

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 271 (Chair, Education, Energy, and the Environment Committee)(By Request - Departmental - State Board of Elections)

Education, Energy, and the Environment

Ways and Means

Election Law - Revisions

This departmental bill makes changes to State election law relating to (1) information that clerks of specified courts report to the State Administrator of Elections; (2) use of public buildings for early voting centers; and (3) the ability of an incumbent member of a political party central committee who is a candidate for party office to act as a responsible officer of the central committee. **The bill takes effect January 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures are expected to increase by \$170,000 in FY 2025 only, for the Judiciary. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	170,000	0	0	0	0
Net Effect	(\$170,000)	\$0	\$0	\$0	\$0

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

Local Effect: Local government expenditures are expected to decrease annually in certain counties beginning in FY 2026.

Small Business Effect: The State Board of Elections (SBE) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary:

Reporting Requirements

The bill modifies the information that the clerk of the circuit court for each county and the administrative clerk for each District Court must report to the State Administrator of Elections (in a format and at times prescribed by SBE) regarding individuals convicted of a felony. Under the bill, each month, the clerks must report the names and addresses of all individuals convicted, in the respective court, of a felony and sentenced to imprisonment with commitment papers (instead of reporting all individuals convicted of a felony). Similarly, arrangements made by the State Administrator of Elections with the clerk of the United States District Court for the District of Maryland must be for the receipt of reports of names and addresses, if available, of individuals convicted of a felony in that court and sentenced to imprisonment with commitment papers (instead of reports of all individuals convicted of a felony).

Use of a Public Building for an Early Voting Center

The bill requires the public official responsible for the use of a public building requested by a local board of elections for an early voting center to make the building available to the local board in accordance with existing provisions that (1) require a public building (including light, heat, and custodial and janitorial services) to be made available for a polling place without charge and (2) require that electioneering and campaign signs be allowed on the premises of the public building to a specified extent.

SBE must adopt regulations that establish an appeals process for a public official responsible for a public building requested for use by a local board of elections to contest the availability of the public building during the period of time the building would be used as an early voting center. The appeals process must include (1) an initial appeal to the local board that selected the public building for use as an early voting center; (2) an opportunity for a public official to be heard publicly at a meeting of the local board before the local board makes a decision on the appeal; (3) an appeal by a public official of an adverse decision of the local board to SBE; (4) an opportunity for a public official to be heard publicly at a meeting of SBE before SBE makes a final decision on the appeal; and (5) a final decision at least eight months before the primary election for which the local board seeks to use the public building as an early voting center. The decision of SBE regarding an appeal is final.

Incumbent Member of a Political Party Central Committee

The bill also alters an existing authorization for an incumbent member of a political party central committee who is a candidate for election to party office to act as the treasurer of the central committee, so that the incumbent member who is a candidate for party office may instead act as a responsible officer (chairman or treasurer) of the central committee.

Current Law/Background:

Reports on Individuals Convicted of a Felony

The clerk of the circuit court for each county and the administrative clerk for each District Court must report to the State Administrator of Elections the names and addresses of all individuals convicted, in the respective court, of a felony. The information must be reported in a format and at times prescribed by SBE. In addition, the State Administrator of Elections must make arrangements with the clerk of the U.S. District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of a felony in that court.

SBE advises that the reports it currently receives are overinclusive and do not align with § 3-102 of the Election Law Article (governing qualifications for voter registration) since ineligibility for voter registration is based on incarceration. Current reporting requirements refer to all citizens convicted of felonies, regardless of whether they are currently incarcerated.

Early Voting Centers

The number of required early voting centers in a county is based on the number of registered voters in the county, as shown in **Exhibit 1**. In addition to the required early voting centers, each county may establish one additional center if the local board of elections and the governing body of the county agree to establish an additional center and SBE approves the establishment of the center. A local board of elections must take into account specified factors when determining the location of an early voting center relating to the accessibility of the location for voters, including historically disenfranchised communities, and equitable distribution of early voting centers throughout the county.

