

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 767 (Montgomery County Delegation)  
Ways and Means

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Montgomery County - Voting Methods  
MC 22-21

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This bill authorizes the Montgomery County Council to adopt, by law, a ranked choice voting system or an approval voting system for specified elections. **The bill takes effect June 1, 2021.**

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**Fiscal Summary**

**State Effect:** If a ranked choice voting system is adopted in Montgomery County for the 2022 elections, general fund expenditures increase by approximately \$248,000 in FY 2022. Similar costs are incurred in future years.

**Local Effect:** If a ranked choice voting system or an approval voting system is adopted in Montgomery County for the 2022 elections, Montgomery County expenditures increase by approximately \$2.0 million (for a ranked choice voting system) or approximately \$1.0 million (for an approval voting system) in FY 2022. Costs are incurred in future years, but at a reduced overall level.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** The bill authorizes the Montgomery County Council to adopt, by law, a ranked choice voting system or an approval voting system for elections for county executive, member of the county council, judge of the circuit court, State's Attorney, clerk of the circuit court, register of wills, judge of the orphans' court, sheriff, or member of the board of education. The enacted local law may provide for the ballot format, procedures

for tabulating votes, and any other provision necessary to implement ranked choice voting or approval voting.

“Ranked choice voting” means a method of casting and tabulating votes in which voters rank candidates in order of preference, and votes are tabulated in a manner that reflects voter preference.

“Approval voting” means a method of casting and tabulating votes in which voters may choose any number of candidates and the candidate chosen most often is elected.

### **Current Law:**

#### *Uniform Election Process*

State election law, which generally governs all elections except municipal elections (other than in Baltimore City), requires that the electoral process for primary elections, general elections, and special elections be uniform, except where it would be inappropriate, or where exceptions are provided for in the law.

#### *Voting/Tabulation Method*

Generally, in elections governed by State election law, voters are able to choose in each race a number of candidates equal to the number of offices being filled in that race (*e.g.*, one candidate in a State Senate race and three candidates in some House of Delegates races), and the winners are nominated or elected based on which candidates receive the greatest number of votes.

### **State Fiscal Effect:**

#### *Fiscal 2022 Estimate*

If a ranked choice voting system is adopted in Montgomery County for the 2022 elections, general fund expenditures increase by approximately \$248,000 in fiscal 2022. The bill is not expected to materially affect State finances if an approval voting system is adopted.

#### *Costs Paid for by the State*

This estimate assumes that the State pays only for its share (50%) of costs in certain categories of costs which are traditionally shared by the State and counties, primarily voting equipment and paper ballots. Pursuant to Chapter 564 of 2001, the State shares costs of the statewide voting system with the counties, including the cost of printing ballots. Since a ranked choice voting system or an approval voting system would be limited to

Montgomery County and implemented through action by the Montgomery County Council, this estimate assumes the remainder (and the majority) of the costs are paid for by the county (either directly or through billing by the State).

#### *Future Year Estimates*

State costs similar to those incurred in fiscal 2022 are incurred in future years for a ranked choice voting system. General fund expenditures increase by approximately \$266,000 in fiscal 2023 and future years in which a general election occurs and by \$228,000 in fiscal 2024 and future years in which a primary election occurs.

#### **Local Fiscal Effect:**

##### *Fiscal 2022 Estimate*

If a ranked choice voting system or an approval voting system is adopted in Montgomery County for the 2022 elections, Montgomery County expenditures increase by approximately \$2.0 million (for a ranked choice voting system) or approximately \$1.0 million (for an approval voting system) in fiscal 2022.

##### *Costs Paid for by Montgomery County*

As mentioned above, under State Fiscal Effect, this estimate assumes that certain costs are shared by the State and the county, but the majority of the costs are paid for by the county, either directly or through billing by the State. **Exhibit 1** provides more detail on those costs.

This estimate also assumes that the initial ranked choice voting system that is developed (if that system is chosen) is not fully integrated into the State's existing election systems. Once ranked choice voting results are tabulated through software independent from the State's voting system, those results would be made public independently from other Montgomery County and statewide election results and would not be reintroduced into the State's election systems to be aggregated and published with other results. Developing a fully integrated system would result in greater overall costs.

**Exhibit 1**  
**Fiscal 2022 Montgomery County Expenditures**

<u>Cost Category</u>	<u>Ranked Choice</u>	<u>Approval Voting</u>	<u>Description</u>
Election Management System Programming	\$800,000	\$800,000	Partial integration of ranked choice voting system or approval voting system into SBE's election management system (including project management, planning, development, and testing).
Tabulation Software	385,000	0	Independent software to tabulate the ranked choice voting results (including planning, development, and ongoing license fee).
Subject Matter Expert(s)	100,000	0	Personnel to assist Montgomery County Board of Elections with implementation in 2022 (\$100,000 reflects half of the costs, with the other half incurred in fiscal 2023).
Other Contractual Services	48,000	0	Documentation, training, absentee ballot mailing, and other services.
Increased Specimen Ballot Costs	16,000	8,000	Increased length of specimen ballots for ranked choice voting and approval voting.
Voter Outreach	206,000	206,000	Direct mailing and/or other voter outreach methods.
Increased Paper Ballot Costs	170,000	0	Increased length of ballots for ranked choice voting.
Additional Voting Equipment and Election Judges	80,000	0	An additional ballot scanner and election judge at each of 76 high-volume polling places, to mitigate additional time added to the voting process by ranked choice voting.
Election Staff and Training Video	210,000	0	Primarily additional local board of elections staff compensation and minimal cost of a training video for ranked choice voting.
<b>Total</b>	<b>\$2.0 million</b>	<b>\$1.0 million</b>	

SBE: State Board of Elections

### *Future Year Estimates*

Costs are incurred in future years but at a reduced overall level. For a ranked choice voting system, Montgomery County expenditures increase by approximately \$773,000 in fiscal 2023, \$732,000 in fiscal 2024, \$671,000 in fiscal 2025, and \$526,000 in fiscal 2026. For an approval voting system, Montgomery County expenditures increase by approximately \$214,000 in fiscal 2023 through 2025 and by minimal amounts in future years.

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### **Additional Information**

**Prior Introductions:** HB 624 of 2019 received a hearing in the House Ways and Means Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Montgomery County; State Board of Elections; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2021  
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