

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1470
Ways and Means

(Delegates Kipke and Beidle)

Anne Arundel County - County Council and County Executive Special Elections -
Voting by Mail

This bill allows for a special election to fill a vacancy in the Anne Arundel County Council or for the Anne Arundel County Executive, that is not held concurrently with a regularly scheduled primary or general election, to be conducted by mail, by making existing provisions allowing for a special election to fill a vacancy in the Montgomery County Council to be conducted by mail also applicable to county council and county executive vacancies in Anne Arundel County.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill does not directly affect Anne Arundel County finances since the county's charter does not currently provide for a county council or county executive vacancy to be filled by a special election not held concurrently with a regularly scheduled election.

Small Business Effect: None.

Analysis

Current Law: With the exception of special elections for the Montgomery County Council, State law provides for elections, whether regular or special elections, to be conducted through both in-person and absentee voting. Pursuant to Chapter 677 of 2012 (HB 725), special elections for the Montgomery County Council may be conducted by mail.

Utilization of Voting by Mail in Montgomery County

Voting by mail may be utilized in a special election to fill a vacancy in the Montgomery County Council that is not held concurrently with a regularly scheduled primary or general election if the county council directs that the election be conducted by mail. At least 14 days before the day of a special election, ballots, along with postage-paid return envelopes, must be mailed to each registered voter eligible to vote in the election, unless a voter has requested that the ballot be sent by other means. Voters do not need to submit an application to receive a ballot.

A ballot generally must be sent to the voter's address on file in the statewide voter registration list. However, a registered voter may request to receive a ballot at another address, if the voter is temporarily absent from the address on file or has changed residence, up until the Tuesday preceding the day of a special election. A replacement ballot must be issued to a voter if the Montgomery County election director has reasonable grounds to believe the voter's previously issued vote-by-mail ballot has been lost, destroyed, or spoiled.

A voter may return a vote-by-mail ballot by mail, in person, or through a duly authorized agent in accordance with specified requirements applicable to use of an agent to return an absentee ballot. A vote-by-mail ballot is considered timely and may be counted if the ballot (1) is returned in person to the office of the Montgomery County Board of Elections no later than 8 p.m. on the day of a special election; or (2) is received by mail by the board of elections no later than 10 a.m. on the second Friday after a special election and was mailed on or before election day.

The Montgomery County Board of Elections must pay the cost of the return envelopes. The State Board of Elections (SBE) may adopt regulations as necessary to implement the voting by mail provisions. Except as otherwise provided in the statute, State election laws relating to absentee voting apply to voting by mail; county laws relating to the conduct of a county council special election apply to a special election utilizing voting by mail; and State election laws relating to the conduct of elections apply to a special election utilizing voting by mail unless a law specifically relevant to a special election applies.

Voting Centers

The Montgomery County Board of Elections must establish voting centers for the use of any eligible voter who chooses to cast a ballot in person in a special election utilizing voting by mail. At least one voting center must be established in the applicable county council district for a special election held in a single county council district, and at least one voting center must be established in each district for a countywide special election.

A voting center must (1) provide access to a voting system that is accessible to voters with disabilities in accordance with specified federal law; (2) provide for provisional voting; (3) satisfy State law requirements applicable to polling places; and (4) be open for voting during the days and hours that the county council directs. Except as otherwise provided in the statute, any provision of the Election Law Article that applies to voting at a polling place on election day applies to voting at a voting center.

Background: Oregon and Washington conduct all elections by mail and according to the National Conference of State Legislatures, 17 additional states allow certain elections to be held by mail: Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, and North Dakota.

Local Fiscal Effect: A comparison of potential costs for a special election for a county council vacancy in Anne Arundel County, if held at polling places and if held by mail, indicates that the county may realize savings of at least \$65,000 per election (\$130,000 for a special primary and general election) as a result of holding a special election by mail rather than at polling places in a county council district. This comparison is based on Anne Arundel County Board of Elections estimated costs for the 2014 primary election and assumed costs associated with vote-by-mail ballots, including return postage, and a vote center open for one day. However, the bill does not directly affect Anne Arundel County finances since the county's charter does not currently provide for a county council or county executive vacancy to be filled by a special election not held concurrently with a regularly scheduled election.

Pursuant to the Anne Arundel County Charter, county council vacancies are currently filled (1) by temporary appointment and election at the next statewide election, if a vacancy occurs in the first 12 months of a term and (2) by permanent appointment for the rest of the term, if a vacancy occurs after the first 12 months of a term. A vacancy in the office of county executive is filled (1) by resolution of the county council, temporarily, and election at the next statewide election, if a vacancy occurs in the first 12 months of a term and (2) by resolution of the county council for the rest of the term, if a vacancy occurs after the first 12 months of a term.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Anne Arundel County, National Conference of State Legislatures, Department of Legislative Services

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mc/hlb

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