Each early voting center must satisfy the requirements of §10-101 of the Election Law Article (governing polling place sites), including a requirement that a polling place be in a public building, unless suitable space in a public building is not available, in which case a local board may pay a reasonable fee for the use of a privately owned building. Also, under § 10-101, the public official responsible for the use of any public building requested by a local board of elections for a polling place must make available to the local board, without

charge, the space that is needed in the building for the proper conduct of an election. Light, heat, and custodial and janitorial services for the space must be provided to the local board without charge. Electioneering and campaign signs must also be allowed on the premises of the public building, as specified.

Early voting centers are open, in a regular primary or general election, from the second Thursday before the election through the Thursday before the election during the hours between 7:00 a.m. and 8:00 p.m. each early voting day.

Exhibit 1
Required Early Voting Centers

<u>Registered Voters in a County</u>	<u>Early Voting Centers*</u>
<50,000	1
50,000-100,000	2
100,000-200,000	3
200,000-300,000	5
300,000-400,000	7
400,000-500,000	9
500,000-600,000	11
≥600,000	13

* Counties may also establish one additional early voting center (in addition to the required centers).

Incumbent Member of a Political Party Central Committee

In general, a candidate may not act (1) as the treasurer of a campaign finance entity of the candidate or (2) with respect to any other campaign finance entity, as the campaign manager or treasurer, or in any other position that exercises general overall responsibility for the conduct of the entity. However, an incumbent member of a political party central committee who is a candidate for election to party office may act as the treasurer of that central committee.

SBE advises that allowing an incumbent member of a central committee who is a candidate for party office to act as a responsible officer (which includes the chairman and treasurer) of the committee allows a central committee chair to seek re-election for that position. A chair of a central committee would still be prohibited from seeking a public office while serving as chair.

State Fiscal Effect: General fund expenditures are expected to increase by \$170,000 in fiscal 2025 only. This estimate reflects one-time programming costs for the Judiciary to make modifications to its current reporting, to include only individuals who are convicted of a felony and sentenced to imprisonment with commitment papers.

The bill is not expected to materially affect SBE expenditures but results in operational efficiencies for the board.

Local Fiscal Effect: Local government expenditures are expected to decrease in certain counties, beginning in fiscal 2026 (accounting for the bill's January 1, 2025 effective date), to the extent that local boards of elections are able to use additional public buildings for early voting centers in place of private (rented) alternatives, beginning with the 2026 primary election. The extent of the decrease depends in part on the suitability of any additional public buildings for use as early voting centers, taking into account various factors (mentioned above) that govern the selection of early voting centers, and the extent to which this bill affects the availability of any suitable public buildings.

For illustrative purposes, several counties, below, have provided estimates of cost savings if the bill allows the local boards to use additional suitable public buildings for early voting centers, at no cost, in place of the private facilities that they currently rent:

- Anne Arundel County estimates a decrease in expenditures of \$22,000 per fiscal year, consisting of cost savings resulting from no longer needing to rent three private facilities;
- Carroll County estimates a decrease in expenditures of \$3,900 per fiscal year, consisting of cost savings resulting from no longer needing to rent one private facility;
- Charles County estimates a decrease in expenditures of \$17,800 per fiscal year, consisting of cost savings resulting from no longer needing to rent three private facilities; and
- Harford County estimates a decrease in expenditures of \$3,000 per fiscal year, consisting of cost savings resulting from no longer needing to rent one private facility.

DLS notes that local board of elections savings resulting from using additional public buildings for early voting may be offset to some extent by local government costs associated with the use of the public buildings for early voting; however, presumably the savings are greater than the costs.

Additional Information

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

Designated Cross File: HB 14 (Chair, Ways and Means Committee)(By Request - Departmental - State Board of Elections) - Ways and Means.

Information Source(s): Anne Arundel, Baltimore, Carroll, Cecil, Charles, Frederick, Harford, and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Maryland State Board of Elections; Maryland Association of Election Officials; Department of Legislative Services

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Election Law – Revisions

BILL NUMBER: SB 271

PREPARED BY: Jennifer McLaughlin, Maryland State Board of Elections

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS