

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1192 (Delegate Parrott)
 Ways and Means

Election Law – Signature Verification of Absentee Ballots and Absentee Ballot Applications and Ballot Canvassing

This bill requires specified verification of signatures on certain absentee ballot applications/requests and on absentee ballot return identification envelopes. The bill also allows for an individual’s provisional ballot to be counted and absentee ballot to be rejected if a voter cast an absentee ballot and cast a provisional ballot in person at a polling place. **The bill takes effect January 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$625,000 annually from FY 2024 through FY 2026, and by \$210,000 annually thereafter. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	0	625,000	625,000	625,000
Net Effect	\$0	\$0	(\$625,000)	(\$625,000)	(\$625,000)

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

Local Effect: Local government expenditures increase by at least \$240,000 in FY 2024, at least \$430,000 in FY 2025, for signature verification, and by ongoing, fluctuating amounts in future years. Additional administrative costs are expected to be incurred annually, beginning in FY 2024. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Verification of Signatures on Absentee Ballot Applications/Requests and Return Envelopes

The bill requires verification of the signature of a voter on (1) a State Board of Elections (SBE)-approved absentee ballot application, a form provided under federal law to request an absentee ballot, or a written request for an absentee ballot and (2) the return identification envelope of an absentee ballot. A signature must be verified by comparing the signature with the signature on the voter's registration record in accordance with regulations adopted by SBE. SBE must provide to each local board of elections machines required to electronically verify the signatures. The bill requires that guidelines established by SBE for the administration of absentee voting by the local boards of elections provide for verification of signatures on absentee ballot applications and absentee ballots.

The bill requires that the SBE-approved absentee ballot application, a written request for an absentee ballot, and the online absentee ballot application require the voter to indicate the voter's preferred method to receive communications, including by mail, email, or text message. If the election director of a local board of elections is unable to verify a voter's signature on an application or request, the local board must (1) notify the voter by the voter's preferred method of communication and (2) direct the voter to provide an additional form of identification (which can be a voter registration card, Social Security card, driver's license, government-issued identification card, specified employee identification card that contains a photograph, or a copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the individual).

An absentee ballot is counted only if (1) the return identification envelope is signed by the voter to whom the ballot was issued and (2) the signature is verified by the local board. If a voter is unable to provide a signature that matches the signature on the voter's registration record, the voter must identify the reason why the provided signature is inconsistent with the signature on record. If a local board is unable to verify a voter's signature on the return identification envelope of an absentee ballot, it must (1) notify the voter by the voter's preferred method of communication and (2) direct the voter to either provide an additional form of identification (those mentioned above) or vote in person.

Individuals Who Cast Both an Absentee Ballot and an In-person Ballot

The bill requires a local board of elections to reject an absentee ballot if the local board determines that the voter voted in person at a polling place in the same election. However, the bill establishes an exception to an existing requirement that a local board reject a

provisional ballot if the individual cast more than one ballot for the same election, by specifying that if a voter's absentee ballot is rejected because the voter voted in person at a polling place in the same election, the voter's provisional ballot may not be rejected because the voter cast more than one ballot for the same election.

Current Law:

Absentee (Mail-in) Voting

An individual may vote by absentee (mail-in) ballot except to the extent preempted by federal law. An absentee ballot may be requested by completing and submitting (1) the SBE-approved absentee ballot application; (2) a form provided under federal law; (3) a written request that includes the voter's name, residence address, and signature, and the address to which the ballot is to be mailed, if different from the residence address; or (4) the accessible online absentee ballot application provided by SBE.

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 or (2) delivering it in person to an early voting center or to the local board of elections or an Election Day polling place by the close of polls on Election Day.

A voter who uses the online absentee ballot application to request that an absentee ballot be sent by any method or who uses any method to request to receive a blank absentee ballot through the Internet must provide:

- a Maryland driver's license number or Maryland identification card number, the last four digits of the applicant's Social Security number, and other information identified by SBE that is not generally available to the public but is readily available to the applicant; or
- if the applicant is an absent uniformed services voter or overseas voter as defined in the Uniformed and Overseas Citizens Absentee Voting Act or a voter with a disability and does not have a Maryland driver's license or Maryland identification card, the last four digits of the applicant's Social Security number.

Canvassing of Absentee/Provisional Ballots

A local board of elections may not reject an absentee ballot except by unanimous vote and in accordance with SBE regulations. A local board must reject an absentee ballot if the voter failed to sign the oath on the ballot envelope.

State law requires a local board of elections to reject a provisional ballot if the individual cast more than one ballot for the same election. Pursuant to SBE regulations, if an absentee ballot and provisional ballot are received from the same individual, a local board of elections must reject both ballots. Emergency regulations in effect during the 2020 general election, that have since expired, required a local board, if an absentee ballot and provisional ballot were received from the same individual, to reject the provisional ballot.

State and Local Fiscal Effect: General fund expenditures increase by \$625,000 annually from fiscal 2024 through 2026 and by \$210,000 annually thereafter, reflecting the costs of mail sorting machines with features to assist with the signature verification process (financed over three years) and ongoing maintenance costs. This estimate assumes that (1) one machine is purchased for each county and an additional machine is purchased for Anne Arundel, Baltimore, Montgomery, and Prince George's counties, because of a higher volume of mail-in ballots in those counties and (2) the costs are paid for by the State because of the bill's requirement that SBE provide machines to each local board to electronically verify the signatures.

Local government expenditures increase by at least \$240,000 in fiscal 2024, accounting for personnel and training costs associated with conducting signature verification (using the above machines) for the 2024 primary election. Future year local costs consist of ongoing personnel and training costs, fluctuating by election and different levels of mail-in voting turnout. In fiscal 2025, for example, local government expenditures increase by at least \$430,000 for personnel and training costs for the 2024 general election. While the bill refers to electronic verification of signatures, this estimate assumes that local board staff verify the signatures, using side by side comparison of electronic images of the application or envelope signature and voter registration record signature, on a computer screen, facilitated by the mail sorting machines. Based on limited information gathered on the costs of automated signature verification software, if the software is used instead, it appears unlikely that statewide costs would be less than this estimate, due to the reduction in personnel costs from the use of the software being offset by the cost of the software.

These estimates assume that approximately 20% of voter turnout in future elections consists of mail-in ballots and is based on assumptions about necessary personnel and training, and technology costs, informed by communication with a small number of jurisdictions in Colorado and Oregon that currently conduct signature verification.

Additional local costs associated with signature verification, that have not been quantified, may be incurred for modifications to the statewide voter registration system (a cost billed by SBE to the local boards) needed to facilitate signature verification, and information technology personnel costs associated with managing the mail sorting machines.

Counties may also incur increased costs, for each election, to communicate with mail-in voters whose signatures cannot initially be verified. Of a small number of counties contacted, Montgomery County may incur costs of approximately \$31,000 in fiscal years in which a primary election occurs and \$48,000 in fiscal years in which a general election occurs, primarily for temporary staff and overtime. Dorchester County estimates it will incur costs of \$1,400 annually for personnel and mailings. Anne Arundel and Garrett counties expect costs associated with those communications to be minimal.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Anne Arundel, Dorchester, Garrett, and Montgomery counties; State Board of Elections; Colorado Secretary of State, Elections Division; Jefferson, Eagle, and Grand counties, Colorado; Multnomah County, Oregon; Department of Legislative Services

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