the bill does not have a direct, material impact on State and local government finances. If a more significant effort is made to reach voters regarding the availability of absentee voting, costs increase.

Additional Information

Prior Introductions: None.

Cross File: HB 226 (Delegate Morhaim, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Harford, Montgomery, and Wicomico counties; Baltimore City; Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2015
min/hlb

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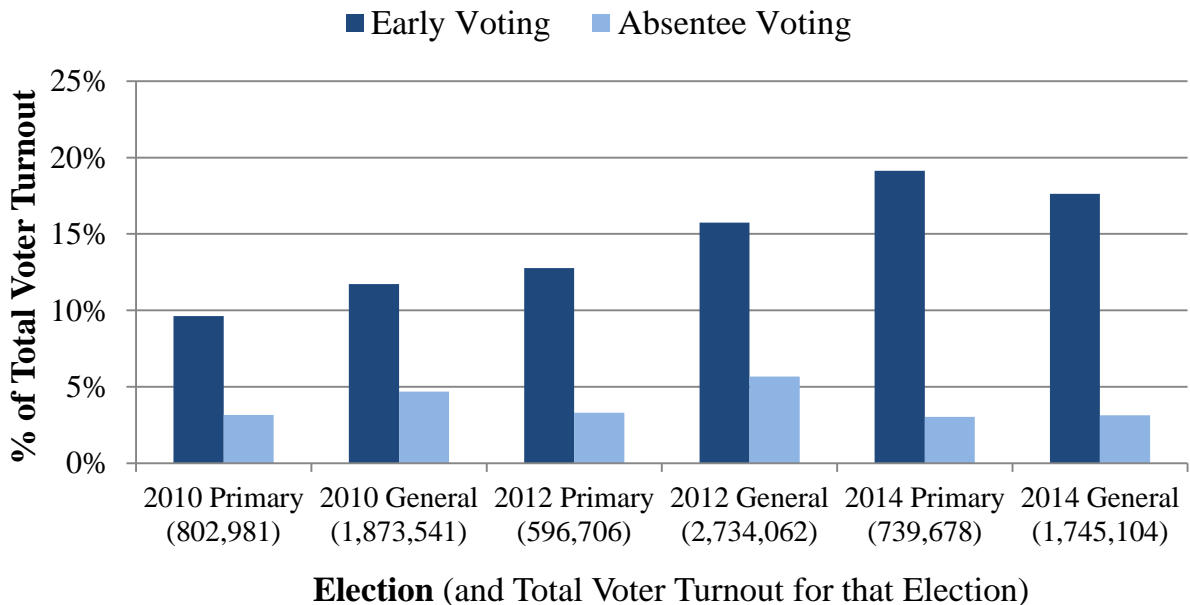
Appendix – Early and Absentee Voting

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. 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 in person) was first allowed in 2006.

Exhibit 1 shows that, as a percentage of overall turnout in the 2010 through 2014 elections, use of early voting has been generally increasing, from just under 10% in the 2010 primary election to over 15% in recent elections, and use of absentee voting has been relatively consistent, between 3% and 6%.

Exhibit 1
Maryland Early and Absentee Voting Turnout
2010-2014



Source: State Board of Elections; Department of Legislative Services

There were additional early voting centers and a longer early voting period for the 2014 elections pursuant to Chapters 157 and 158 of 2013. **Exhibit 2** and **Exhibit 3** show the changes made by Chapters 157 and 158. The number of early voting centers in each county for the 2014 elections is shown in **Exhibit 4**. A voter may vote at any early voting center in the voter's county of residence. In addition, pursuant to Chapters 157 and 158, an individual will be able to both register to vote and vote at an early voting center beginning in 2016.

Chapters 157 and 158 also expanded and clarified the methods by which a voter may request and receive an absentee ballot. An absentee ballot must be requested in writing (there are State and federal forms that can be used) or, pursuant to Chapters 157 and 158, a request can be submitted online through the State Board of Elections website. The available methods for a voter to receive an absentee ballot are (1) by mail; (2) by facsimile transmission; (3) through the Internet; or (4) by hand during an in-person transaction. To return an absentee ballot, a voter 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.

In Other States

Research by the National Conference of State Legislatures (NCSL) indicates that 33 states and the District of Columbia offer in-person early voting, and 27 states and the District of Columbia permit no excuse absentee voting. In addition, Colorado, Oregon, and Washington conduct all elections by mail.

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 33 states, is 22 days before an election. 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
Early Voting Centers

Prior to Chs. 157/158		Under Chs. 157/158	
Registered Voters in a County	Early Voting Centers	Registered Voters in a County	Early Voting Centers*
< 150,000	1	< 125,000	1
150,000-300,000	3	125,000-300,000	3
> 300,000	5	300,000-450,000	5
		> 450,000	8

*In addition to these required centers, each county may establish one additional early voting center if the State Board of Elections, in collaboration with the local board of elections, and the governing body of the county agree to establish an additional center.

Exhibit 3
Early Voting Days and Hours

Prior to Chs. 157/158		Under Chs. 157/158
<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 (8)</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 Thursday before the election through Thursday 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) 12 noon-6 p.m. (Sunday)	Presidential general election: 8 a.m.-8 p.m. (each day) All other elections: 10 a.m.-8 p.m. (each day)

Exhibit 4
Early Voting Centers in Each County

Jurisdiction	Registered Voters (December 2013)	Early Voting Centers in 2012	Early Voting Centers in the 2014 General Election*
Montgomery	625,030	5	9
Prince George's	567,823	5	8
Baltimore	512,686	5	8
Baltimore City	376,738	5	6
Anne Arundel	351,794	5	5
Howard	194,938	3	3
Harford	162,170	1	4
Frederick	147,538	1	3
Carroll	113,430	1	1
Charles	98,353	1	2
Washington	88,336	1	1
St. Mary's	64,148	1	1
Cecil	61,087	1	1
Calvert	59,606	1	1
Wicomico	58,216	1	1
Allegany	42,223	1	1
Worcester	36,758	1	1
Queen Anne's	32,278	1	2
Talbot	25,705	1	1
Dorchester	20,475	1	1
Garrett	19,001	1	1
Caroline	18,463	1	1
Somerset	13,160	1	1
Kent	12,652	1	1
Total	3,702,608	46	64

*There were 63 early voting centers for the 2014 primary election. One center was added, in Charles County, prior to the general election.
