

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 99 (Delegate Long)
Ways and Means

Election Law – Absentee Ballots – Signature Requirements and Verification

This emergency bill prohibits a local board of elections from removing an absentee ballot from its envelope or counting the ballot unless the envelope is signed by the voter and a witness and the voter’s signature is verified. The witness signature requirement does not apply to active duty uniformed services members serving overseas or their spouses or dependents who live overseas.

Fiscal Summary

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

Local Effect: Local government expenditures increase by at least \$620,000 in FY 2022 for signature verification, with ongoing costs in future years. Additional administrative costs may be incurred annually, beginning in FY 2022, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill prohibits a local board of elections from removing an absentee ballot from the return envelope or ballot/return envelope or from counting the ballot unless:

- the return envelope or ballot/return envelope is signed by (1) the voter to whom the ballot was issued and (2) a witness other than the voter to whom the ballot was issued; and

- the voter's signature is verified by the local board by comparing the signature with the voter's registration record in accordance with regulations adopted by the State Board of Elections (SBE).

The witness signature requirement does not apply to an absentee ballot that is voted and returned by (1) an active duty member of the uniformed services who is serving overseas or (2) the spouse or dependent of an active duty member of the uniformed services who is serving overseas if the spouse or dependent lives overseas.

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.

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. Pursuant to SBE regulations, during the canvass of absentee ballots, before absentee ballot return envelopes are opened, if the oath is not signed on a return envelope, the return envelope must be referred to the local board to rule on.

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.

Local Fiscal Effect: Local government expenditures increase by at least \$620,000 in fiscal 2022, accounting for personnel and training costs (\$195,000) associated with conducting signature verification, and costs of mail sorting technology (\$425,000) with signature verification features to assist with the signature verification process for larger volumes of mail-in ballots in larger counties. This estimate assumes that approximately 35% of voter turnout in future elections consists of mail-in ballots and is based on assumptions about necessary personnel, 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. Future-year costs consist of ongoing personnel and training costs (fluctuating by election and different levels of mail-in voting turnout) and capital financing and ongoing maintenance costs for the mail sorting technology (with capital costs financed over the course of fiscal 2022 through 2024). In fiscal 2023, for example, local government expenditures increase by at least \$860,000, consisting of \$435,000 in personnel and training costs and \$425,000 in capital financing and ongoing maintenance costs.

Additional 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 in counties that purchase the mail sorting machines, and any additional

personnel or other costs to communicate with mail-in voters whose signatures cannot initially be verified or whose ballot does not have a witness signature.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Caroline, Howard, and Prince George's counties; Colorado Secretary of State, Elections Division; Jefferson County, CO; Eagle County, CO; Grand County, CO; Multnomah County, OR; Department of Legislative Services

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