

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 889 (Montgomery County Delegation)
Ways and Means

Montgomery County - Election Law - Days of Early Voting
MC 23-10

This emergency bill modifies the early voting period in Montgomery County for the 2010 gubernatorial primary and general elections, requiring that each early voting center be open each day from the second Saturday before each election through the Thursday before the election, including Sunday, rather than the existing period from the second Friday through the Thursday before the election, excluding Sunday.

Fiscal Summary

State Effect: To the extent statewide voter outreach efforts regarding early voting for the 2010 gubernatorial elections may need to be adjusted to ensure that the modified early voting period in Montgomery County is effectively communicated to Montgomery County voters, State expenditures may be affected. At least \$214,000 (shared by the State and counties) is currently expected to be spent for statewide voter outreach efforts regarding early voting for the 2010 gubernatorial elections.

Local Effect: Montgomery County expenditures increase by at least \$15,100 in FY 2011 due to overtime costs to open and staff the Montgomery County Board of Elections office on a Sunday. County expenditures could also be affected by any adjustments that may need to be made to statewide voter outreach efforts and/or local outreach efforts of the Montgomery County Board of Elections to effectively inform Montgomery County voters of the modified early voting period. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Chapter 445 of 2009 established early voting in State law, specifying early voting days and hours for the 2010 and 2012 statewide elections as shown below in **Exhibit 1**.

Exhibit 1 Early Voting Days and Hours under Chapter 445

	<u>Days</u>	<u>Hours</u>
2010 Gubernatorial Primary and General Elections	Second Friday before the election through Thursday before the election, excluding Sunday	10 a.m.-8 p.m. each day
2012 Presidential Primary and General Elections	Second Saturday before the election through Thursday before the election	10 a.m.-8 p.m., Saturday and Monday through Thursday; 12 noon-6 p.m., Sunday

The State Board of Elections (SBE) is required to designate each early voting center in collaboration with the local board in each county. The number of early voting centers in each county is dependent on the number of registered voters in the county. A county with fewer than 150,000 registered voters has one early voting center; a county with more than 150,000 but fewer than 300,000 registered voters has three early voting centers; and a county with more than 300,000 registered voters has five early voting centers. A voter may vote at any early voting center in the voter's county of residence.

Beginning 30 days prior to each early voting period, SBE and each local board of elections must take steps to inform the public about early voting and the location of early voting centers in each county, including a series of public service media announcements, mailings to all registered voters in each county, and other measures as appropriate.

Background: Over the past several election cycles, the number of voters across the United States who cast their votes prior to election day by early and/or absentee voting has increased as states enact laws and implement policies that afford more opportunities for voters to do so. In response to a survey conducted by the U.S. Election Assistance Commission, 22 states and two territories reported that 17.4 million people (13%) cast votes through various forms of early voting during the 2008 presidential election. In

certain states, according to the survey, early voting made up a significant portion of votes cast. In Nevada, North Carolina, Tennessee, and Texas, for example, early voters cast more than half of all ballots.

Legislation establishing early voting was enacted in Maryland in 2006 (Chapters 5 and 61), but was later struck down by the Maryland Court of Appeals as unconstitutional. The legislation would have allowed for a five-day early voting period prior to primary and general elections and would have allowed early voters to vote at any early voting polling place (three locations in the State's larger counties, and one in all other counties) in the voter's county of residence.

In the 2007 session, Chapter 513 was enacted, proposing a constitutional amendment allowing for early voting and repealing the early voting provisions enacted by Chapters 5 and 61. The constitutional amendment was approved by the voters at the 2008 general election and Chapter 445 was enacted in the 2009 session.

Montgomery County currently has approximately 565,000 active registered voters and accordingly has five designated early voting centers.

State Fiscal Effect: SBE advises that modifying the early voting period in Montgomery County may create difficulty in effectively informing Montgomery County voters of an early voting period in the county that will be different than the rest of the State. It is unclear at this time whether communicating the different early voting period to Montgomery County voters may require an adjustment to statewide voter outreach efforts and whether that adjustment may affect associated costs. At least \$214,000 is currently expected to be spent for statewide voter outreach efforts regarding early voting, accounting only for the development of content and not for the purchase of any advertising time or space. These costs are expected to be shared by the State and counties.

Local Fiscal Effect: Montgomery County expenditures are expected to increase by at least \$15,100 in fiscal 2011 due to personnel overtime costs during the early voting periods for the 2010 primary and general elections resulting from an additional weekend day (Sunday) being added to the early voting period in place of a week day. Montgomery County indicates that the county board of elections office will need to be open and staffed on the Sunday added to the early voting period to support the early voting centers. Other costs associated with opening the board of elections office on a Sunday may be incurred, but the added personnel costs are expected to be the majority of the increased expenses.

As mentioned above, modifying the early voting period in Montgomery County may create difficulty in effectively informing Montgomery County voters of an early voting

period in the county that will be different than the rest of the State. It is assumed that Montgomery County expenditures could be affected by any adjustments that may need to be made to statewide voter outreach efforts and/or local outreach efforts of the Montgomery County Board of Elections to effectively inform Montgomery County voters of the modified early voting period.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Montgomery County; U.S. Election Assistance Commission, *2008 Election Administration and Voting Survey* (November 2009); Department of Legislative Services

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