

Department of Legislative Services  
 Maryland General Assembly  
 2019 Session

FISCAL AND POLICY NOTE  
 First Reader

Senate Bill 363 (Senator Lam, *et al.*)  
 Education, Health, and Environmental Affairs

Election Law - Voting Systems - Accessibility for Voters With Disabilities

This bill, in order to ensure that voters with disabilities are provided specified access to voting that is equivalent to access afforded voters without disabilities, requires each voter to use a ballot marking device that is accessible to voters with disabilities to vote at an early voting center or an Election Day polling place. A ballot cast by a voter with a disability may not be set apart or distinguishable, in size and form, from a ballot cast by a voter without a disability. The bill applies to all elections beginning with the 2022 statewide primary election.

Fiscal Summary

**State Effect:** General fund expenditures increase by approximately \$6.0 million in FY 2022 and by similar amounts in future years. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	0	6,000,000	6,000,000	6,000,000
Net Effect	\$0	\$0	(\$6,000,000)	(\$6,000,000)	(\$6,000,000)

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

**Local Effect:** Local government expenditures increase, collectively, by approximately \$6.0 million in FY 2022 and by similar amounts in future years. Additional costs, varying by county, are also incurred. Revenues are not affected.

**Small Business Effect:** Minimal.

## Analysis

**Current Law/Background:** State law requires the State's voting system to (1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities; (2) ensure independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and (3) comply with the Americans with Disabilities Act and the Help America Vote Act. At least one voting system in each polling place on Election Day must provide access for voters with disabilities in compliance with the above requirements.

The State's voting system includes ballot marking devices, which allow voters to use a touchscreen to produce a paper ballot containing the voter's choices (to then be fed into a ballot scanner/tabulator) and offer accessibility features for voters with disabilities. Because of concerns that arose prior to the 2016 elections about the limited number of candidate names that could be displayed on a single screen and the logic associated with navigating within and between contests, the State Board of Elections (SBE) limited the extent to which the ballot marking devices were made available to voters in the 2016 elections.

Concerns about the functionality of the ballot marking devices were not resolved in time for the 2018 elections, and SBE decided at its October 2017 meeting to continue the 2016 policy for the 2018 elections. The policy generally limits the use of the ballot marking devices but still makes them available as an accessible option for voters and requires election judges to make sure that at least two voters use a ballot marking device during a voting day. The concerns about the functionality of the ballot marking devices are on course to be resolved, but it is not assured whether that will occur in time for the ballot marking devices to be used more widely in the 2020 elections.

**State Fiscal Effect:** General fund expenditures increase by approximately \$6.0 million in fiscal 2022 and by similar amounts in future years, reflecting the State's share of costs to lease sufficient numbers of ballot marking devices (approximately 18,000 statewide) for all voters to cast ballots on in the 2022 and future elections, plus transportation costs for the ballot marking devices to and from voting locations. SBE shares voting system costs with the local boards of elections pursuant to Chapter 564 of 2001.

**Local Fiscal Effect:** Local government expenditures increase, collectively, by approximately \$6.0 million in fiscal 2022 and by similar amounts in future years, reflecting the local boards of elections' share of costs to lease sufficient numbers of ballot marking devices for all voters to cast ballots on in the 2022 and future elections, plus transportation costs for the ballot marking devices to and from voting locations.

Local boards of elections are expected to have additional increased costs, varying by county, associated with the additional ballot marking devices, such as storage costs and costs for information technology personnel to test, prepare, troubleshoot, and maintain the additional ballot marking devices. Washington County, for example, indicates that additional information technology personnel are needed, at a cost of \$156,000 annually, and a new facility may need to be rented in place of current county space in order to store the ballot marking devices.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 565 (Delegate Mosby, *et al.*) - Ways and Means.

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

**Fiscal Note History:** First Reader - February 26, 2019  
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