

**Department of Legislative Services**  
 Maryland General Assembly  
 2023 Session

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

House Bill 41 (Delegate Williams)  
 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.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$200,000 in FY 2024, and \$125,000 annually thereafter. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	200,000	125,000	125,000	125,000	125,000
Net Effect	(\$200,000)	(\$125,000)	(\$125,000)	(\$125,000)	(\$125,000)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local government expenditures increase by \$485,000 in FY 2024, 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; 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 the choice to vote by marking a paper ballot at the curbside voting location or by using a ballot marking device inside the polling place. If the eligible voter chooses to vote using a paper ballot, after marking the 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 election judges at a curbside voting location 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; (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 (3) 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.

**State Fiscal Effect:** General fund expenditures increase by \$200,000 in fiscal 2024 and by \$125,000 annually thereafter, reflecting (1) the costs to conduct voter outreach (\$125,000) to inform voters that, on election day, curbside voting will only be offered at one specific location in each county and (2) one-time costs for an additional pollbook and pollbook printer for each early voting center and for each curbside voting location on election day (\$75,000). This estimate reflects the State's share of these costs, assuming that these costs are split evenly between the State and local boards in accordance with current cost-sharing between the State and the local boards of elections.

**Local Fiscal Effect:** Local government expenditures increase by \$485,000 in fiscal 2024, accounting for (1) the county share of the costs of voter outreach and one-time costs for pollbooks and pollbook printers (\$200,000); (2) costs of 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 (\$190,000); and (3) one-time costs for supplies (*e.g.*, signs, a container, canopies, election judge alert systems) (\$95,000). Future years expenditures (\$310,000 per fiscal year) reflect ongoing voter outreach and election judge costs. This estimate is based on information provided by a small number of counties and by SBE, and assumes:

- curbside voting is administered at 96 early voting centers and at one designated curbside voting location in each county on election day; and
- on average, the additional election judges are paid \$200 per day, plus a \$35 stipend for training.

Certain counties may also incur other costs, such as 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:** Similar legislation has been introduced within the last three years. See HB 1404 of 2022 and HB 1020 of 2021.

**Designated Cross File:** None.

**Information Source(s):** Kent, Washington, and Worcester counties; Maryland State Board of Elections; Department of Legislative Services

**Fiscal Note History:** First Reader - January 30, 2023  
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Analysis by: Arnold H. Adja

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