

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 343 (Senator Kagan)
 Education, Health, and Environmental Affairs

Election Law - Voting by Absentee Ballot - Prepaid Postage for Return of Ballots

This bill requires prepaid postage to be included on absentee ballot return envelopes, for absentee ballots sent to voters by mail.

Fiscal Summary

State Effect: General fund expenditures may increase by up to \$45,000 in FY 2020 and by varying amounts in future fiscal years to the extent the State pays for the cost of the prepaid postage. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	45,000	100,000	30,000	70,000	45,000
Net Effect	(\$45,000)	(\$100,000)	(\$30,000)	(\$70,000)	(\$45,000)

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

Local Effect: Local government expenditures may increase by up to \$45,000 in FY 2020 and by varying amounts in future fiscal years to the extent the local governments instead pay for the cost of prepaid postage. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill requires that absentee ballot materials sent to a voter by mail include prepaid postage on the envelope provided for the return of the ballot as well as instructions for postage of the return envelope. The instructions must include (1) a statement that the return envelope includes prepaid postage and may be mailed as is and

(2) directions for how a voter may attach postage for the purpose of reducing the costs of the local board of elections. On petition of a local board of elections, the State Board of Elections (SBE) may reimburse the local board for the cost of prepaid postage on the return envelopes provided to voters voting by absentee ballot.

Current Law/Background: An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by mailing it, postmarked on or before Election Day, or delivering it to the local board of elections in person by the close of polls on Election Day.

For information on the level of use of absentee voting by voters in recent elections, see the **Appendix – Early and Absentee Voting**.

State and Local Fiscal Effect: Local government expenditures and/or State general fund expenditures increase by up to \$45,000 in fiscal 2020 and by varying amounts in future fiscal years according to varying levels of absentee voting for the different elections within a four-year election cycle (presidential primary and general elections and gubernatorial primary and general elections). Local and/or State expenditures increase more significantly, for example, in fiscal 2021 (when the presidential general election occurs), by up to \$100,000. This estimate is based on the number of absentee ballots that were sent by mail in the 2016 and 2018 elections and assumes a maximum per envelope cost of \$0.80 for prepaid postage. The postage required for the envelopes will vary based on the length of the individual ballots and potentially also due to other material returned with the ballots, such as a certification of assistance for voters that receive assistance casting an absentee ballot.

Costs for local governments and/or SBE are reduced to the extent postage rates for specific ballots are less than \$0.80 and to the extent voters attach postage to absentee ballots to reduce the local boards of elections' costs (as mentioned in the bill).

The bill allows for a local board to petition SBE for reimbursement of the cost of the prepaid postage, but it is unclear to what extent the prepaid postage costs will ultimately be paid for by the local boards of elections versus SBE.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Baltimore, Carroll, Cecil, Montgomery, Queen Anne's, St. Mary's, Washington, and Worcester counties; Department of Legislative Services

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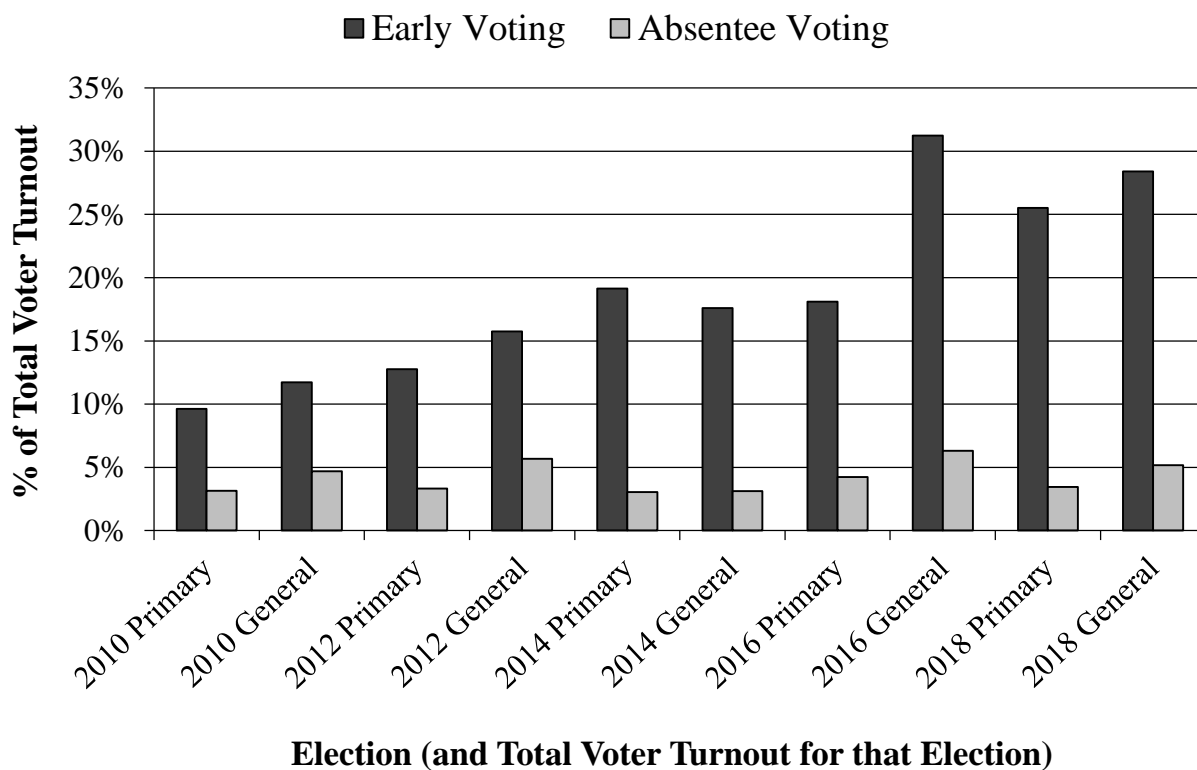
Appendix – Early and Absentee Voting

