

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 362

(Senator Kagan)

Education, Health, and Environmental Affairs

Ways and Means

Election Law - Absentee Ballots - Timing of Canvass

This emergency bill changes the time when absentee ballot envelopes can first be opened by a local board of elections following Election Day. The time is changed from 8 a.m. on the Wednesday following Election Day to 9 a.m. on the Friday following Election Day.

Fiscal Summary

State Effect: Federal fund expenditures may decrease in FY 2020 as a result of the bill, by an indeterminate amount, as discussed below. Revenues are not affected.

Local Effect: Local government expenditures may decrease by \$170,000 annually, beginning in FY 2020. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Following an election, each local board of elections must meet at its designated counting center to canvass absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board of Elections (SBE). “Canvass” means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results. For absentee ballots, the “canvass” includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying.

A local board of elections may not open any envelope of an absentee ballot prior to 8 a.m. on the Wednesday following Election Day.

SBE regulations require that local boards of elections start to canvass absentee ballots at 10 a.m. on the Thursday after the election and start the second absentee ballot canvass at 10 a.m. on the second Friday after an election.

Background: A wide area network (WAN) is being established at polling places in the State's six largest jurisdictions (Baltimore City and Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties) for the 2020 elections, including the 7th Congressional District special primary election on February 4th and the April 28th regular primary election. The WAN will allow SBE to receive pollbook transaction information (including same day registration information) from those jurisdictions in real time during Election Day rather than the information being uploaded when the pollbooks arrive back at local board of elections offices after the polls close. The earlier receipt of the information will allow for the pollbook transaction information to be processed in time for it to be available to local boards of elections when preparing absentee ballots on the Wednesday after the election, prior to the start of the absentee ballot canvass on Thursday. The processed pollbook transaction information (regarding individuals who voted on Election Day) is needed to inform absentee ballot canvassing decisions.

State Fiscal Effect: Federal fund expenditures may decrease in fiscal 2020 as a result of the bill, but the extent of any decrease cannot be reliably estimated. The bill eliminates the primary reason for the WAN; however, independent of the bill, a decision would subsequently have to be made by SBE to not use the WAN. In addition, the WAN is already in the process of being established, with the WAN routers already in possession of election officials and being used in Baltimore City and Baltimore and Howard counties for the 7th Congressional District special primary election on February 4th. Therefore, if a decision is made to no longer use the WAN, if the bill is enacted, it is unclear to what extent the costs of the WAN in fiscal 2020 can be avoided.

Making certain assumptions about the cost of service provider fees associated with the WAN, approximately \$1.98 million in federal and local funds is expected to be spent in fiscal 2020 for the routers (\$1.81 million) and service provider fees (\$170,000) associated with the WAN at Election Day polling places in the six jurisdictions for the 2020 primary election. Federal funds are expected to be used for the cost of the routers and the service provider fees are expected to be covered by local funding (discussed below).

State finances are not expected to be affected in future years beyond fiscal 2020.

Local Fiscal Effect: Local government expenditures may decrease by \$170,000 annually, beginning in fiscal 2020, to the extent the WAN is not used in the 2020 and/or future

elections as a result of the bill and local governments do not need to cover the cost of service provider fees for the WAN. As mentioned above, making certain assumptions about the cost of service provider fees associated with the WAN, the collective cost of the fees across the six jurisdictions is estimated to be \$170,000 per primary or general election.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 555 (Delegates Mosby and Cain) - Ways and Means.

Information Source(s): State Board of Elections; Anne Arundel, Baltimore, Garrett, Howard, Montgomery, and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2020
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