

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 362 (Montgomery County Delegation)  
Ways and Means

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Montgomery County - Voting Methods  
MC 13-22

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This bill authorizes the Montgomery County Council to adopt, by law, a ranked choice voting system or an approval voting system for specified elections. **The bill takes effect January 1, 2023.**

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**Fiscal Summary**

**State Effect:** If a ranked choice voting system is adopted in Montgomery County for the 2024 elections, general fund expenditures increase by approximately \$252,000 in FY 2024. Similar costs are incurred in future years.

**Local Effect:** If a ranked choice voting system or an approval voting system is adopted in Montgomery County for the 2024 elections, Montgomery County expenditures increase by approximately \$2.0 million (for a ranked choice voting system) or approximately \$1.0 million (for an approval voting system) in FY 2024. Costs are incurred in future years, but at a reduced overall level.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** The bill authorizes the Montgomery County Council to adopt, by law, a ranked choice voting system or an approval voting system for elections for any one or more of the following offices: county executive, member of the county council, judge of the circuit court, State's Attorney, clerk of the circuit court, register of wills, sheriff, and

member of the board of education. The enacted local law may provide for the ballot format, procedures for tabulating votes, and any other provision necessary to implement ranked choice voting or approval voting. The enacted local law must provide for an educational campaign explaining how to vote using ranked choice voting or approval voting.

“Ranked choice voting” means a method of casting and tabulating votes in which voters rank candidates in order of preference, and votes are tabulated in a manner that reflects voter preference.

“Approval voting” means a method of casting and tabulating votes in which voters may choose any number of candidates and the candidate chosen most often is elected.

### **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*

Generally, 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.

### **State Fiscal Effect:**

#### *Fiscal 2024 Estimate*

If a ranked choice voting system is adopted in Montgomery County for the 2024 elections, general fund expenditures increase by approximately \$252,000 in fiscal 2024. The bill is not expected to materially affect State finances if an approval voting system is adopted.

#### *Costs Paid for by the State*

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 a ranked choice voting system or an approval voting system would be limited to Montgomery County and implemented through action by the Montgomery County Council, this estimate assumes the remainder (and the majority) of the costs are paid for by the county (either directly or through billing by the State).

#### *Future Year Estimates*

State costs similar to those incurred in fiscal 2024 are incurred in future years for a ranked choice voting system. General fund expenditures increase by approximately \$270,000 in fiscal 2025, \$228,000 in fiscal 2026, and \$267,000 in fiscal 2027.

#### **Local Fiscal Effect:**

##### *Fiscal 2024 Estimate*

If a ranked choice voting system or an approval voting system is adopted in Montgomery County for the 2024 elections, Montgomery County expenditures increase by approximately \$2.0 million (for a ranked choice voting system) or approximately \$1.0 million (for an approval voting system) in fiscal 2024. This estimate assumes costs are first incurred in fiscal 2024; however, a portion of those fiscal 2024 costs may instead be incurred in fiscal 2023, depending on the timing of the implementation of a ranked choice or approval voting system.

##### *Costs Paid for by Montgomery County*

As mentioned above, under State Fiscal Effect, this estimate assumes that certain costs are shared by the State and the county, but the majority of the costs are paid for by the county, 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 Montgomery County and statewide election results and would not be reintroduced 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.

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**Exhibit 1**  
**Fiscal 2024 Montgomery County Expenditures**

<u>Cost Category</u>	<u>Ranked Choice</u>	<u>Approval Voting</u>	<u>Description</u>
Election Management System Programming	\$800,000	\$800,000	Partial integration of ranked choice voting system or approval voting system into SBE's election management system (including project management, planning, development, and testing).
Tabulation Software	385,000	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 Montgomery County Board of Elections with implementation in 2024 (\$100,000 reflects half of the costs, with the other half incurred in fiscal 2025).
Other Contractual Services	52,000	0	Documentation, training, absentee ballot mailing, and other services.
Increased Specimen Ballot Costs	16,000	8,000	Increased length of specimen ballots for ranked choice voting and approval voting.
Voter Outreach	206,000	206,000	Direct mailing and/or other voter outreach methods.
Increased Paper Ballot Costs	170,000	0	Increased length of ballots for ranked choice voting.
Additional Voting Equipment and Election Judges	80,000	0	An additional ballot scanner and election judge at each of 76 high-volume polling places, to mitigate additional time added to the voting process by ranked choice voting.
Election Staff and Training Video	210,000	0	Primarily additional local board of elections staff compensation and minimal cost of a training video for ranked choice voting.
<b>Total</b>	<b>\$2.0 million</b>	<b>\$1.0 million</b>	

SBE: State Board of Elections

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### *Future Year Estimates*

Costs are incurred in future years but at a reduced overall level. For a ranked choice voting system, Montgomery County expenditures increase by approximately \$777,000 in fiscal 2025, \$732,000 in fiscal 2026, and \$672,000 in fiscal 2027. For an approval voting system, Montgomery County expenditures increase by approximately \$214,000 in fiscal 2025 through 2027.

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### **Additional Information**

**Prior Introductions:** HB 767 of 2021 and HB 624 of 2019 each received a hearing in the House Ways and Means Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** State Board of Elections; Montgomery County; Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2022  
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