

Department of Legislative Services
 Maryland General Assembly
 2012 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 250
 Ways and Means

(Delegate Oaks, *et al.*)

Education, Health, and Environmental Affairs

Elections - Baltimore City - Election Dates

This bill alters the year in which the Baltimore City municipal primary and general elections are held so that, beginning in 2016, each election coincides with the presidential primary and general elections. The bill also specifies that the term of a municipal officer of Baltimore City elected in 2011 is five years.

The bill takes effect January 1, 2013.

Fiscal Summary

State Effect: General fund expenditures decrease by \$270,000 in FY 2016 due to the elimination of the State’s share of voting system operations costs for the Baltimore City municipal elections that would otherwise be held in September and November 2015.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	0	0	(270,000)	0
Net Effect	\$0	\$0	\$0	\$270,000	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Baltimore City expenditures decrease by approximately \$3.7 million in FY 2016 due to the elimination of costs associated with the Baltimore City municipal elections that would otherwise be held in September and November 2015.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Under State law, the Baltimore City primary election for municipal offices is held on the second Tuesday following the first Monday in September of the year following the year of the gubernatorial election. The general election is held on the Tuesday following the first Monday in November of the same year.

The Baltimore City Charter provides for the mayor, city council, and comptroller to be elected on the Tuesday after the first Monday in November 2007, and on the same day and month in every succeeding fourth year.

Background: The Baltimore City municipal election dates were originally set by Article XI of the Maryland Constitution, providing for a mayoral election every four years in October and a city council election annually in October. Baltimore City election dates have since been changed, once by the General Assembly in 1898, and three times by Baltimore City voters in 1964, 1999, and 2004 after being delegated the power to make changes to §§ 1-6 of Article XI, by the General Assembly in 1920.

The 1999 Charter amendment moved the municipal general election from the year after the gubernatorial election to the same year as the presidential elections on the Tuesday after the first Monday in November 2004 and every fourth year thereafter. The municipal primary election, however, remained in September of the year after the gubernatorial election (2003), as provided under State law. The Charter amendment created a conflict between the municipal general election date under the Charter (November 2004) and the municipal general election date under State law (November 2003). However, in the Office of the Attorney General's view, State law setting the Baltimore City municipal general election date in the year after the gubernatorial election (2003), which had been enacted as part of a revision of State election law in 1998, had not been intended to repeal the authority delegated to voters of the city to set the date of the municipal general election and therefore the municipal general election should be held as prescribed in the City Charter. Baltimore City therefore had its municipal primary election in September 2003 and its municipal general election in November 2004.

A number of attempts were made to amend State law between 2000 and 2003 to be consistent with the 1999 Charter amendment, but none were successful. At the November 2004 municipal general election, the City Charter was amended to move the municipal general election back to the year after the gubernatorial election (in November 2007 and every fourth year thereafter) in the same year prescribed by State law for the municipal primary and general elections.

State Fiscal Effect: General fund expenditures decrease by approximately \$270,000 in fiscal 2016 due to the elimination of the State's share of the cost of voting system operations for the Baltimore City municipal elections that would otherwise be held in September and November of 2015. This estimate is based on costs of the 2011 Baltimore City elections and reflects inflation. It accounts for voting equipment transportation, information technology support personnel and training, and ballot printing. Incorporating Baltimore City races in the 2016 presidential elections is not expected to significantly impact costs.

The estimate assumes that the State's current touchscreen voting system would be used for the 2015 elections. If the State acquires and implements an optical scan, paper ballot-based voting system (in accordance with Chapters 547 and 548 of 2007 and Chapter 428 of 2009) to replace the current touchscreen voting system, the cost decrease could be different.

Local Fiscal Effect: Baltimore City expenditures decrease by approximately \$3.7 million in fiscal 2016 due to the elimination of costs associated with the Baltimore City municipal elections that would otherwise be held in September and November 2015. This estimate is based on costs of the 2011 Baltimore City elections and reflects inflation. It accounts for various costs, including costs for election judges and voting machine technicians, voting equipment prep, transportation, overtime, printing, communications, early voting, and miscellaneous supplies. Incorporating Baltimore City races in the 2016 presidential elections is not expected to significantly impact costs.

The estimate assumes that the State's current touchscreen voting system would be used for the 2015 elections. If the State acquires and implements an optical scan, paper ballot-based voting system (in accordance with Chapters 547 and 548 of 2007 and Chapter 428 of 2009) to replace the current touchscreen voting system, the cost decrease could be different.

Small Business Effect: The Baltimore City Board of Elections contracts, through the city, with outside businesses for certain services needed to conduct an election, such as preparation of voting equipment and supplies, warehouse management, and printing. One or more small businesses may be negatively affected by the loss of the opportunity to support the 2015 and future off-year Baltimore City elections.

Additional Information

Prior Introductions: None.

Cross File: None designated; however, SB 597 (Senator McFadden – Education, Health, and Environmental Affairs) is identical.

Information Source(s): State Board of Elections, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2012
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Analysis by: Scott D. Kennedy

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