Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 26   (Delegate Lierman)

Ways and Means

Baltimore City - Ranked Choice Voting and Open Primaries

This emergency bill allows for a ranked choice voting system or an open primary system to be adopted in Baltimore City for city offices.

Fiscal Summary

State Effect: If a ranked choice voting system or an open primary system is adopted in Baltimore City for the 2020 elections, general fund expenditures increase by $74,000 (for a ranked choice voting system) or approximately $6,000 (for an open primary system) in FY 2020. Similar costs are incurred in future years in which a presidential election occurs.

Local Effect: If a ranked choice voting system or an open primary system is adopted in Baltimore City for the 2020 elections, Baltimore City expenditures increase by approximately $1.3 million (for a ranked choice voting system) or approximately $1.0 million (for an open primary system) in FY 2020. Costs are incurred in future years in which a presidential election occurs, but at a reduced overall level.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill authorizes the Mayor and City Council of Baltimore City to, by law, adopt a ranked choice voting system or an open primary system for elections for mayor, president of the city council, comptroller, or member of the city council.

A local law enacted pursuant to the bill may provide for:

- the ballot format for ranked choice voting;
- procedures for tabulating votes;
- a single election conducted by ranked choice voting on the day of the general election in lieu of a primary election; and
- any other provision necessary to implement the bill.

Procedures under State election law applicable to board of education elections apply to an adopted open primary system to the extent they are consistent with the bill's provisions.

"Ranked choice voting" means the method of casting and tabulating votes in which:

- voters rank candidates in order of preference;
- tabulation proceeds in sequential rounds in which the candidate with the smallest number of votes is defeated; and
- the candidate with the largest number of votes in the final round is elected.

"Open primary" means a primary election in which:

- any registered voter, regardless of party affiliation, may vote for any of the candidates who are seeking the office;
- there is one ballot that is distributed to all voters that lists all the candidates seeking the office with or without party designation; and
- the candidates, equal in number to twice the number of offices to be filled, who receive the largest number of votes are nominated and advance to the general election.

Current Law:

Uniform Election Process

State election law, which generally governs all elections except municipal elections (other than in Baltimore City), requires that the electoral process for primary elections, general elections, and special elections be uniform, except where it would be inappropriate, or where exceptions are provided for in the law.

Voting/Tabulation Method

With some exceptions, in elections governed by State election law, voters are able to choose in each race a number of candidates equal to the number of offices being filled in

that race (*e.g.,* one candidate in a State Senate race and three candidates in some House of Delegates races), and the winners are nominated or elected based on which candidates receive the greatest number of votes.

Primary Elections

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 at least six months before the date of the primary election.

Background:

Ranked Choice Voting

Ranked choice voting is a system in which voters, rather than choosing a candidate or candidates for an office, rank the candidates for an office by their preference for each candidate. The manner in which the ranked choice voting results are tabulated can differ, and, in the case of this bill, the tabulation is described as proceeding in sequential rounds in which the candidate with the smallest number of votes is defeated and the candidate with the largest number of votes in the final round is elected. The bill authorizes the Mayor and City Council of Baltimore City to determine the procedures for tabulating votes.

A common method of ranked choice voting tabulation, as described by the National Conference of State Legislatures (NCSL), is (1) the ballots are counted per each voter's number-one preference; (2) if no candidate receives 50% or more in that first round, the candidate with the fewest number of votes is eliminated, and the votes are counted again; (3) if a voter's number-one choice was the eliminated candidate, then the vote is given to that voter's second-choice candidate; and (4) the elimination process is repeated until one candidate tops 50%.

In Maryland, the City of Takoma Park has used ranked choice voting in municipal elections since 2007. NCSL indicates that other cities that use ranked choice voting include Cambridge, Massachusetts; Minneapolis and St. Paul, Minnesota; and San Francisco, Oakland, and other Bay Area cities in California. Ranked choice voting was used in statewide elections for the first time in 2018, in Maine, where it was used for state and

federal offices in the June primary election and for federal offices in the November general election.

Open Primaries

In Maryland, 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.

NCSL information on primary election systems describes multiple types of "open" primaries and refers to the type of primary election system described in the bill as a "top two" primary, currently used, at the state level, by California, Louisiana, Nebraska (for certain races), and Washington. NCSL describes the "top two" format as (1) using a common ballot, listing all candidates on the same ballot and (2) the top two vote getters in each race, regardless of party, advance to the general election.

State Fiscal Effect:

Fiscal 2020 Estimate

If a ranked choice voting system or an open primary system is adopted in Baltimore City for the 2020 elections, general fund expenditures increase by approximately $74,000 (for a ranked choice voting system) or approximately $6,000 (for an open primary system) in fiscal 2020.

