

HB 1404

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1404
Ways and Means

Election Law – Curbside Voting – Establishment

This bill establishes a process for curbside voting to be made available at early voting centers and designated locations on Election Day, for registered voters with disabilities recognized by the federal Americans with Disabilities Act (ADA) and voters who are (1) physically unable to enter a polling place; (2) likely to have the voter's health harmed by entering a polling place; (3) pregnant; or (4) authorized to make the request by the State Board of Elections (SBE) in the interest of public health and safety. **The bill takes effect June 1, 2022.**

Fiscal Summary

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

Local Effect: Local government expenditures increase by between \$175,000 and \$350,000 in FY 2022 and between \$155,000 and \$310,000 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 Designated Locations

“Curbside voting” means the process by which an eligible voter completes and casts a ballot (1) at an outside location designated by SBE in collaboration with the local board of elections and (2) under observation of election judges. A voter is eligible to request curbside voting if the individual is (1) physically unable to enter a polling place; (2) likely to have the voter’s health harmed by entering a polling place; (3) pregnant; or (4) 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 ADA.

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

- each early voting center during early voting; and
- on election day (1) the office of the local board or (2) if using the office of the local board is not practicable, each polling place designated by SBE, in collaboration with the local board, for curbside voting.

Not later than six months before a primary election, SBE, in collaboration with the local board in each county, must designate each curbside voting location in that county. Curbside voting must be available on the days and during the hours that early voting centers and polling places are open.

The curbside voting location must be:

- located within 150 feet of the early voting center, office of the local board, or 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.

The bill requires that a voting system selected, certified, and implemented by SBE, in consultation with the local boards, accommodate curbside voting.

SBE must adopt regulations to implement the bill.

Curbside Voting Process

At each curbside voting location, a local board of elections must:

- post signs informing voters of (1) the location of curbside voting; (2) who is eligible for curbside voting; and (3) how to notify an election judge that the voter is waiting at the curbside voting location;
- provide an area that allows the voter to obtain information from candidates and others who are campaigning;
- provide a method that may be used by a voter who is requesting curbside voting to announce that the voter has arrived at the curbside voting location and that is not (1) a telephone system requiring the use of a cell phone or (2) a call-ahead system;
- ensure that a prompt acknowledgment of the presence of a voter who has arrived at the curbside voting location is provided by election judges; and
- ensure that the same information that is provided to voters inside an early voting center or a polling place is timely delivered to a voter during curbside voting.

An eligible voter seeking to use curbside voting must request curbside voting from an election judge at the curbside voting location and provide an election judge with the information required to check in the voter through the pollbook at the curbside voting location. An election judge must give an eligible voter using curbside voting a paper ballot and after marking a ballot the eligible voter must deposit the ballot in a container provided by the election judge. The election judge must (1) place the completed ballot in the ballot box or scanner inside the polling place and (2) if the ballot was scanned, inform the curbside voter that the ballot was scanned and provide a receipt, if practicable. The observing election judges must maintain a record of each use of curbside voting at each curbside voting location.

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 early voting center and 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. SBE must provide election judges with uniform statewide training on the voting system, including (1) all features of the voting system that provide access to voters with disabilities and (2) the rights of voters with disabilities, including those rights guaranteed by State and federal law.

Each early voting center and 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.

A voting system selected, certified, and implemented by SBE, in consultation with the local boards, must (1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities and (2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and comply with both ADA and the federal Help America Vote Act (HAVA), including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to HAVA.

Local Fiscal Effect: Local government expenditures increase by between \$175,000 and \$350,000 in fiscal 2022 and between \$155,000 and \$310,000 annually thereafter. The lower end of each range accounts for an additional election judge at each early voting center and each designated curbside voting location on Election Day (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 canopies, election judge alert systems, or other additional supplies are needed at sites. This estimate is based on information provided by a small number of counties in 2021 and by SBE, and assumes:

- curbside voting is administered at the 96 early voting centers established for the 2022 elections and at 96 designated curbside voting locations on Election Day (assuming a number of Election Day locations equivalent to the number of early voting centers designated in each county, to allow for greater numbers of Election Day locations in larger counties); 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, such as (1) one-time personnel and/or mileage costs to survey voting sites to determine the sites that will be used for curbside voting on Election Day, or the location of curbside voting at the sites or (2) annual costs of additional recruiting and training staff, to recruit and train the additional election judges. However, those costs have not been quantified.

Additional Information

Prior Introductions: HB 1020 of 2021 received a hearing in the House Ways and Means Committee, but no further action was taken.

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 11, 2022
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