

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 709 (Senator Kagan)
 Education, Energy, and the Environment

Election Law - Absentee Ballots - Internet-Delivered Absentee Ballot Study

This bill requires the State Board of Elections (SBE) to report, by September 1, 2024, on the costs and resources required to process Internet-delivered absentee ballots during elections in the State. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$25,000 in FY 2025 only. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	25,000	0	0	0	0
Net Effect	(\$25,000)	\$0	\$0	\$0	\$0

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

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: SBE must submit a report to the Senate Education, Energy, and the Environment Committee and the House Ways and Means Committee, by September 1, 2024, on the costs and resources required to process Internet-delivered absentee ballots during elections in the State. The report must include information on (1) for each county, the total number of Internet-delivered absentee ballots requested by voters and the number of absentee ballots requested by each method of delivery;

(2) staffing requirements, including the number of additional staff needed to process Internet-delivered absentee ballots and staffing recruitment and training considerations; (3) space, facility, storage, and equipment requirements; (4) security measures; (5) processing times, including documented delays and reasons for any delays; and (6) any impacts on other concurrent and ongoing election administration processes. In completing the report, SBE must use data from all the local boards of elections from the primary elections in the years 2020, 2022, and 2024 and general elections in the years 2020 and 2022.

Current Law: 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.

SBE may provide an accessible optional online ballot marking tool for use by a voter who requested to have their absentee ballot sent by the Internet. “Online ballot marking tool” includes a system that allows a voter to (1) access a blank ballot through the Internet; (2) electronically mark the ballot with the voter’s selections; and (3) print a paper copy of the marked ballot for mailing to a local board. “Online ballot marking tool” does not include a system that is capable of storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic means through the Internet.

If an absentee ballot is sent by the Internet or facsimile transmission, the local board must provide the voter with an envelope template, the oath prescribed by SBE, and instructions for marking and returning the absentee ballot.

Chapters 56 and 514 of 2021 allow for a voter to request permanent absentee ballot status and be placed on a permanent absentee ballot list, in which case a local board of elections sends the voter an absentee ballot (through the Internet if a voter chooses) each time there is an election.

State Fiscal Effect: General fund expenditures increase by \$25,000, in fiscal 2025 only, for SBE to hire a consultant to conduct the study and complete the report. SBE indicates that existing staff are fully engaged with the 2024 elections and are not able to absorb the work required to complete the study and report.

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland State Board of Elections; Department of Legislative Services

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