

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 939  
Ways and Means

(Delegate Shoemaker, *et al.*)

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**Elections – Absentee Ballots – Mailing of Unrequested Ballots**

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This bill prohibits the State Board of Elections (SBE), a county board of elections, or a municipality from mailing an absentee ballot to any voter who has not requested an absentee ballot. **The bill takes effect June 1, 2022.**

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**Fiscal Summary**

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

**Local Effect:** The bill is not expected to directly affect county finances; however, municipal finances may be affected, as discussed below.

**Small Business Effect:** None.

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**Analysis**

**Current Law:**

*Absentee Voting Under State Election Law*

Under State election law, which generally governs all elections except municipal elections (other than in Baltimore City), an individual may vote by absentee (mail-in) ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by (1) mailing it, postmarked on or before Election Day; (2) depositing it into a ballot drop box before the

polls close on Election Day; or (3) delivering it in person to an early voting center or to the local board of elections or an Election Day polling place by the close of polls on Election Day.

Chapters 56 and 514 of 2021 allow for a voter to request permanent absentee ballot status and be placed on a permanent absentee ballot list, in which case a local board of elections sends the voter an absentee ballot each time there is an election.

### *Absentee Voting in Municipal Elections*

A qualified voter may vote in a municipal election by absentee ballot. A municipality must provide a procedure to vote by absentee ballot and may not require an individual to provide a reason that the individual will be unable to vote in person on Election Day in order to vote by absentee ballot. A municipality may use any method to enable absentee voters to vote, including using any facilities to transmit and receive applications for absentee ballots.

**Local Fiscal Effect:** Municipal expenditures are affected to the extent (1) a municipality, in the absence of the bill, holds elections by mail (in which ballots are mailed to all qualified voters) and (2) the bill prohibits municipal elections from being held by mail. In that case, the level of a municipality's election administration costs may be affected, due primarily to ballot printing and mailing costs being replaced by costs of staffing and operating in-person voting locations. Whether that change results in a net increase or decrease in costs may vary by municipality. For context regarding the magnitude of municipal election costs, based on information gathered in early 2021 on a small number of municipalities' election costs, it appears that costs for a municipal election may average in the range of \$1.00 to \$3.00 per voter, per (primary or general) election.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** State Board of Elections; Harford and Montgomery counties; Maryland Municipal League; Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2022  
fnu2/hlb

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