

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 487  
Ways and Means

(Delegate Crosby, *et al.*)

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Election Law - Early Voting Centers - Accessibility by Public Transportation

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This bill requires that each early voting center – in a county that has fixed-route public transportation service – be located not more than one-quarter mile from a public transportation station or stop. **The bill takes effect January 1, 2021.**

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Fiscal Summary

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

**Local Effect:** Local government expenditures may increase by a minimal amount in certain counties beginning in FY 2022, as discussed below. Local revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** Pursuant to statute, each early voting center must satisfy general requirements that apply to polling places. Among those requirements, each polling place must be located as conveniently as practicable for the majority of registered voters assigned to the polling place.

No later than six months before a primary election, the State Board of Elections (SBE), in collaboration with the local board in each county, must designate each early voting center in that county.

SBE regulations require local boards of elections to submit to SBE, at least seven months before a primary election, a form for each proposed early voting center that includes information on, among other things, whether the proposed early voting center:

- is located in the county such that (1) in the case of a county that is assigned one early voting center, 50% of the registered voters in the county live within 10 miles of the proposed early voting center or (2) in the case of a county that is assigned three or five early voting centers, along with the other early voting centers in the county, 80% of the registered voters live within five miles of one of the early voting centers;
- is served by public transportation and roads; and
- has parking facilities sufficient for early voting taking into consideration the normal business activities of the proposed early voting center.

Upon receipt of a form for a proposed early voting center, the SBE regulations require the State Administrator to review the form and make a recommendation to SBE as to whether to accept or reject the proposed early voting center. Under the regulations, SBE must vote on a local board's proposed early voting center within 30 days of receipt of the form and give deference to a proposed early voting center that meets the criteria on the form.

**Background:** Early voting was first implemented in 2010 and was expanded under Chapters 157 and 158 of 2013 and Chapter 288 of 2016. There were 79 early voting centers for the 2018 general election. The early voting period runs from the second Thursday before the election through the Thursday before the election. A voter may vote at any early voting center in the voter's county of residence.

Early voting centers are open, in a presidential general election, during the hours between 8 a.m. and 8 p.m. each early voting day. In all other elections, early voting centers are open during the hours between 10 a.m. and 8 p.m. each early voting day.

For further background information on early voting, see the attached **Appendix – Early and Absentee Voting**.

**Local Fiscal Effect:** Local government expenditures may increase by a minimal amount in certain counties beginning in fiscal 2022. In Wicomico County, for example, costs are estimated to increase by \$4,000 annually to adjust a current bus route – for the eight days of early voting – to stop within 1/4 mile of the county's current early voting center. Alternatively moving the center to within 1/4 mile of a bus route (assuming another suitable center is available), out of the current county facility and to a private facility, may also result in costs for the rental of the private facility. For other jurisdictions contacted, Allegany and Harford counties and Baltimore City indicate the bill will have no fiscal impact.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** State Board of Elections; Baltimore City; Allegany, Harford, Montgomery, and Wicomico counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2020  
an/hlb

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## Appendix – Early and Absentee Voting

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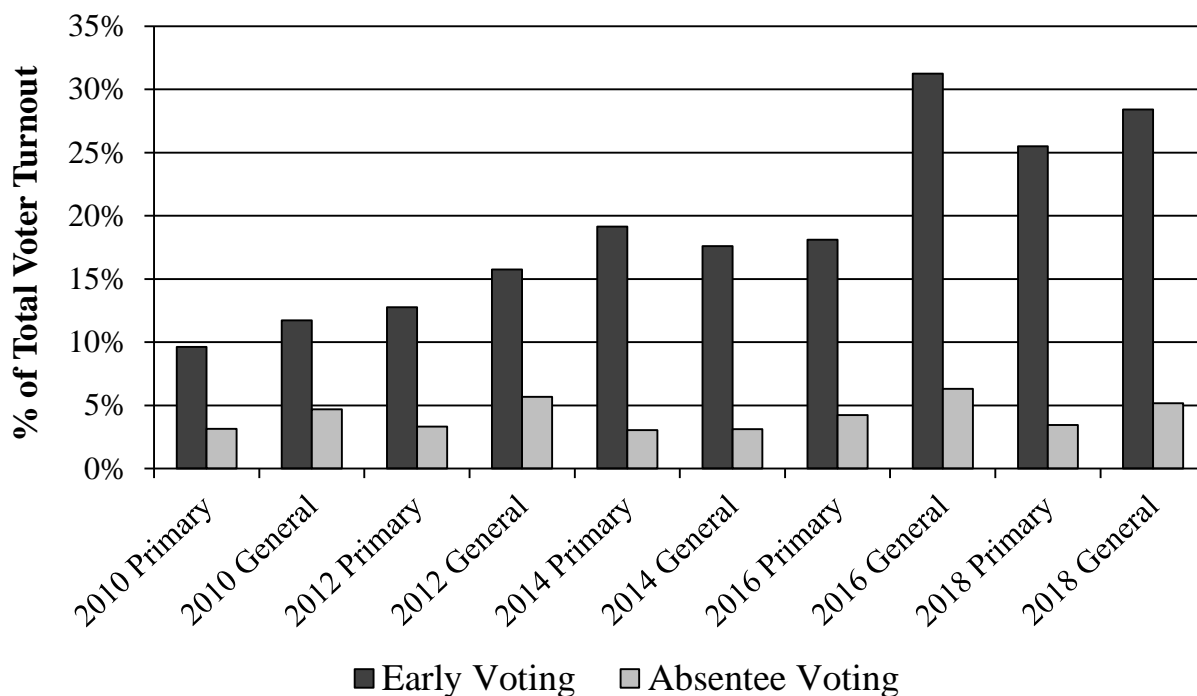
### *In Maryland*

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%.

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**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

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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.

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**Exhibit 2  
Early Voting Centers**

<b>Prior to Chs. 157/158</b>		<b>Under Chs. 157/158</b>		<b>Under Ch. 288 (Current Law)</b>	
<b>Registered Voters in a <u>County</u></b>	<b><u>Early Voting Centers</u></b>	<b>Registered Voters in a <u>County</u></b>	<b><u>Early Voting Centers*</u></b>	<b>Registered Voters in a <u>County</u></b>	<b><u>Early Voting Centers*</u></b>
< 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

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**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

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**Exhibit 4**  
**Early Voting Centers in Each County**

<b><u>Jurisdiction</u></b>	<b><u>Registered Voters (December 2018)</u></b>	<b><u>Early Voting Centers 2018 General Election</u></b>
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
<b>Total</b>	<b>4,028,106</b>	<b>79</b>

Source: State Board of Elections

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