Costs Paid for by the State

For both systems, this estimate assumes that the State pays only for its share (50%) of costs in certain categories of costs which are traditionally shared by the State and counties, primarily voting equipment and paper ballots. Pursuant to Chapter 564 of 2001, the State shares costs of the statewide voting system with the counties, including the cost of printing ballots. Since the ranked choice voting system would be limited to Baltimore City and implemented through action by the Mayor and City Council of Baltimore City, this estimate assumes the remainder (and the majority) of the costs are paid for by the city (either directly or through billing by the State).

Future Year Estimates

State costs similar to those incurred in fiscal 2020 are incurred in future years in which a presidential election occurs. For a ranked choice voting system, general fund expenditures

increase by approximately $81,000 in fiscal 2021 and by $61,000 in fiscal 2024. For an open primary system, general fund expenditures increase by approximately $6,000 in fiscal 2024.

Option for a General Election Only

If the Mayor and City Council of Baltimore City adopt the option authorized in the bill of holding a single election by ranked choice voting on the day of the general election in lieu of a primary election, general fund expenditures instead increase by $13,000 in fiscal 2020 (with no costs in future presidential primary election years) and by $81,000 in fiscal 2021 (with similar costs in future presidential general election years).

Local Fiscal Effect:

Fiscal 2020 Estimate

If a ranked choice voting system or an open primary system is adopted in Baltimore City for the 2020 elections, Baltimore City expenditures increase by approximately $1.3 million (for a ranked choice voting system) or approximately $1.0 million (for an open primary system) in fiscal 2020.

Costs Paid for by Baltimore City

As mentioned above, under State Fiscal Effect, this estimate assumes that certain costs are shared by the State and the city, but the majority of the costs are paid for by the city, either directly or through billing by the State. **Exhibit 1** provides more detail on those costs.

This estimate also assumes that the initial ranked choice voting system that is developed (if that system is chosen) is not fully integrated into the State's existing election systems. Once ranked choice voting results are tabulated through software independent from the State's voting system, those results would be made public independently from other Baltimore City and statewide election results and would not be re-introduced into the State's election systems to be aggregated and published with other results. Developing a fully integrated system would result in greater overall costs.

Exhibit 1
Fiscal 2020 Baltimore City Expenditures

Cost Category	Ranked Choice	Open Primary	Description
Election Management System Programming	$800,000	$800,000	Partial integration of ranked choice voting system or open primary system into SBE's election management system (including project management, planning, development, and testing).
Tabulation Software	$140,000	$0	Independent software to tabulate the ranked choice voting results (including planning, development, and ongoing license fee).
Subject Matter Expert(s)	$100,000	$0	Personnel to assist Baltimore City Board of Elections with implementation in 2020 ($100,000 reflects half of the costs, with the other half incurred in fiscal 2021).
Other Contractual Services	$44,000	$2,000	Documentation, training, absentee ballot mailing, and other services.
Increased Specimen Ballot Costs	$13,000	$10,000	Increased length of specimen ballots for ranked choice voting and additional specimen ballots, for unaffiliated/third-party voters, in an open primary.
Voter Outreach	$160,000	$160,000	Direct mailing or other voter outreach methods.
Increased Paper Ballot Costs	$37,000	$6,000	Increased length of ballots for ranked choice voting and additional ballots, for unaffiliated/third-party voters, in an open primary.
Additional Voting Equipment and Election Judges	$41,000	$0	An additional ballot scanner and election judges at each of 26 high-volume polling places, to mitigate additional time added to the voting process by ranked choice voting.
Total	**$1.3 million**	**$1.0 million**	

SBE: State Board of Elections

Future Year Estimates

Costs are incurred in future years in which a presidential election occurs but at a reduced overall level. For a ranked choice voting system, Baltimore City expenditures increase by approximately $433,000 in fiscal 2021 and by $303,000 in fiscal 2024. For an open primary system, Baltimore City expenditures increase by approximately $177,000 in fiscal 2024.

Option for a General Election Only

If the Mayor and City Council of Baltimore City adopt the option authorized in the bill of holding a single election by ranked choice voting on the day of the general election in lieu of a primary election, Baltimore City expenditures instead increase by $1.0 million in fiscal 2020 (with no costs in future presidential primary election years) and by $433,000 in fiscal 2021 (with similar costs in future presidential general election years).

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Baltimore City; Maine Department of the Secretary of State; Election Systems & Software; The Canton Group; National Conference of State Legislatures; Department of Legislative Services

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