

**Department of Legislative Services**  
 Maryland General Assembly  
 2022 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 35

(Delegate Palakovich Carr)

Ways and Means

Education, Health, and Environmental Affairs

**Election Law - Voting Systems Costs, Polling Places, and Primary Election Date - Requirements**

This emergency bill (1) codifies a requirement that voting systems costs be shared by the State and counties; (2) requires that in-person voting be conducted at a specified number of polling places in the 2022 statewide primary and general elections; and (3) prohibits a court from postponing the date of the 2022 primary election beyond July 12, 2022.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by at least \$150,000 in FY 2022 and 2023. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	150,000	150,000	0	0	0
Net Effect	(\$150,000)	(\$150,000)	\$0	\$0	\$0

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

**Local Effect:** Local government expenditures increase by at least \$710,000 in FY 2022 and 2023. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

## Analysis

### Bill Summary:

#### *Voting System Costs*

The bill codifies an uncodified provision of Chapter 564 of 2001, by requiring, within the Election Law Article of the Annotated Code of Maryland, that (1) each county pay for its share of 50% of the State's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees and (2) a county's share of the cost of acquiring and operating the uniform statewide voting systems be based on the county's voting age population. The bill also repeals related uncodified provisions of Chapter 564 of 2001 (described below under Current Law).

The bill establishes the intent of the General Assembly that the bill codifies, and makes no substantive change to, the cost-sharing requirements for the uniform statewide voting systems between the State and county governments as enacted by Chapter 564 of 2001.

#### *Polling Places for the 2022 Elections*

The bill requires that, in both the 2022 statewide primary and general elections, in-person voting on Election Day must be conducted at a total number of precinct polling places that is at least equal to the total number of precinct polling places that were open for in-person voting on Election Day in the 2018 statewide general election. The total number of precinct polling places required by the bill to be open for voting in the 2022 statewide primary and general elections may not be reduced (1) by a local board of elections or the State Board of Elections (SBE), under specified authority under the Election Law Article governing the establishment and alteration of precincts and polling place locations; (2) by a circuit court or any other court, under specified authority under the Election Law Article for SBE or a local board to petition a circuit court to take action in emergency circumstances; or (3) with the exception of emergency authority of the Governor, by a person acting under authority of any other provision of law. The bill does not limit the authority of the Governor to specify alternate voting locations during a declared state of emergency.

#### *Primary Election Date*

The bill prohibits a circuit court or any other court from postponing the date of the 2022 statewide primary election to any date after July 12, 2022.

## **Current Law:**

### *Chapter 564 of 2001 Funding Provisions*

Under Chapter 564 of 2001, which requires SBE to acquire uniform statewide voting systems for voting in polling places and for absentee voting, each county must pay its share of one-half of the State's cost of acquiring and operating the voting systems, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees. Chapter 564 requires a county's share of the cost of acquiring and operating the uniform statewide voting systems to be based on the county's voting age population.

Chapter 564 also included provisions allowing for delayed implementation and funding of the uniform statewide voting systems by counties that had purchased a voting system within the previous 10 years. It also required that 50% of federal funds received for improvements in voting systems and equipment be distributed to the State and 50% be distributed to the counties that had implemented the uniform statewide voting system.

### *Establishment and Alteration of Precincts and Polling Place Locations*

As it deems expedient for the convenience of voters, a local board of elections may (1) create and alter the boundaries for precincts in the county; (2) designate the location for polling places in any election district, ward, or precinct in the county; and (3) combine or abolish precincts. A local board may not create or change a precinct boundary or polling place during the period beginning the Tuesday that is 13 weeks prior to a primary election, through the day of the general election; however, subject to the approval of SBE, a local board may create a new precinct or change a precinct boundary or polling place if the local board determines that an emergency exists.

### *Emergency Action by the Governor or a Court*

In the event of a state of emergency, declared by the Governor, that interferes with the electoral process, the emergency proclamation may (1) provide for the postponement, until a specific date, of the election in part or all of the State; (2) specify alternate voting locations; or (3) specify alternate voting systems.

If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, SBE or a local board, after conferring with SBE, may petition a circuit court to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.

### *Primary Election Date*

In the year in which the Governor is elected, a primary election must be held on the last Tuesday in June (June 28 in 2022).

### **State and Local Expenditures:**

#### *Polling Places for the 2022 Elections*

General fund expenditures increase by at least \$150,000 in both fiscal 2022 and 2023 and local government expenditures increase by at least \$710,000 in both fiscal 2022 and 2023. This estimate is based on information collected from a majority of the counties regarding numbers of additional polling places and additional election judges needed – in comparison to what the counties are otherwise planning for in the absence of the bill – to operate a total number of polling places for the 2022 primary election that is at least equal to the number of 2018 general election polling places. The Maryland Association of Election Officials indicates that many, but not all, counties, in the absence of the bill, plan to consolidate certain polling places for the 2022 elections to (1) reduce voter confusion about polling places that are nearby or in the same building (that can cause voters to stand in line for the wrong polling place); (2) to address election judge shortages in certain counties; (3) to account for some locations being unavailable for the primary election in the summer (for reasons such as school renovations or private facilities already having events scheduled); and/or (4) to reduce costs.

As mentioned above, this estimate is based on information collected from a majority of the counties, and State and local expenditures increase by a greater amount than the minimum amounts stated above to the extent that the number of additional polling places and/or election judges needed statewide to meet the bill's requirement are greater than the minimum numbers of additional polling places and election judges assumed for this estimate (discussed below).

The estimate is based on the following assumptions:

- at least 2,500 additional election judges are needed to meet the bill's requirement;
- those additional election judges are paid at least \$225 total, on average, for training and for working on Election Day (with the cost paid for by the counties);
- at least 180 additional polling places are operated to meet the bill's requirement; and
- the additional polling places and election judges result in costs for additional election judge training staff, voting system equipment testing staff, Election Day field support staff, and voting system equipment transportation (with these costs assumed to be split by the State and counties).

The estimate does not account for costs of any additional equipment or supplies that may be needed for the additional polling places. These costs may be relatively minimal, in part because the local boards had enough equipment in 2018, for the polling places operated for the 2018 general election, and presumably still have a similar inventory of equipment. It is also unclear whether any additional equipment needed can be procured in time for the 2022 primary election.

### *Primary Election Date*

In a March 15, 2022 [order](#), the Maryland Court of Appeals moved the date of the 2022 primary election from June 28, 2022, to July 19, 2022. Because the date of the primary election has already been moved beyond July 12, it is unclear what effect the bill's prohibition on a court postponing the date of the primary election to any date after July 12, 2022, has if the bill is enacted. To the extent the bill results in the primary election being held earlier than it otherwise would be in the absence of the bill, local government expenditures are expected to increase for overtime pay, and State and local government expenditures may also increase for higher voting system testing and transportation costs to accomplish testing and delivery of voting system equipment within a compressed timeframe. The overall increases in costs, however, cannot be reliably estimated.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 158 (Senator Kagan) - Education, Health, and Environmental Affairs.

**Information Source(s):** State Board of Elections; Baltimore City; Allegany, Anne Arundel, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Prince George's, St. Mary's, Somerset, Washington, and Worcester counties; Maryland Association of Election Officials; Department of Legislative Services

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