In Maryland

Maryland voters have the option of voting at an early voting center prior to Election Day or by absentee ballot, as alternatives to voting at a polling place on Election Day. In-person early voting at early voting centers was first implemented in 2010, and “no excuse” absentee voting (not requiring a reason that a voter cannot vote in person) was first allowed in 2006.

Exhibit 1 shows that, as a percentage of overall turnout in the 2010 through 2018 elections, use of early voting has been generally increasing, surpassing 25% in recent elections, and use of absentee voting has been between 3% and 7%.

Exhibit 1
Maryland Early and Absentee Voting Turnout
2010-2018



Source: State Board of Elections; Department of Legislative Services

Chapters 157 and 158 of 2013 increased the number of early voting centers and the length of the early voting period, and Chapter 288 of 2016 further increased the number of centers. **Exhibit 2** and **Exhibit 3** show the changes made by Chapters 157 and 158 and Chapter 288. The number of early voting centers in each county, for the 2018 general election, is shown in **Exhibit 4**. A voter may vote at any early voting center in the voter's county of residence. In addition, pursuant to Chapters 157 and 158, an individual has been able to both register to vote (or change his/her voter registration address) and vote at an early voting center since 2016.

Chapters 157 and 158 also expanded and clarified the methods by which a voter may request and receive an absentee ballot. An absentee ballot must be requested in writing (there are State and federal forms that can be used) or, pursuant to Chapters 157 and 158, a request can be submitted online through the State Board of Elections website. The available methods for a voter to receive an absentee ballot are (1) by mail; (2) by facsimile transmission; (3) through the Internet; or (4) by hand during an in-person transaction. To return an absentee ballot, a voter may either mail in the completed ballot, postmarked on or before Election Day, or deliver it to the local board of elections in person by the close of polls on Election Day.

In Other States

Research by the National Conference of State Legislatures (NCSL) indicates that 39 states and the District of Columbia offer some form of in-person early voting, and 28 states and the District of Columbia permit no excuse absentee voting. Colorado, Oregon, and Washington conduct all elections by mail.

The timing and length of early voting periods varies among the early voting states. According to NCSL, the average starting time for early voting is 22 days before an election. NCSL indicates that the average length of early voting periods across the states is 19 days and early voting typically ends just a few days before Election Day.

**Exhibit 2
Early Voting Centers**

Prior to Chs. 157/158		Under Chs. 157/158		Under Ch. 288 (Current Law)	
Registered Voters in a County	Early Voting Centers	Registered Voters in a County	Early Voting Centers*	Registered Voters in a County	Early Voting Centers*
< 150,000	1	< 125,000	1	< 125,000	1
150,000-300,000	3	125,000-300,000	3	125,000-200,000	3
> 300,000	5	300,000-450,000	5	200,000-300,000	4
		> 450,000	8	300,000-450,000	7
				> 450,000	11

*In addition to these required centers, each county may establish one additional early voting center if the State Board of Elections, in collaboration with the local board of elections, and the governing body of the county agree to establish an additional center. Chapter 288 limited this option to apply only to counties with less than 200,000 registered voters.

Source: Department of Legislative Services

Exhibit 3
Early Voting Days and Hours

Prior to Chs. 157/158

2010 Elections

Days (6)

Second Friday before the election through Thursday before the election, excluding Sunday

Hours

10 a.m.-8 p.m. (each day)

2012 Elections

Days (6)

Second Saturday before the election through Thursday before the election

Hours

10 a.m.-8 p.m. (Saturday; Monday-Thursday)
12 noon-6 p.m. (Sunday)

**Under Chs. 157/158 (Current Law;
no changes were made by Ch. 288)**

2014 and Future Elections

Days (8)

Second Thursday before the election through Thursday before the election

Hours

Presidential general election:
8 a.m.-8 p.m. (each day)

All other elections:
10 a.m.-8 p.m. (each day)

Source: Department of Legislative Services

Exhibit 4
Early Voting Centers in Each County

<u>Jurisdiction</u>	<u>Registered Voters (December 2018)</u>	<u>Early Voting Centers 2018 General Election</u>
Allegany	43,436	1
Anne Arundel	394,529	7
Baltimore City	393,029	7
Baltimore	561,443	11
Calvert	66,605	1
Caroline	20,495	1
Carroll	123,565	2
Cecil	66,398	1
Charles	114,818	2
Dorchester	21,611	1
Frederick	177,016	4
Garrett	20,006	2
Harford	183,711	4
Howard	220,609	4
Kent	13,232	1
Montgomery	670,134	11
Prince George's	589,433	11
Queen Anne's	36,364	2
St. Mary's	71,937	1
Somerset	13,307	1
Talbot	27,291	1
Washington	97,010	1
Wicomico	62,847	1
Worcester	39,280	1
Total	4,028,106	79

Source: State Board of Elections
