

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1020
Ways and Means

(Delegate Williams)

Election Law – Curbside Voting – Establishment

This bill establishes a process for curbside voting and requires that curbside voting be available at each polling place, available to eligible individuals who are disabled, pregnant, or authorized to request curbside voting by the State Board of Elections (SBE) in the interest of public health and safety.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: Local government expenditures increase by between \$770,000 and \$1.5 million in FY 2022 and between \$435,000 and \$870,000 annually thereafter. Additional costs may also be incurred in at least some counties, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary:

Curbside Voting Required at Each Polling Place

“Curbside voting” means the process by which an eligible voter completes and casts a ballot at a designated location outside a polling place under the observation of election judges. A voter is eligible to request curbside voting if the individual is disabled, pregnant, or authorized to make the request by SBE in the interest of public health and safety.

Curbside voting must be made available to all registered voters with disabilities recognized by the federal Americans with Disabilities Act.

The bill requires that each local board of elections establish a location outside each polling place for curbside voting, that is:

- located within 150 feet of the polling place;
- in the plain view of the observing election judges; and
- equipped to (1) allow the eligible voter to complete the ballot without assistance, unless assistance is requested by the voter and (2) preserve the secrecy of the voter's ballot while voting.

SBE must adopt regulations to implement the bill.

Curbside Voting Process

The bill establishes the process for curbside voting, in which an eligible voter requests curbside voting from an election judge and provides an election judge with the information required to check in the voter through the pollbook at the polling place. An election judge must give an eligible voter using curbside voting a paper ballot or, if available, a handheld voting device. However, a local board may not be required to purchase or have a handheld voting device to comply with the bill.

An eligible voter using curbside voting must be observed by two election judges representing different political parties, unless doing so would result in a polling place's inability to meet staffing requirements, in which case one chief election judge may observe the voter.

After marking a paper ballot, the voter must fold the completed ballot and deposit it in the container provided by the election judge. The observing election judges must maintain a record of each use of curbside voting at the polling place.

A handheld voting device used in curbside voting must meet specified standards and, when not in use, must be stored in a designated storage area at the polling place that is at least four feet from any table where an election judge is working or seated.

Current Law: SBE, in consultation with the election directors of the local boards, must specify and produce certain informational materials to be posted in each polling place, including instructions relating to the availability of assistance to elderly and disabled voters. "Disabled" is defined under the Election Law Article of the Maryland Code as having a temporary or permanent physical disability.

Each polling place must, whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters. If the polling place assigned to an elderly or disabled voter is not structurally barrier free, the voter may request a reassignment by the local board of elections.

Local Fiscal Effect: Local government expenditures increase by between \$770,000 and \$1.5 million in fiscal 2022 and between \$435,000 and \$870,000 annually thereafter. The lower end of each range accounts for an additional election judge at each polling place and early voting center (to administer curbside voting along with an existing election judge), along with one-time costs (\$200 per site) for an assumed minimum amount of supplies (*e.g.*, signs, a container) for each location. The high end of each range accounts for two additional election judges at each location, along with one-time costs (\$400 per site) for a greater average amount of supplies for each location, to the extent alert systems are needed at sites, to let the election judges know that a curbside voter has arrived, or other additional supplies. This estimate is based on information provided by a small number of counties, and assumes:

- curbside voting is administered at 1,600 polling places and 81 early voting centers (under State law, election law provisions that apply to voting on election day also apply to early voting); and
- on average, the additional election judges are paid \$175 per day, plus a \$25 stipend for training.

Certain counties may also incur other costs, though it is unclear whether they would be incurred in all counties. Howard and Montgomery counties, for example, expect to incur personnel and/or mileage costs to survey voting sites to determine the locations for curbside voting, at costs of \$9,500 and \$40,000, respectively, in fiscal 2022. Montgomery County also expects to incur costs of \$37,600 annually for additional recruiting and training staff, to recruit and train the additional election judges (assuming two additional election judges are needed at each site).

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 8, 2021
rh/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510