

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 269
Ways and Means

(Delegates Moon and Wilkins)

Municipal Elections - Voter Eligibility - Prohibitions

This bill prohibits a municipality from (1) authorizing a property owner to vote in a municipal election if the property owner is not a resident of the municipality or (2) authorizing a person who is not an individual to vote in a municipal election.

Fiscal Summary

State Effect: None.

Local Effect: Local expenditures may increase for certain municipalities, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: State election law governs the administration of federal, State, county, and Baltimore City elections held during statewide elections every two years, and special elections, but generally does not govern municipal elections other than those in Baltimore City (which is considered a “county” for purposes of State law). Municipal elections are held at various times and with different frequency and the election procedures are outlined in the charters of the municipalities.

While State law governing elections generally does not apply to municipal elections, there are certain provisions of State law that address municipal elections, including those that (1) prohibit a municipality from requiring an individual to own or control an interest in property to participate in an election or hold office in the municipality; (2) allow a

municipality to use the information in the statewide voter registration database to administer voter registration for its elections; (3) allow a municipality to request that the State Board of Elections include the offices and questions to be voted on in a municipal election on the statewide ballot (within the municipality) during a statewide election; (4) require municipalities to allow no-excuse absentee voting (mail-in voting) in municipal elections; and (5) make State voting-related offenses (*e.g.*, voting more than once, voter intimidation) and associated criminal penalties applicable to municipal elections.

Local Expenditures: Expenditures increase for municipalities whose charter is not consistent with the bill's prohibitions, to cover one-time legal and newspaper publication costs associated with the charter amendment process. *For illustrative purposes only*, one municipality, while not affected by the bill (because the municipality's charter is consistent with the bill), indicates that costs associated with a charter amendment can be approximately \$6,000. Presumably those costs may vary, depending on the charter amendment and the municipality.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Cities of College Park and Frostburg; Maryland State Board of Elections; Maryland Municipal League; Department of Legislative Services

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