

**Department of Legislative Services**  
 Maryland General Assembly  
 2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 489 (Senators Kagan and Washington)  
 Education, Health, and Environmental Affairs

**Ballot Access - Voter Registration - Affiliating With a Party**

This bill allows a voter who is not affiliated with a political party to, during early voting, appear in person at an early voting center in the individual’s county of residence and change party affiliation on an existing voter registration. If an election judge determines that the voter is a resident of the county, the election judge must issue the voter the appropriate ballot for the voter’s new party affiliation. The bill also specifies that a registered voter who has declined to affiliate with a political party may change to a party affiliation at any time an individual may register to vote under Title 3 (voter registration) of the Election Law Article.

**Fiscal Summary**

**State Effect:** General fund expenditures may increase by approximately \$28,500 in FY 2020 and in future years in which a primary election occurs. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	28,500	0	28,500	0	28,500
Net Effect	(\$28,500)	\$0	(\$28,500)	\$0	(\$28,500)

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

**Local Effect:** Local government expenditures may increase by at least \$36,500 in FY 2020. **The bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

## Analysis

**Current Law:** Party affiliation changes can be made at any time that voter registration is open. Voter registration is only closed from 9:00 p.m. on the twenty-first day preceding an election until the eleventh day after the election. An exception to the closing of registration prior to an election is that, during early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration, then subsequently vote the appropriate ballot.

**Background:** The Republican and Democratic parties are required to use the primary elections to nominate candidates for public office, and the parties have discretion whether to allow voters not affiliated with the party to vote in the party's primary. The two 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 Fiscal Effect:** General fund expenditures may increase by approximately \$28,500 in fiscal 2020. This estimate reflects the cost of additional paper ballots that may need to be ordered for early voting in the 2020 primary election to have enough of a supply of ballots for any unaffiliated voters who appear in person at an early voting center to change party affiliation and vote a Republican or Democratic party ballot. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections. The estimate is based on the following assumptions:

- overall turnout for the 2020 primary will be approximately 40% of eligible voters;
- approximately 30% of the turnout for the 2020 primary election will be during early voting;
- at most, the percentage of unaffiliated registered voters who will appear in person at an early voting center to affiliate with a party and vote will be similar to the percentage of overall eligible voters who turn out for early voting at the 2020 primary election; and
- early voting centers will need to stock additional ballots equal to approximately three times as many ballots as the number of potential unaffiliated voters who may arrive and change party affiliation, to account for the fact that it will not be known ahead of time whether those voters will need Republican or Democratic party ballots, or which specific ballot styles, based on the voter's address, will be needed.

Similar costs are incurred in future years in which a primary election occurs. State finances will not be affected in fiscal years in which a general election occurs, since a registered voter's party affiliation or nonaffiliation will not affect his or her access to early voting during a general election or which ballot he or she is able to vote during early voting.

To the extent ballot marking devices (which allow voters to use a touchscreen to produce a paper ballot containing the voter's choices) can be used for all early voting in future primary elections, the bill does not materially impact State finances. The ballot marking devices can help in managing the need for various different ballot styles (each reflecting the election races applicable to a given voter based on his or her residence location and/or party) at an early voting center by eliminating the need to have sufficient numbers of preprinted ballots of each style available for voters who turn out for early voting. Concerns about the functionality of the ballot marking devices that arose prior to the 2016 elections, and have limited their use since then, are now on course to be resolved. However, it is not assured whether that will occur in time for the ballot marking devices to be used more widely in the 2020 elections.

**Local Fiscal Effect:** Local government expenditures may increase by at least \$36,500 in fiscal 2020, due to e-poll book programming costs, costs for additional printed ballots, and potential early voting personnel and equipment costs, as follows:

- e-poll book programming, \$8,000 (divided among the 24 jurisdictions);
- additional printed ballots, \$28,500 (divided among the 24 jurisdictions);
- early voting personnel and equipment – potentially needed in some jurisdictions, if there is enough volume of requests for party affiliation changes (*e.g.*, in Montgomery County, \$22,000 for election judges and \$33,000 for ballot carts).

As mentioned above, the cost of printing paper ballots is shared between the State and local boards of elections, and \$28,500 represents the local boards' share. Similar costs for additional ballots and any additional early voting personnel needed are incurred in future years in which a primary election occurs.

To the extent ballot marking devices can be used for early voting in future primary elections, local government finances are not materially affected by ballot costs related to the bill.

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### **Additional Information**

**Prior Introductions:** HB 280 of 2018 received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 1061 of 2018, received a hearing in the Senate Education, Health, and Environmental Affairs Committee but was

withdrawn. SB 64 of 2017 also received a hearing in the Senate Education, Health, and Environmental Affairs Committee but was withdrawn.

**Cross File:** HB 530 (Delegate Qi, *et al.*) - Ways and Means.

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

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