

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader - Revised

House Bill 341
Ways and Means

(Delegate Lehman, *et al.*)

Election – Absentee Ballot Canvass – Start and Release of Tabulation

This bill allows a local board of elections to begin opening absentee ballot envelopes, to canvass the ballots, at 8 a.m. on the day that is 14 days before Election Day, replacing the current start time of 8 a.m. on the Wednesday *following* Election Day. The bill also prohibits a person from releasing a partial or complete tabulation of absentee ballot votes before the earlier of (1) one hour after the closing of the polls on Election Day or (2) after all precincts have reported. A person who violates that prohibition is guilty of a felony and is subject to imprisonment for not more than two years.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: Local government expenditures increase in certain counties, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Following an election, each local board of elections must meet at its designated counting center to canvass absentee ballots cast in that election in accordance with the regulations and guidelines established by SBE. “Canvass” means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results. For absentee ballots, the “canvass” includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying.

A local board of elections may not open any envelope of an absentee ballot prior to 8:00 a.m. on the Wednesday following Election Day.

SBE regulations require that local boards of elections start to canvass absentee ballots at 10:00 a.m. on the Thursday after the election and start the second absentee ballot canvass at 10:00 a.m. on the second Friday after an election. The regulations also establish that an envelope with an enclosed absentee ballot may not be opened until the start of the canvass, though if an oath on the return envelope is covered, a local board may remove the paper covering the oath before the start of the canvass.

Local Fiscal Effect: While the bill does not require counties to begin opening absentee (mail-in) ballot envelopes, to canvass the ballots, during the 14 days prior to the election, to the extent the bill leads to an expectation that the canvass will begin during that time, in order to have partial mail-in voting results available on or soon after Election Day, certain counties' expenditures increase. An increase in expenditures occurs if a county would otherwise have regular, full-time staff assisting with the mail-in ballot canvass after the election, but prior to the election those staff are occupied with supporting early voting and other election administration activities and cannot assist with the pre-election day canvassing.

Information provided by Caroline County (for this bill) and by Worcester County (for similar legislation) indicates that beginning the mail-in ballot canvass during the 14 days prior to Election Day will not have a material fiscal impact on those counties. Washington County, however, indicates (for similar legislation) that its costs increase by \$10,300 each election. Prince George's County indicates that if the level of mail-in voting remains relatively high in the county, its costs could increase by \$63,800 each election for additional temporary staff (based on an assumption of 150,000 mail-in ballots canvassed). If mail-in voting levels are closer to pre-2020 mail-in voting levels, however, the county indicates the impact may be minimal. Baltimore City expects costs to increase by not more than \$25,000 each election if mail-in voting levels are closer to pre-2020 mail-in voting levels. Montgomery County expects costs to increase more significantly. The extent to which the county's costs increase is unclear (and dependent in part on the level of mail-in voting) but appears likely to be upward of \$100,000 each election.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Office of the State Prosecutor; Baltimore City; Caroline, Montgomery, Prince George's, Washington, and Worcester counties; Department of Legislative Services

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Analysis by: Scott D. Kennedy

Direct Inquiries to:

(410) 946-5510

(301) 970-5510