

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 960 (Senators Salling and Bates)
Education, Health, and Environmental Affairs

Election Law - Reporting of Precinct Results

This bill requires that election results provided by local boards of elections, acting in their capacity as boards of canvassers, and the State Board of Elections (SBE) must include results by precinct for early and absentee voting.

The bill takes effect June 1, 2017.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$46,300 in FY 2018 and by \$5,000 annually thereafter, for programming costs. General fund expenditures may, however, increase more significantly for ballot printing, as discussed below.

Local Effect: Local government expenditures increase by at least \$46,300 in FY 2018 and by \$5,000 annually thereafter, for programming costs. Expenditures may increase more significantly for ballot printing, election judge, and other costs. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law: Unless otherwise provided by the Maryland Constitution, each board of canvassers must prepare a statement of election results by precinct for each candidate or question voted on at an election and declare:

- who is elected or nominated for office (1) in county government or (2) for any other office voted for only within that county, if the certificate of candidacy for that office was issued by the local board of elections; and

- whether or not a question is adopted or approved.

The statement, however, may not report the absentee vote separately by precinct. Each local board of elections must publish a sufficient number of copies of the complete election results, tabulated by precinct, and make the copies available to the public at cost.

“Board of canvassers” means the local board of elections in a county after the local board organizes itself for the purpose of canvassing the vote after an election in that county.

SBE must also make available in an electronic format a report of election results for each candidate or question voted on at an election (1) by precinct; (2) by State legislative district, including any subdistrict; (3) by county legislative district; and (4) for each county as a whole. SBE may make the report available to the public at cost.

Background: SBE and the local boards of elections are currently able to tabulate Election Day results by precinct since those votes are tabulated on a specific machine or machines in the polling place for the precinct. Votes cast during early voting or by absentee ballot, however, are not tabulated on machines that are only tabulating votes from one specific precinct but are instead tabulated on machines along with ballots cast by voters from other precincts in the county.

State Fiscal Effect: General fund expenditures increase by at least \$46,280 in fiscal 2018, and by \$5,000 annually thereafter, accounting for (1) a one-time cost for programming SBE’s election management system and (2) ballot programming costs. General fund expenditures may also increase more significantly for additional ballot printing.

SBE indicates that, in order to report early voting and absentee voting results by precinct, a unique ballot “style” for each of the State’s 1,989 precincts must be created and managed for each election. Each ballot style is effectively a unique, different ballot recognized by the voting system. Currently, different ballot styles are created as necessary, to reflect the different combinations of races, candidates, and questions being voted on by voters in different parts of the State (or in a primary election, in different parties). SBE indicates that creating a ballot style for each precinct (and multiple styles per precinct in a primary election, reflecting the Democratic, Republican, and any nonpartisan ballots) would significantly increase the number of ballot styles.

SBE’s election management system will need to be reprogrammed to allow for the importing, tabulation, and reporting of results by precinct for early and absentee voting at an estimated one-time cost of \$82,560 (split by the State and local boards of elections). Additional ballot programming will need to be done prior to each election to create a ballot style(s) for each precinct at an estimated cost of \$10,000 per election.

Having ballot styles specific to each precinct will generally require stocking of more ballots at voting locations, especially at early voting centers, assuming early voting is conducted using paper ballots. Since any voter from across a given county could show up to vote at an early voting center, sufficient numbers of each ballot style for each precinct would need to be stocked at the early voting center. *For illustrative purposes only*, if the number of ballots printed for an election increases, roughly by an amount equivalent to 50% of the State's registered voters, ballot printing costs increase by \$430,000, the State's share of which would be \$215,000 (ballot printing costs are split by the State and local boards of elections).

Local Fiscal Effect: Local government expenditures increase by at least \$46,280 in fiscal 2018 and by \$5,000 annually thereafter, accounting for the local boards of elections' share of the cost of programming SBE's election management system and ongoing ballot programming costs. Local government expenditures may also increase more significantly for additional ballot printing (see the illustrative example above), as well as election judge and/or other costs.

As mentioned above, a significant number of ballots may need to be managed at early voting centers, which may require more early voting judges and equipment or materials at early voting centers. For context, local boards of elections currently spend over \$1 million, collectively, for election judge compensation during each early voting period.

Additional Information

Prior Introductions: HB 592 of 2013, a similar bill, passed with amendments in the House and 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; Baltimore City; Montgomery and Talbot counties; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2017
fn/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510