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FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 245

(Delegates Luedtke and Mosby)

Ways and Means

Education, Health, and Environmental Affairs

**Election Law - Institutions of Higher Education - Voter Registration and Voting
by Students (Student Voter Empowerment Act of 2020)**

This bill establishes various requirements relating to voter registration and voting by students at institutions of higher education in the State, including (1) designation of a student voting coordinator and development and implementation of a student voting plan at each public institution of higher education; (2) expansion of the placement of links to the State Board of Elections' (SBE) online voter registration system on online portals used by students to register for course work; and (3) establishment of separate precincts on specified campuses to specifically serve students, faculty, and staff who reside on or near the campus. The bill also requires SBE to maintain a specified web page relating to registration and voting by students enrolled in institutions of higher education. **The bill takes effect June 1, 2020, with the exception of the provisions requiring establishment of precincts on specified campuses, which take effect January 1, 2022.**

Fiscal Summary

State Effect: Higher education expenditures increase for certain affected institutions (by approximately \$55,000 and \$45,000 annually, beginning in FY 2021, in two specific cases). General fund expenditures increase, per additional polling place, by up to \$5,000 in FY 2022 and up to \$2,500 in subsequent years. Revenues are not affected.

Local Effect: Local government expenditures increase, per additional polling place, in the range of \$15,000 to \$28,000 in FY 2022 and \$4,000 to \$12,000 in subsequent years. Local community college expenditures may also increase, as discussed below. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Student Voting Coordinator and Student Voting Plan

The bill requires a public institution of higher education to designate a staff member as the student voting coordinator, who must develop and implement a student voting plan to increase student voter registration and voting in collaboration with faculty, staff, recognized student organizations, and other appropriate stakeholders at the institution.

The student voting plan must (1) cover the two-year period immediately preceding each Statewide general election and (2) be updated after each Statewide general election. The plan must include:

- wide dissemination of information about voter registration and voting opportunities to all students, including (1) the voter registration process and deadlines; (2) the process and deadlines for requesting and returning a ballot by mail; (3) locations and dates for early voting and election day voting, including transportation options to the voting locations; (4) information about same-day registration at early voting centers and at polling places on Election Day; and (5) a link from the institution's online student portal to the web page concerning student voter registration and voting that is maintained by SBE (discussed further below) or to a web page on the student portal that includes the same information;
- provision of voter registration materials at central locations and high-traffic areas on campus;
- reasonable accommodation and collaboration with the local board of elections regarding the placement of an early voting center or polling place on campus if requested by the local board or required by statute;
- encouragement and support of recognized student organizations engaged in activities to increase voter registration and voting by students; and
- any other activities to promote student participation in civic affairs and the election process that the institution determines are appropriate.

The student voting plan must be made available to the public on the institution's website and be provided to the Maryland Higher Education Commission (MHEC) and SBE.

Links to Online Voter Registration System

The bill adds to an existing requirement that a public institution of higher education provide a prominently placed link to the online voter registration system on the home page of the

online portal used by students to register for course work, by requiring each private nonprofit institution of higher education that receives operating or capital funding from the State to also provide such a link. The bill also newly requires that both the public and private nonprofit institutions of higher education – if there are fewer than 15 clicks on the link in any calendar year – relocate the link to a different, more conspicuous location for the immediately following calendar year and take any other appropriate steps to encourage students to use the link.

The bill modifies existing reporting requirements applicable to public institutions of higher education and makes the reporting requirements applicable to both public institutions of higher education and private nonprofit institutions of higher education that receive operating or capital funding from the State and are members of the Maryland Independent Colleges and Universities Association (MICUA). The public institutions report to MHEC and the private nonprofit institutions report to MICUA. A report must be submitted by each institution by January 1 each year addressing (1) the number of individuals who clicked on the link in the immediately preceding calendar year; (2) if there were fewer than 15 clicks on the link in the immediately preceding year, a description of any other appropriate steps the institution is taking to encourage students to use the link; and (3) any efforts planned, to improve access to voter registration for students at the institution. MHEC and MICUA must compile and summarize the reported information and each submit a report by January 15 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

Polling Places on Specified Campuses

Under provisions that take effect January 1, 2022, the bill requires a local board of elections to establish a separate precinct on the campus of Coppin State University and a public or private nonprofit institution of higher education that awards baccalaureate degrees, enrolls 4,500 or more undergraduate students, and provides on-campus housing to students. The precinct must be established on the primary campus of the institution to specifically serve students, faculty, and staff who reside on or near the campus, and a local board of elections may not use the requirement to establish a precinct on campus as the sole basis for closing a polling place near the campus. The affected institutions must:

- collaborate with the local board of elections to identify a facility on campus for use as a polling place that meets all applicable requirements for a polling place; and
- if the institution receives operating or capital funding from the State, (1) provide the facility for use as a polling place without charge to the local board and (2) provide assistance to the local board in recruiting election judges to staff the polling place.

State Board of Elections Web Page

The bill requires SBE to maintain a page on its website that (1) explains in plain, easily understandable language the requirements for students enrolled in institutions of higher education to register to vote in the State and (2) includes links to information regarding voter registration requirements and voting by absentee ballot in other states in which students enrolled in institutions of higher education may reside.

Current Law:

Voter Registration – Public Institutions of Higher Education

Statute requires SBE to designate public institutions of higher education as “voter registration agencies,” along with offices in the State that provide public assistance, offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities, one-stop career centers in the Maryland Department of Labor, and military recruiting offices.

