

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 850 (Delegate Frank, *et al.*)  
Ways and Means

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Election Law - Early Voting - Repeal

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This bill repeals provisions in the Election Law Article, enacted under Chapter 445 of 2009, that establish early voting.

The bill takes effect July 1, 2011.

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Fiscal Summary

**State Effect:** General fund expenditures decrease by approximately \$358,900 over the course of FY 2012 and 2013 due to the elimination of early voting for the 2012 presidential elections. Similar proportional reductions in expenditures occur due to the elimination of early voting for the 2011 Baltimore City elections and statewide and Baltimore City elections beyond 2012. Future capital costs totaling at least \$1.0 million, and associated operating costs, for “ballot-on-demand” printers expected to be needed to conduct early voting using an optical scan voting system will also be eliminated.

**Local Effect:** Local government expenditures decrease by at least \$2.0 million over the course of FY 2012 and 2013 due to the elimination of early voting for the 2012 presidential elections. Similar proportional reductions in expenditures occur due to the elimination of early voting for the 2011 Baltimore City elections and statewide and Baltimore City elections beyond 2012. Future capital costs totaling at least \$1.0 million, and associated operating costs for “ballot-on-demand” printers will also be eliminated.

**Small Business Effect:** Potential minimal.

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## 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**.

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### 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

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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.

Unless expressly provided, provisions of State law that apply to voting on election day also apply to early voting. SBE is required to adopt regulations and guidelines for the conduct of early voting.

**Background:** Early voting was implemented for the first time in Maryland during the 2010 gubernatorial elections for six days prior to both the primary and general elections

at 46 early voting centers across the State. Statewide early voting turnout was relatively light in comparison to levels of participation in a number of other states in past elections, likely due in part to 2010 being the State's first experience with early voting.

According to unofficial State Board of Elections statistics, of Maryland voters that cast regular ballots in person at early voting centers or election day polling places (excluding provisional and absentee voters), 10.2% cast their ballots at early voting centers during the 2010 primary election and 12.6% did so at the general election. Among the individual counties, the percentage of in-person voters that voted early ranged from 4.2% in Washington County to 20.7% in Kent County for the primary election and from 4.8% in Allegany County to 24.2% in Talbot County for the general election.

### **State Fiscal Effect:**

#### *Elimination of Recurring Early Voting Costs*

General fund expenditures decrease by approximately \$358,900 over the course of fiscal 2012 and 2013 reflecting the elimination of recurring costs associated with early voting. During the 2010 elections, the State spent \$358,900 on voter outreach, network service, transportation, and training costs.

Similar proportional reductions in expenditures occur due to the elimination of early voting for the 2011 Baltimore City elections and statewide and Baltimore City elections beyond 2012.

#### *Elimination of Future Capital/Operating Costs*

A new optical scan voting system is expected to be implemented in the future pursuant to Chapters 547 and 548 of 2007 (as amended by Chapter 428 of 2009), but funding for the new system was not included in the fiscal 2011 State budget and funding has not been included in the proposed fiscal 2012 State budget. When an optical scan voting system is implemented, "ballot-on-demand" printers are expected to be necessary in order to print out various ballot styles for voters at county early voting centers coming from various parts of the county. Repeal of early voting will eliminate capital and operating costs for the printers.

A voting system study conducted in 2010 for the Department of Legislative Services by RTI International estimated the capital cost of purchasing the printers for all of the early voting centers to be over \$2.0 million (likely financed over a number of years). The State would be responsible for half of that cost – at least \$1.0 million. Pursuant to Chapter 564 of 2001, the counties pay one-half of the State's cost of acquiring and operating the State's voting system.

In addition to the capital cost of purchasing the printers, the RTI study indicated there is also a per ballot operating cost for the printers, which the State will share with the counties. In 2010, there were approximately 300,000 early voters. Presumably the number of early voters may grow in future elections, but the ballot printing operating costs, based on a cost of \$0.45 per ballot (cost charged by one company that provides the printers) would be \$135,000 for that amount of early voters.

### **Local Fiscal Effect:**

#### *Elimination of Recurring Early Voting Costs*

Local government expenditures decrease by at least \$2.0 million over the course of fiscal 2012 and 2013 reflecting the elimination of recurring costs associated with early voting. During the 2010 elections, the amount and type of costs incurred by the local boards of elections varied, with election judge compensation being the one cost that every local board incurred and most boards incurring staff overtime and voter outreach costs. Other categories of costs included election judge training costs, early voting center rental and maintenance, costs for early voting center communications, sample ballots, provisional ballot supply carts, security, and transportation. The overall cost for the 24 local boards of elections to conduct early voting for the 2010 elections was \$2.6 million.

The categories of costs that are recurring, rather than one-time, costs are election judge compensation and training, staff overtime, early voting center rental and maintenance, voter outreach, sample ballots, transportation, and other supplies and training costs. The estimated decrease in local government expenditures of at least \$2.0 million does not include early voting center communications, security, and miscellaneous county costs totaling \$504,200 for the 2010 elections (early voting center communications – \$13,500; security – \$329,800; miscellaneous costs – \$160,900). Early voting center communications are partly recurring and partly one-time costs (*e.g.*, consisting of cell phones and installed phone lines as well as phone service). Security costs presumably are largely recurring costs, but at least one county purchased a security system. The miscellaneous county costs presumably may consist of both one-time and recurring costs.

Similar proportional reductions in expenditures occur due to the elimination of early voting during the 2011 Baltimore City elections and statewide and Baltimore City elections beyond 2012, assuming six-day voting periods will be established for those elections (early voting periods for the elections are not specified in statute).

### *Elimination of Future Capital/Operating Costs*

As mentioned above, the repeal of early voting will eliminate capital and operating costs associated with the use of “ballot-on-demand” printers to conduct early voting with an optical scan voting system. Pursuant to Chapter 564 of 2001, the counties pay one-half of the State’s cost of acquiring and operating the State’s voting system. Based on costs included in the RTI study, at least \$1.0 million in future local government capital costs as well as per ballot operating costs associated with the printers will be eliminated.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Baltimore, Carroll, Cecil, and Harford counties; RTI International; Department of Legislative Services

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