

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 938 (Senator Manno, *et al.*)
Education, Health, and Environmental Affairs

Election Law - Voting by Mail (Universal Vote by Mail Act)

This bill establishes a process in which “ballots for voting by mail” are sent, by nonforwardable mail, to each voter who is registered to vote as of the twenty-first day before the day of an election. Voters return the ballots by (1) U.S. mail; (2) depositing the ballot at the local board of elections office; or (3) depositing the ballot at a location designated by the local board. Existing provisions governing special elections conducted by mail are repealed.

The bill takes effect January 1, 2017.

Fiscal Summary

State Effect: General fund expenditures increase by over \$500,000 annually beginning in FY 2018, accounting for ballot and postage costs. To the extent the level of resources devoted to in-person early and Election Day voting can be reduced as a result of voting by mail participation, general fund expenditure increases are reduced as a result of offsetting savings.

Local Effect: Local government expenditures increase significantly each year, beginning in FY 2018, with the increase totaling at least \$3 million. To the extent the level of resources devoted to in-person early and Election Day voting can be reduced as a result of voting by mail participation, local expenditure increases are reduced. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: The voting by mail process is established as an addition to existing options of voting at polling places, early voting, and absentee voting. The State Board of Elections (SBE), in consultation with the local boards of elections, must select a voting system for tabulating ballots or votes cast in an election by mail. SBE must adopt regulations to carry out voting by mail, which must (1) specify the dates and times that the locations where a voter may deposit a ballot are to be open; (2) provide security requirements for those locations; (3) require that the locations be open on the day of the election for a minimum of eight hours and until at least 8 p.m.; and (4) provide procedures to be followed in selecting and using the voting system for voting by mail.

The bill specifies procedures regarding (1) sending of voting by mail ballots to voters; (2) marking and returning of ballots, (3) replacement ballots; and (4) counting of ballots. Voters must sign a return identification envelope supplied with the ballot and the local board of elections must verify the signature of a voter on the return identification envelope by comparing the signature with the signature on the voter's registration card in accordance with regulations adopted by SBE. If a voter returns a ballot by mail, SBE must pay the postage.

The bill authorizes the State Administrator of Elections to submit a written request to the Governor to extend the deadline for returning ballots for voting by mail in the event of an emergency and authorizes the Governor to extend the deadline for not more than seven calendar days after the date of the election.

Current Law: State law generally requires establishment and operation of polling places for elections. Maryland voters also 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. An individual must request an absentee ballot. 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.

Chapter 677 of 2012 authorized county council special elections in Montgomery County to be conducted by mail, and Chapters 197 and 198 of 2013 expanded those provisions to apply to special elections to fill a vacancy in the office of representative in Congress, special elections to fill a vacancy in a county council, and other specified local special elections statewide. Pursuant to a constitutional amendment (Chapter 261 of 2014) adopted by the voters at the November 2014 general election, special elections for a county executive vacancy may also be conducted by mail.

In a special election conducted by mail, a vote by mail ballot is mailed to each registered voter who is eligible to vote in the special election. The completed ballot must be mailed

by the voter on or before the day of the special election or returned to the local board of elections office in person by 8 p.m. on the day of the special election. At least one voting center is also made available, in a special election conducted by mail, for those who choose to vote in person.

Background: The National Conference of State Legislatures indicates that three states – Oregon, Washington, and Colorado – conduct all elections by mail, in place of traditional in-person voting precincts. Nineteen other states allow certain elections to be held by mail.

State Fiscal Effect: General fund expenditures increase by over \$500,000 annually beginning in fiscal 2018 to implement the bill, accounting for the State’s share of the cost of the voting by mail ballots mailed to each registered voter in the State (3,768,669 as of January 2016) for statewide regular primary and general elections and return postage for ballots that are returned. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections. This estimate assumes that voting by mail is conducted in addition to existing voting at polling places and early voting centers. It assumes the State’s existing voting system is used for the voting by mail process. To the extent the level of resources devoted to in-person early and Election Day voting can be reduced as a result of voting by mail participation, the general fund expenditure increase may be offset to some extent by savings on costs associated with operating polling places and early voting centers.

Local Fiscal Effect: Local government expenditures increase significantly each year, beginning in fiscal 2018, with the increase totaling at least \$3 million. Local boards of elections are responsible for the majority of the cost of mailing out the voting by mail ballots, including the local governments’ share of the ballot cost and the cost of outgoing postage, envelopes, and labor. Local boards of elections will also incur costs for ballot deposit locations and additional personnel or other costs to process returned ballots. As mentioned above, to the extent the level of resources devoted to in-person early and Election Day voting can be reduced as a result of voting by mail participation, the local government expenditure increase may be offset to some extent by savings on costs associated with operating polling places and early voting centers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Frederick and Montgomery counties, Baltimore City, National Conference of State Legislatures, Department of Legislative Services

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