

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 963 (Delegate Shoemaker, *et al.*)
 Ways and Means

Election Law – Absentee Ballots – Signature Verification and Verification
 Statements and Unsigned Ballot Statements

This emergency bill requires verification of signatures on absentee ballot return envelopes and establishes methods by which a voter may correct a problem with a signature that is omitted or that cannot be verified.

Fiscal Summary

State Effect: General fund expenditures increase by \$425,000 annually from FY 2022 through 2024 and by \$145,000 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	425,000	425,000	425,000	145,000	145,000
Net Effect	(\$425,000)	(\$425,000)	(\$425,000)	(\$145,000)	(\$145,000)

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

Local Effect: Local government expenditures increase by at least \$195,000 in FY 2022, at least \$435,000 in FY 2023, for signature verification, and by ongoing, fluctuating amounts in future years. Additional administrative costs are expected to be incurred annually, beginning in FY 2022. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill establishes that an absentee ballot may be counted only if (1) the return envelope or ballot/return envelope is signed by the voter to whom the ballot was

issued and (2) the voter's signature is verified by the local board of elections by comparing the signature with the voter's registration record in accordance with State Board of Elections (SBE) regulations. The bill authorizes a local board to use a machine to electronically verify signatures and requires SBE to provide a machine to electronically verify signatures to a local board if the local board requests a machine. The bill requires that guidelines established by SBE for the administration of absentee voting by the local boards provide for verification of signatures on absentee ballot envelopes.

If a local board is unable to verify a voter's signature, the local board must (1) notify the voter of the discrepancy not later than the second Sunday after the election, using a specified notice (included in the bill) and (2) provide the voter the opportunity to correct the signature by completing and returning a specified signature verification statement (included in the bill) not more than two days after the date the voter received the notice.

If the local board verifies the voter's signature on receipt of a voter's signature verification statement, the local board must (1) update the voter's registration record with the signature provided on the signature verification statement and (2) count the voter's absentee ballot. If the local board is unable to verify the voter's signature on receipt of a voter's signature verification statement, the local board must reject the voter's absentee ballot.

Each local board must provide the signature verification statement, an envelope template, and instructions for completing and returning the signature verification statement on its website. The envelope template must include prepaid postage.

The bill also establishes that a local board must count a voter's absentee ballot if the voter fails to sign the oath on the return envelope or ballot/return envelope and submits a specified unsigned ballot statement (included in the bill) not later than the second Sunday after the election. The bill replaces a requirement that a local board reject an absentee ballot if the voter failed to sign the oath on the ballot envelope with a requirement that the local board reject an absentee ballot if the voter both failed to sign the oath on the ballot envelope or ballot/return envelope *and* failed to correct the omission by submitting an unsigned ballot statement.

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 in writing (there are State and federal forms that can be used) or online through the SBE website. 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; (2) depositing it into a ballot drop box before the polls close on Election Day; or (3) 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.

Absentee Ballot Envelopes

An absentee ballot sent by mail must be enclosed in specially printed envelopes, the form and content of which must be prescribed by SBE. A local board of elections may use either two envelopes (“outgoing envelope” and “ballot/return envelope”) or three envelopes (“outgoing envelope,” “return envelope,” and “ballot envelope”). The ballot/return envelope or the return envelope must include prepaid postage. When voted and returned to the local board, an absentee ballot must be enclosed in a ballot envelope or ballot/return envelope, which must include an oath prescribed by SBE.

If an absentee ballot is sent by the Internet or facsimile transmission, the local board must provide the voter with an envelope template.

Canvassing of Absentee 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.

SBE regulations require an election director – if an absentee ballot is timely received but the voter did not sign the required oath – to promptly notify the voter and explain how the voter can provide a signed oath and when it must be received in order for the voter’s ballot to be accepted. The election director must notify the voter using the voter’s preferred method of communication indicated on the voter’s form requesting the ballot.

SBE Guidelines

SBE must establish guidelines for the administration of absentee voting by the local boards of elections. The guidelines must provide for (1) the application process; (2) late application for absentee ballots; (3) ballot security, including storage of returned ballots; (4) determining timeliness of receipt of applications and ballots, including applications and ballots for overseas voters; (5) the canvass process; (6) notice of the canvass to candidates, political parties, campaign organizations, news media, and the general public; (7) observers of the process; (8) review of the voted ballots and envelopes for compliance with the law and for machine tabulation acceptability; (9) standards for disallowance of ballots during the canvass; (10) storage and retention of ballots following canvass and certification; and (11) the permanent absentee ballot list.

State and Local Fiscal Effect: General fund expenditures increase by \$425,000 annually from fiscal 2022 through 2024 and by \$145,000 annually thereafter, reflecting the costs of mail sorting machines with features to assist with the signature verification process for larger volumes of mail-in ballots in larger counties (financed over three years) and ongoing maintenance costs. This estimate assumes that the costs are paid for by the State because of the bill's requirement that SBE provide a machine to a local board if the local board requests it.

Local government expenditures increase by at least \$195,000 in fiscal 2022, accounting for personnel and training costs associated with conducting signature verification (using the above machines) for the 2022 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 2023, for example, local government expenditures increase by at least \$435,000 for personnel and training costs for the 2022 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 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 35% of voter turnout in the 2022 and future elections consists of mail-in ballots and is based on assumptions about necessary personnel and training, and technology costs, informed by communication in the beginning of 2021 with a small number of jurisdictions in Colorado and Oregon that 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, information technology personnel costs associated with managing the mail sorting machines, and postage and any other costs incurred to communicate with mail-in voters whose signatures cannot initially be verified.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Baltimore, Carroll, Harford, and St. Mary's counties; Colorado Secretary of State, Elections Division; Eagle, Grand, and Jefferson counties, Colorado; Multnomah County, Oregon; Department of Legislative Services

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