

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 259

(Chair, Education, Energy, and the Environment
Committee)(By Request - Departmental - State Board of
Elections)

Education, Energy, and the Environment

Election Law - Local Boards of Elections - Election Plan Requirements

This departmental bill consolidates existing requirements for local boards of elections' designation and location of polling places, early voting centers, and ballot drop boxes, and approval of the designations/locations by the State Board of Elections (SBE). The bill consolidates those requirements into a requirement that each local board submit a single election plan – that includes a polling place plan, an early voting center plan, and a ballot drop box plan – to SBE for approval. The bill also makes certain, substantive changes to those existing requirements. **The bill takes effect July 1, 2025.**

Fiscal Summary

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

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

Small Business Effect: SBE has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary:

Election Plan

The bill requires each local board of elections, at least seven months before each statewide primary election, to submit an election plan to SBE for approval, consisting of:

- the polling place plan required under existing law (subject to changes described below);
- an early voting center plan (described below);
- a ballot drop box plan (described below); and
- an analysis of how to maximize voter participation in the county and each precinct.

SBE must approve an election plan of a local board if the plan (1) complies with applicable requirements, including § [10-101\(a\)\(2\)](#) of the Election Law Article (described under Current Law); (2) has been reviewed by the State Administrator of Elections; and (3) will not negatively affect access to voting for historically disenfranchised communities.

If SBE does not approve an election plan, the local board must submit a revised election plan to SBE within 15 days after the date on which SBE rejected the previous plan.

Polling Place Plan Changes: The bill modifies the requirements applicable to the polling plan that local boards must submit to SBE under existing law, by:

- eliminating the requirement that the plan include an analysis of how to maximize voter participation in each precinct, which, under the bill, must instead be included in the election plan along with analysis of how to maximize voter participation in the county as a whole;
- modifying the requirement that specified information and analysis (described under Current Law) be included in the plan if it proposes to reduce the total number of separate buildings used as polling places below the number used in the 2018 general election, by instead requiring the information and analysis to be included if the proposed number of separate buildings is below the number used in the first statewide general election held after the most recent redistricting based on the census (which currently is the 2022 general election);
- eliminating a requirement that the most recent report published by the Maryland Vital Statistics Administration be the source of certain demographic information used in the above-mentioned information and analysis; and
- eliminating a requirement that the plan be submitted to SBE at least six months before each statewide primary election (under the bill it is instead submitted as part of the election plan at least seven months before each statewide primary election).

Early Voting Center Plan: The bill repeals an existing requirement that, no later than six months before a primary election, a local board designate each early voting center in the county subject to the approval of SBE. The bill instead requires that an early voting center plan be included in the election plan that must be submitted to SBE at least seven months before each statewide primary election. The bill incorporates into the plan, and modifies, factors that must be taken into account under existing law when determining

the location of an early voting center (described under Current Law), by requiring that the early voting center plan take into account those modified factors. The bill modifies the factors by:

- making the factor that reads “ensuring equitable distribution of early voting centers throughout the county” only applicable to counties with four or more early voting centers; and
- changing the factor that reads “maximizing voter participation, including through the use of community centers and public gathering places as locations for early voting centers” to simply read “the use of community centers and public gathering places.”

Ballot Drop Box Plan: The bill requires each local board to develop a ballot drop box plan that includes the proposed location of each ballot drop box in the county. Under existing law, a local board must consider specified factors when determining the location of a ballot drop box (described under Current Law), and the bill modifies those factors by:

- modifying the factor that reads “equitable distribution of ballot drop boxes throughout the county” to read “equitable *geographic* distribution of ballot drop boxes throughout the county”; and
- eliminating the factor of “maximizing voter participation, including through placement of ballot drop boxes at community centers and public gathering places.”

Similar to existing requirements, the bill requires a local board to submit the ballot drop box plan with the proposed locations to the State Administrator of Elections for approval. If the plan does not meet the specified factors that must be considered when determining the location of a ballot drop box, before the election plan is submitted to SBE, the State Administrator must require that the local board reconsider the proposed location for one or more ballot drop boxes and provide the local board a detailed explanation of why the proposed location does not meet the factors.

Current Law:

Polling Place Plan

At least six months before each statewide primary election, each local board of elections must submit a polling place plan to SBE for approval.

A polling place plan must include (1) evidence that the plan complies with § 10-101(a)(2) of the Election Law Article and (2) an analysis of how to maximize voter participation in each precinct.

