

Department of Legislative Services  
 Maryland General Assembly  
 2018 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 1444 (Delegate Flanagan)  
 Ways and Means

**Election Law - Primary Elections - Voters Not Affiliated With a Political Party**

This bill requires a political party that uses primary elections to nominate candidates for office to allow voters not affiliated with the party to vote in the party’s primary elections. An individual may vote only in the primary election of a single political party. **The bill takes effect January 1, 2019.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by approximately \$145,000 in FY 2020 and by similar amounts in future years in which a primary election occurs.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	145,000	0	145,000	0
Net Effect	\$0	(\$145,000)	\$0	(\$145,000)	\$0

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

**Local Effect:** Local government expenditures increase by approximately \$145,000 in FY 2020 and by similar amounts in future years in which a primary election occurs.

**Small Business Effect:** Minimal.

**Analysis**

**Current Law:** A principal political party (majority party and principal minority party) must use the primary election to nominate its candidates for public office and elect all members of the local central committees of the political party. A principal political party

may use the primary election in the year of a presidential election to elect delegates to a national presidential nominating convention.

If a political party chooses to permit voters not affiliated with the party to vote in the party's primary election, the chairman of the party's State central committee must notify the State Board of Elections (SBE) at least six months before the date of the primary election.

**Background:** The Republican and Democratic parties currently have "closed" primaries, only allowing voters affiliated with each party to vote in the party's primary elections to nominate candidates for the general election. Unaffiliated and third-party voters, therefore, are not able to vote in primary elections, with the exception of any nonpartisan races being voted on in the election, such as local board of education races.

**State Expenditures:** General fund expenditures increase by approximately \$145,000 in fiscal 2020 for the State's share of the cost of additional ballots for the 2020 primary election. This estimate is based on the number of ballots ordered for the 2016 primary election and an assumption that the number of ballots ordered for the 2020 primary election will need to increase by 50% to ensure enough Republican and Democratic party ballots are available for unaffiliated and third-party voters that vote in the primary election and any Republican or Democratic party voters that choose to vote the opposite party's ballot. Pursuant to Chapter 564 of 2001, SBE shares the costs of printing paper ballots with the local boards of elections.

General fund expenditures increase by similar amounts in future years in which a primary election occurs.

**Local Expenditures:** Local government expenditures increase by approximately \$145,000 in fiscal 2020 for the local governments' share of the cost of additional ballots. Local government expenditures increase by similar amounts in future years in which a primary election occurs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Charles, Frederick, and Somerset counties; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2018  
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