

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 33 (Senator Kagan)

Education, Health, and Environmental Affairs

Ways and Means

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. **The bill takes effect January 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures increase by up to \$14,000 in FY 2022 and by varying amounts in future fiscal years. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	14,000	36,000	22,500	51,000
Net Effect	\$0	(\$14,000)	(\$36,000)	(\$22,500)	(\$51,000)

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

Local Effect: Local government expenditures increase by up to \$14,000 in FY 2022 and by varying amounts in future fiscal years. **This bill imposes 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. The State Board of Elections (SBE) must reimburse each

local board of elections for 50% of the cost of prepaid postage on the return envelopes provided to voters voting by absentee ballot (and receiving their ballots by mail).

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 (1) mailing it, postmarked on or before election day; (2) delivering it to the local board of elections in person by the close of polls on election day; or (3) pursuant to an SBE regulation change effective in January 2020, delivering it to a polling place before the polls close at that polling place 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 State general fund expenditures each increase by up to \$14,000 in fiscal 2022 (accounting for the bill's January 1, 2021 effective date) 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 (gubernatorial primary and general elections and presidential primary and general elections). Local and State expenditures increase more significantly, for example, in fiscal 2023 (when the gubernatorial general election occurs), by up to \$36,000 each. This estimate (1) reflects the 50/50 cost-sharing between the State and local boards of elections required by the bill; (2) is based on the number of absentee ballots that were sent by mail in the 2016 and 2018 elections; and (3) 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.

This estimate is also based on an assumption that prepaid postage is affixed to each return envelope sent out to voters, as opposed to using business reply mail that allows for postage to be paid only on the envelopes returned but requires payment of additional flat and per-returned-envelope charges in addition to the postage. Based on information provided by the U.S. Postal Service, business reply mail may need to be used to implement the provision in the bill that refers to voters attaching postage to reduce the costs of the local boards of elections. With the high rate of return of requested absentee ballots and the added charges associated with business reply mail, using business reply mail should not result in significantly different costs than those estimated above, assuming a relatively minimal number of voters attach postage to return envelopes.

Additional Information

Prior Introductions: SB 343 of 2019 passed the Senate and received a hearing in the House Ways and Means Committee, but no further action was taken. HB 269, its cross file, received a hearing in the House Ways and Means Committee, but no further action was taken.

Designated Cross File: HB 881 (Delegate Smith, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Anne Arundel, Charles, Frederick, Montgomery, and Somerset counties; U.S. Postal Service; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2020
mr/hlb Third Reader - February 6, 2020

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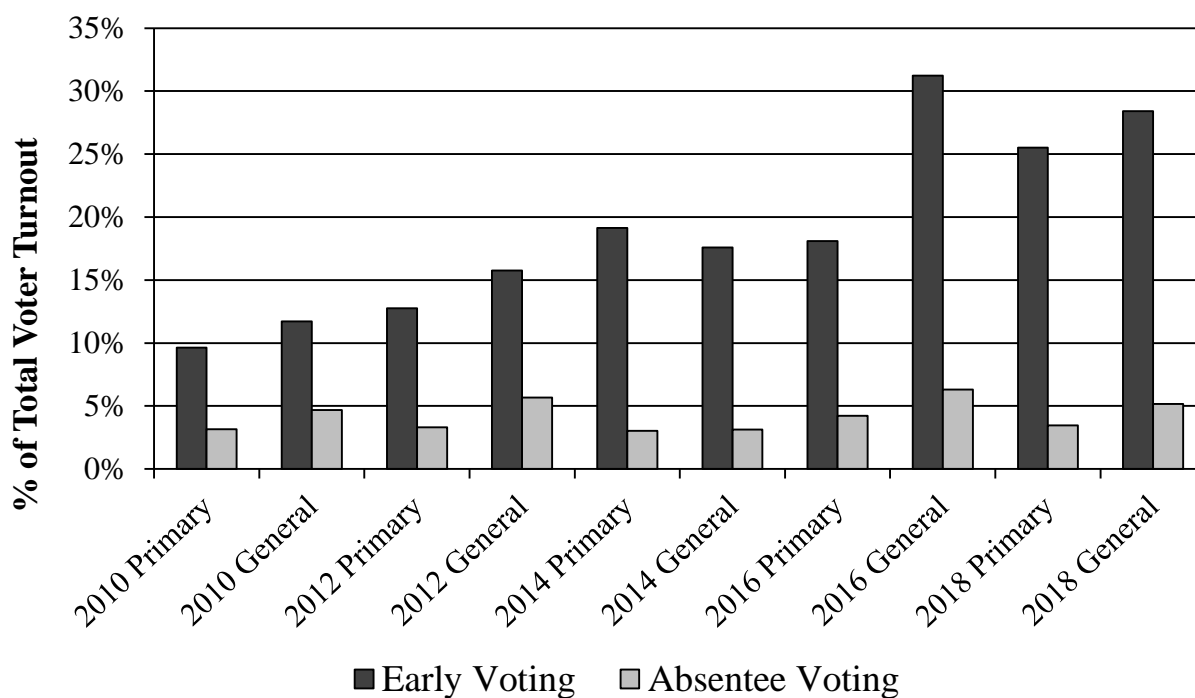
Appendix – Early and Absentee Voting

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



Election (and Total Voter Turnout for that Election)

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 (SBE) 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 (1) mail in the completed ballot, postmarked on or before Election Day; (2) deliver it to the local board of elections in person by the close of polls on Election Day; or (3) pursuant to an SBE regulation change effective in January 2020, deliver it to a polling place before the polls close at that polling place on Election Day.

In Other States

Research by the National Conference of State Legislatures (NCSL) indicates that (1) in 2020, 40 states and the District of Columbia will offer some form of in-person early voting and (2) 33 states and the District of Columbia either permit no excuse absentee voting or, in some cases, conduct all elections by mail. Among those 33 states, Colorado, Hawaii, Oregon, Utah, 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, but Chapter 539 of 2019 removed that limitation.

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
