

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 39 (Senator Kagan)
Education, Energy, and the Environment

Ballot Access - Affiliating With a Party - Unaffiliated Voters

This bill requires a local board of elections to allow a voter who has declined to affiliate with a political party to affiliate with a party after the close of voter registration if the request to affiliate is received by 5:00 p.m. on the day before early voting begins. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures may increase in FY 2024 and in future years in which a primary election occurs, as discussed below. Revenues are not affected.

Local Effect: Local government expenditures are expected to increase in FY 2024 and in future years in which a primary election occurs, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Party affiliation changes can be made at any time that voter registration is open. Voter registration is only closed beginning on the twenty-first day preceding an election until the eleventh day after the election. There are certain exceptions to the close of registration during that time period: (1) during early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration, then subsequently vote the appropriate ballot; and (2) on election day, an individual may appear

at a precinct polling place in the individual's county of residence and apply to register to vote, and then vote.

State and Local Fiscal Effect: State general fund expenditures may increase, and local government expenditures are expected to increase, in fiscal 2024 and in future years in which a primary election occurs to (1) modify the State's voter registration-related systems to accommodate party affiliation changes through 5:00 p.m. on the day before early voting begins and (2) process those additional party affiliation changes and transfer the changes to early voting center pollbooks within a compressed timeframe. The overall costs to implement the bill cannot be reliably estimated at this time; however, for additional context:

- The largest cost appears to be programming changes to the State's voter registration-related systems. The State Board of Elections (SBE) is not able to provide an estimated cost for those changes at this time; however, for context, a recent project of a similar scope involved programming costs of approximately \$140,000. Depending on which systems need to be modified, these costs may be incurred by both SBE and the local boards of elections or incurred only by the local boards.
- SBE and the local boards of elections may incur additional personnel costs to process the additional party affiliation changes and transfer them to early voting center pollbooks within a compressed timeframe; however, any additional costs should be relatively minimal for SBE and for each individual local board of elections since the processing and transferring of data will occur in a short timeframe.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 114 (Delegate Qi) - Ways and Means.

Information Source(s): Baltimore, Caroline, Carroll, Kent, and Prince George's counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2023
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