

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 839

(Delegate Roberson)

Ways and Means

Education, Energy, and the Environment

Election Law - Provisional Ballots - Nonpartisan Board of Education Contests

This bill establishes that an individual is qualified to vote a provisional ballot they have cast if (1) the provisional ballot was cast because the individual claimed a different political party affiliation from their political party affiliation on record and (2) the local board determines that the individual made a selection in a nonpartisan board of education contest on the ballot. The local board must count only the votes cast by the individual in a nonpartisan board of education contest.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law:

Provisional Voting

An individual is eligible to cast a provisional ballot if the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the State, is eligible to vote in that election, and either the individual's name does not appear on the precinct register, an election official asserts that the individual is not eligible to vote, or the individual does not have the necessary identification.

An individual is qualified to vote the provisional ballot cast if the local board of elections determines that (1) the individual is registered in the State; (2) if the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the State Board of Elections; and (3) if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

The local board must count (1) the entire provisional ballot if the address on the provisional ballot application is within the precinct where the provisional ballot was cast or (2) only the votes cast by the voter for each candidate or question applicable to the precinct in which the voter resides, as determined by the address on the provisional ballot application of the voter.

The local board must reject a provisional ballot if (1) the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot; (2) the individual failed to sign the oath on the provisional ballot application; or (3) the local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

County Boards of Education

Twenty counties have elected school boards and four counties have combined appointed and elected school boards. The **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Additional Information

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

Designated Cross File: SB 543 (Senator Kagan) - Education, Energy, and the Environment.

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

Fiscal Note History: First Reader - February 17, 2025
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Appendix – Local Boards of Education Membership

The composition of the local boards of education varies with members serving three- to four-year terms. Twenty counties have elected school boards and four counties have combined appointed and elected school boards. Twenty-two boards have student members; however, only eight boards allow student members to vote, which generally excludes authority to vote on matters relating to collective bargaining and personnel. Three counties with voting student members also preclude student members from voting on matters relating to operating and capital budgets. **Exhibit 1** shows the selection methods, terms of office, and membership of the twenty-four local school boards.

Exhibit 1
Local Boards of Education
As of January 2025

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>		<u>Means of Selection¹</u>
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel	8	4 years	E	7 from councilmanic districts 1 student (one-year term)
Baltimore City	12	3 or 4 years	A/E	2 elected from city at large 9 appointed by mayor 1 student (one-year term)
Baltimore	12	4 years	A/E	4 appointed by Governor from county at large 7 elected from councilmanic districts 1 student (one-year term)
Calvert	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Caroline	7	4 years	A/E	3 elected from school board districts 2 appointed by Governor from county at large 2 students (nonvoting, one-year term)
Carroll	11	4 years	E	5 from county at large 5 commissioners <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Cecil	6	4 years	E	5 from commissioner districts 1 student (nonvoting, one-year term)

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>		<u>Means of Selection¹</u>
Charles	10	4 years	E	1 from county at large 8 from commissioner districts 1 student (one-year term)
Dorchester	8	4 years	E	5 from councilmanic districts 3 students (nonvoting, one-year term)
Frederick	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Garrett	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Harford	11	4 years	A/E	6 elected from councilmanic districts 3 appointed by County Executive from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term)
Howard	8	4 years	E	2 from county at large 5 from councilmanic districts 1 student (one-year term)
Kent	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Montgomery	8	4 years	E	2 from county at large 5 from school districts 1 student (one-year term)
Prince George's	10	4 years	E	9 from school board districts 1 student (one-year term)
Queen Anne's	7	4 years	E	1 from county at large 4 from commissioner districts 2 students (nonvoting, one-year term)
St. Mary's	6	4 years	E	1 from county at large 4 from commissioner districts 1 student (nonvoting, one-year term)
Somerset	5	4 years	E	5 from commissioner districts
Talbot	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington ²	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico	7	4 years	E	5 from councilmanic districts 2 from county at large
Worcester	10	4 years	E	7 from commissioner districts 3 students (nonvoting, one-year term)

¹ E = Elected and A/E = Combined appointed and elected board: (1) in Baltimore County, members are appointed by the Governor from a list of names provided by the Baltimore County School Board Nominating Commission; (2) in Caroline County, members are appointed by the Governor with the advice and consent of the Senate; (3) in Baltimore City, members are appointed by the mayor from a list of names provided by the Baltimore City Public School Board Community Panel; and (4) in Harford County, members are appointed by the county executive with the advice and consent of the county council.

² Although not in statute, the Washington County Board of Education reports that there is a student member on the board and that the student member can only concur on votes and must abstain from certain matters.

Source: Sections 3-101 through 3-1405 of the Education Article; Local Boards of Education
