

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 259

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

Education, Energy, and the Environment

Ways and Means

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, and makes certain, substantive changes to those existing requirements. Additionally, the bill modifies existing provisions that require opportunity for public input on proposed changes to polling place locations so that the provisions also apply to the adoption of an election plan. **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. (The attached assessment does not reflect amendments to the bill.)

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.

The local board must submit to SBE with the local board's election plan any written testimony and a summary of any oral testimony on the election plan provided by the public at the meeting at which the local board discussed and voted on the election plan (discussed below).

SBE must vote on the election plan submitted by each local board. 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 votes on an election plan and does not approve the election plan, the local board must submit a revised election plan to SBE within 15 days after the date on which SBE voted on 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 (1) in the first statewide election held after a statewide redistricting based on the census, the plan proposes to reduce the total number of separate buildings used as polling places below the number used in the immediately preceding general election or (2) in any other statewide election, the plan proposes to reduce the total number of separate buildings used as polling places below the number used in the first statewide general election held after the most recent statewide redistricting based on the census;

- 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 use those modified factors when determining the location of an early voting center in the county. 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 reference to “equitable distribution” in that factor to “equitable geographic distribution”; 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). The bill modifies those factors and requires that they be used, rather than considered, when determining the location of a ballot drop box. The bill modifies the 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 applicable to proposed ballot drop box locations, the bill requires a local board to submit the ballot drop box plan with the proposed locations to the

State Administrator of Elections, but for review rather than for approval. If the plan does not meet the specified factors that must be used when determining the location of a ballot drop box, before the election plan is submitted to SBE for approval (as part of the election plan), the State Administrator must request 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. If the State Administrator finds that the proposed ballot drop box locations submitted to the State Administrator after reconsideration by the local board do not meet the factors, the State Administrator may add ballot drop box locations in the county.

Public Input on Election Plans and Changes to Polling Place Locations

The bill modifies existing provisions that require opportunity for public input on proposed changes to polling place locations (described under Current Law) so that the provisions also apply to the adoption of an election plan. The bill also modifies those existing provisions by:

- modifying a requirement that a local board meeting be held to discuss a proposed change to instead require that a proposed change or election plan be discussed *and voted on* at a local board meeting;
- clarifying a requirement that interested individuals and organizations be provided an opportunity to testify at the meeting so that interested individuals and organizations are provided an opportunity to provide *written or oral* testimony at the meeting;
- adding a requirement that the proposed election plan or a written description of the proposed change in the location of a polling place be posted on the local board's website at least 14 days before the meeting;
- replacing a requirement that each local board enable individuals and organizations to register for a contact list (which each local board must maintain, of individuals and organizations who wish to be notified of applicable local board meetings) with a requirement that information about the purpose of the contact list and how to register for the list be included in a conspicuous location on the local board's website; and
- specifying that, for an election plan, the elected officials (elected to offices specified below under Current Law) who must be provided written notice of a meeting at least 14 days in advance are those who represent all or any portion of the county.

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.

Public Input on Changes to Polling Place Locations

A local board may not vote to change the location of a polling place unless the local board first holds a meeting to discuss the proposed change and provides an opportunity for interested individuals and organizations to testify on the proposed change at the meeting.

Each local board of elections must maintain a contact list of individuals and organizations who wish to be notified about local board meetings at which proposed changes to the locations of polling places will be discussed and enable individuals and organizations to register for the contact list.

The local board must provide, at least 14 days before the meeting, written notice of the meeting to each individual and organization on the contact list, as well as the following elected officials if the official is elected by eligible voters residing in the precinct containing either the current polling place location or the proposed polling place location: (1) the mayor; (2) the county executive; (3) each county commissioner; (4) each county council member; (5) each municipal council member; and (6) each member of the Maryland General Assembly.

These provisions do not apply if a local board is creating a new precinct or changing a precinct boundary or polling place, due to an emergency, during the period beginning 21 days before Election Day through Election Day.

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; Baltimore City; Maryland Association of Counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2025
rh/sdk
Third Reader - February 28, 2025
Enrolled - May 6, 2025
Revised - Amendment(s) - May 6, 2025

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

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

BILL NUMBER: SB 259

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PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X 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