As a voter registration agency, a public institution of higher education must provide a link to SBE’s online voter registration system on the home page of the online portal used by students to register for coursework. The link must be prominently placed on the home page in a location where it may be easily viewed by students registering for course work.

A report must be submitted by each institution by January 1 each year addressing (1) the number of students at an institution who are residents of the State and registered for coursework and the number of those students who clicked on the link and (2) any efforts planned, to improve access to voter registration for students at the institution. MHEC must compile and summarize the reported information and submit a report by January 15 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

Polling Places on Specified Campuses

As it deems expedient for the convenience of voters, a local board of elections may (1) create and alter the boundaries for precincts in the county; (2) designate the location for polling places in any election district, ward, or precinct in the county; and (3) combine or abolish precincts.

A local board must establish a separate precinct on campus, or within one-half mile of the campus, to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located. A local

board is not required to establish a separate precinct if there is already an established precinct within one-half mile of the public or private institution of higher education's campus that serves the voters who attend or work at the institution.

Background:

Voter Registration – Students Enrolled in a Maryland Institution of Higher Education

An SBE [web page](#) addressing voter registration by students enrolled in a Maryland institution of higher education describes the voter registration qualification requirements (including being a Maryland resident) and indicates that:

“To be considered a Maryland resident, your domicile must be in Maryland. Your domicile is the place that you consider to be your ‘official’ or ‘permanent’ home, even though it may be different from the place where you are actually living on a short-term or temporary basis. Your domicile will ordinarily be the address you use most frequently on tax returns or other government documents, driver’s license, bank accounts, charge accounts, for insurance purposes, and so forth.

As a student, you may register at your school address only if you consider this address to be your “official” or “permanent” home. That is, if you do not consider your parent’s home to be your home and do not intend to return there after school, your school address may be your residence.”

Polling Places on Campus

Polling places and early voting centers have been established on certain university campuses in the State. For example, of those that meet the requirements under the bill for establishment of a polling place on campus, Bowie State University; University of Maryland, College Park Campus; and Towson University hosted polling places on campus during the 2018 elections.

State Fiscal Effect:

Student Voting Coordinator and Student Voting Plan

Higher education expenditures increase for at least some public institutions of higher education to meet the bill’s requirements of designating a student voting coordinator and developing and implementing a student voting plan. St. Mary’s College of Maryland and the University of Maryland, College Park Campus, for example, expect to incur costs of approximately \$55,000 and \$45,000, respectively, each year, beginning in fiscal 2021, for

personnel and supplies costs associated with the student voting coordinator and student voting plan requirements.

Polling Places on Specified Campuses

General fund expenditures increase due to the State's share of voting system costs resulting from the establishment of additional polling places on campuses of specified institutions of higher education as discussed below under the Local Fiscal Effect. SBE shares voting system costs with the local boards of elections pursuant to Chapter 564 of 2001. Based on the voting system costs included in the estimates provided by Allegany County, Baltimore City, and Wicomico County (discussed below), general fund expenditures increase by between approximately \$2,500 and \$5,000 per additional polling place in fiscal 2022 and between \$1,200 and \$2,500 per additional polling place annually thereafter.

This estimate is based on costs for the State's current voting system, the contract for which ends after the 2020 elections. Actual voting system costs associated with this bill may vary from this estimate depending on how costs of the statewide voting system change for the 2022 and future elections.

Other Requirements

The bill's requirement that SBE maintain a specified web page and the requirements related to links to SBE's online voter registration system, and related reporting, are not expected to materially affect State finances.

Local Fiscal Effect:

Student Voting Coordinator and Student Voting Plan

Local government expenditures may increase for at least some community colleges to meet the bill's requirements of designating a student voting coordinator and developing and implementing a student voting plan. Montgomery College, for example, expects to incur costs of approximately \$85,000 each year for personnel and operating costs.

Polling Places on Specified Campuses

Based on fall 2017 enrollment numbers from MHEC's 2019 Data Book, it appears the bill's requirement that a separate precinct be established on specified campuses may apply to nine campuses (Bowie State University; Coppin State University; Frostburg State University; Johns Hopkins University; Morgan State University; Salisbury University; Towson University; University of Maryland Baltimore County; and University of Maryland, College Park Campus) with at least three of those campuses having hosted

polling places during the 2018 elections (Bowie State University; Towson University; and University of Maryland, College Park Campus).

Of the local boards of elections that would need to establish polling places on those campuses, Allegany County, Baltimore City, and Wicomico County provided estimates of costs, per additional polling place, of (1) Allegany County – \$15,700 (FY 2022), \$6,600 (subsequent fiscal years); (2) Baltimore City – \$11,100 (FY 2022), \$4,800 (subsequent fiscal years); and (3) Wicomico County – \$27,400 (FY 2022), \$11,900 (subsequent fiscal years). Those estimates are not necessarily all contemplating the same size of polling place, and costs for Baltimore City may vary depending on the circumstances at each institution of higher education in the city. The estimates account for the local boards of elections' share of voting system costs (shared with the State), plus election judge, poll book, supplies, and other costs.

As mentioned above, these estimates are based on costs for the State's current voting system, the contract for which ends after the 2020 elections. Actual voting system costs associated with this bill may vary from this estimate depending on how costs of the statewide voting system change for the 2022 and future elections.

Other Requirements

The bill's requirements related to links to SBE's online voter registration system, and related reporting, are not expected to materially affect local government finances.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 647 (Senator Lam, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Baltimore City Community College; Maryland Higher Education Commission; Maryland Independent College and University Association; Baltimore City; Allegany, Baltimore, Caroline, Howard, Montgomery, Prince George's, and Wicomico counties; Department of Legislative Services

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