Section 10-101(a)(2) requires that each polling place:

- provide an environment that is suitable to the proper conduct of an election;
- be located as conveniently as practicable for the majority of registered voters assigned to that polling place;
- except as authorized by law, be in a public building;
- be in the precinct that it serves unless no suitable location for a polling place can be found within that precinct, in which case the board may establish the polling place in an adjacent precinct; and
- 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 plan proposes to reduce the total number of separate buildings used as polling places below the total number of separate buildings used as polling places in the 2018 general election, the plan must include:

- the address and a description of the location of each affected polling place;
- an analysis of available suitable buildings within the precinct boundary, including the availability of parking and a determination regarding building compliance with the federal Americans with Disabilities Act;
- of the voters who cast ballots in each affected precinct in the three most recent statewide elections, (1) the percentage who voted in person on Election Day; (2) the percentage who voted by mail; (3) the number who registered to vote on Election Day; and (4) the number who voted at an early voting center;
- the proximity of the proposed polling place to a dense concentration of voters in the affected precinct;
- the change in the number of registered voters in the affected precinct from the last statewide election;
- the public transportation options that voters in each affected precinct could use to access the polling place that would serve the precinct under the plan; and
- an analysis of the impact on the ability of historically disenfranchised communities to cast a ballot, including demographic information of the voters in the affected precinct from the most recent report published by the Maryland Vital Statistics Administration.

SBE must approve a polling place plan if the polling place plan (1) complies with the applicable polling place plan requirements, including § 10-101(a)(2) of the Election Law Article and (2) will not negatively affect access to voting for historically disenfranchised communities.

SBE must reject a polling place plan that does not meet the requirements for approval. If SBE rejects a polling place plan, the local board must submit a revised polling place plan to SBE within 15 days after the date on which SBE rejected the previous plan.

Early Voting Center Designation/Location Requirements

No later than six months before a primary election, the local board in each county must, subject to the approval of SBE, designate each early voting center in that county.

A local board must take into account the following factors when determining the location of an early voting center:

- accessibility of the early voting center to historically disenfranchised communities, including cultural groups, ethnic groups, and minority groups;
- proximity of the early voting center to dense concentrations of voters;
- accessibility of the early voting center by public transportation;
- ensuring equitable distribution of early voting centers throughout the county; and
- maximizing voter participation, including through the use of community centers and public gathering places as locations for early voting centers.

Each early voting center must satisfy the requirements of §10-101 of the Election Law Article.

Ballot Drop Box Designation/Location Requirements

A local board must designate locations in the county at which a ballot drop box will be placed in accordance with the factors below and must submit the proposed locations to the State Administrator of Elections for approval.

The local board must consider the following factors when determining the location of a ballot drop box:

- the accessibility of the ballot drop box to historically disenfranchised communities, including voters with disabilities, cultural groups, ethnic groups, and minority groups;
- proximity of the ballot drop box to dense concentrations of voters;
- accessibility of the ballot drop box by public transportation;
- equitable distribution of ballot drop boxes throughout the county; and
- maximizing voter participation, including through placement of ballot drop boxes at community centers and public gathering places.

The State Administrator must approve a ballot drop box location that meets those factors.

If a proposed ballot drop box location does not meet the factors, the State Administrator must (1) require that the local board reconsider the proposed location for one or more ballot drop boxes and (2) provide to the local board a detailed explanation of why the proposed location does not meet the factors.

If the State Administrator finds that the proposed ballot drop box locations submitted after reconsideration by the local board do not meet the factors, the State Administrator may add ballot drop box locations in the county.

Background: For the 2024 primary and general elections, 97 early voting centers and over 1,450 polling places were made available statewide for voters to cast their ballots in person. Additionally, 286 ballot drop boxes were installed throughout the state for voters to return mail-in ballots.

SBE indicates that the bill allows the board to (1) evaluate the impact of polling place, early voting center, and ballot drop box designations/locations together (including evaluation of the locations in the context of historical disenfranchisement and changing demographics), as part of a single plan, rather than separately, and (2) conduct that evaluation earlier than under current law.

Additional Information

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

Designated Cross File: HB 274 (Chair, Ways and Means Committee)(By Request - Departmental - State Board of Elections) - Ways and Means.

Information Source(s): Allegany, Harford, Talbot, and Wicomico counties; Maryland Association of Counties; Maryland State Board of Elections; Department of Legislative Services

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caw/sdk

Analysis by: Arnold H. Adja

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

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Election Law - Local Boards of Elections - Election Plan Requirements

BILL NUMBER: SB 259

PREPARED BY: Jennifer McLaughlin, Policy Analyst and Mail-in Ballot Lead, Maryland State Board of Elections, Jennifer.mclaughlin@maryland.gov, 410-271-6939 mobile

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS