

**Update**

**MEMORANDUM**

March 7, 2013

TO: Government Operations and Fiscal Policy Committee  
FROM: Amanda Mihill, Legislative Attorney *AMihill*  
SUBJECT: **Update:** Board of Elections activities

The following are expected to attend today's worksession:

- Mary Ann Keefe, President, Board of Elections (BOE)
- Margaret Jurgensen, Election Director, BOE
- Alysoun McLaughlin, Deputy Election Director, BOE
- Linda Lamone, Administrator, State Board of Elections
- Ross Goldstein, Deputy Administrator, State Board of Elections

**2012 Elections**

On November 6, 2012, BOE conducted the 2012 General Election. A number of issues arose during the election season that are discussed below. Two of these issues were raised in an October 26, 2012 letter Council President Navarro sent to the local Board (©1). The Board responded by letter date November 21, 2012 (©3).

***Absentee ballots*** Ms. Navarro noted that local media outlets reported that some absentee voters did not receive the second page of their ballot. The Board explained that this was an error by Runbeck, the entity the state contracted with to issue absentee ballots. As the Board explains, in mid-October, they learned of a problem with the absentee ballots and decided to discontinue using Runbeck. On October 16, the local Board began issuing all absentee ballots. All voters who may have been affected were notified and issued a second absentee ballot.

***Spanish language voter guide translation*** Ms. Navarro also noted that the official voter guide included a misrepresentation of one of the ballot questions in the Spanish translation. Ms. Navarro noted that the Prince George's County voter guide used the translation sent by the State, but the Montgomery County translation was different. In its response, the County Board outlined

the process used for translations for the November election. In mid-September, the State’s contractor sent a County Board staff member the first translation, which the staff member reviewed for grammar and spelling and returned edits the next day. During the next week, staff was consulted on individual edits as part of the State review. The Board’s letter stated that the Board did not perform its own translation, but used a version that it believed was the final draft from the State Board. The County Board sent the State a proof of its sample ballot on October 2 and received approval to print it the next day.

**Election lines** Efforts to reduce the lines on election day is a common topic. See ©9 for a *New York Times* article discussing this issue and noting a Massachusetts Institute of Technology analysis identifying Maryland as having the third longest wait to vote, behind only Florida and the District of Columbia.

Committee members may wish to discuss these issues, including any steps the State and County Boards can take to improve these issues, with representatives from the local Board and the State Board.

### **Pending Legislation**

There are currently several pieces of legislation pending at the General Assembly that would impact the Board. See ©12 for a chart that summarizes each bill, including the sponsor, status, and brief summary. One piece of legislation is particularly important to note: House Bill 224/Senate Bill 279 (©18). This legislation is a proposal by Governor O’Malley that would:

- allow a person to register to vote or change the voter’s address at an early voting center during early voting;
- allow a person to request an absentee ballot online;
- allow a person to receive an absentee ballot via mail, fax, internet, or in person;
- changes the population formula used to determine the number of voting centers, which increases the number of centers in the County from 5 to 8; and
- increases the number of days of early voting.

This legislation, if enacted, would add additional costs to the local board (©27). The local Board voted, 3 to 2, to support this legislation (©41).

This packet contains:

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**MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND**

OFFICE OF COUNCIL VICE PRESIDENT  
NANCY NAVARRO

October 26, 2012

Mary Ann Keeffe  
President, Montgomery County Board of Elections

Margaret Jurgensen  
Election Director

18753 North Frederick Ave.  
Suite 210  
Gaithersburg, MD 20879

Dear Ms. Keeffe and Ms. Jurgensen:

I am extremely concerned about recent news reports detailing two significant errors under the jurisdiction of the Montgomery County Board of Elections. I fear these issues may confuse voters and potentially disenfranchise Montgomery County citizens in the November 6<sup>th</sup> General Election.

- A. Several local media outlets have reported that some Montgomery County absentee voters did not receive the second page of their ballot. As you know, this means these voters may not have an opportunity to weigh in on some of the most significant and high-profile ballot issues our voters have had the opportunity to weigh in on in decades. Please respond to the following:
1. How many voters were impacted by this error?
  2. Were the impacted voters notified of this error by the Board of Elections? When and how?
  3. What is the process to apply for an absentee ballot and how does the Board of Elections carry out these requests?
  4. Are there any safeguards or processes in place to ensure each absentee voter receives the entire ballot? If so, what member of the staff of the Board of Elections is responsible for implementing these procedures?
  5. Were the impacted voters still able to cast a full ballot? How?
- B. The other issue that has been widely reported concerns the Spanish-language translation of the official voter guide for Ballot Question #6. According to several news sources, the voter guide includes a serious misrepresentation of Question #6. Upon further review, it

appears the Prince George's County voter guide has the Spanish translation for Question #6 that was sent to them by the State Board of Elections. However, the Montgomery County translation appears different. Please respond to the following:

1. What is the Board's process for translating the voter guide and ballots into foreign languages?
2. Who at the Board is responsible for this process?
3. When was the State Board of Election's translation transmitted to the County Board of Elections? How was this received?
4. Is someone at the Board responsible for proof-reading or reviewing the voter guide before it is mailed to voters?
5. Why did the County Board of Elections change the translation from what was received from the State Board of Elections?
6. Has the County Board altered the State Board translations in the past? Please be specific.

Thank you in advance for your attention and prompt response to these critical issues. We must make sure every eligible voter receives accurate information and has the opportunity to cast a ballot. Unfortunately, the serious issues described above may not give County residents the confidence in the Board of Elections and the electoral process. I plan to hold a worksession of the Government Operations and Fiscal Policy Committee where we can discuss these issues in greater detail. I hope we can promptly get to the bottom of these issues and ensure they never happen again.

Sincerely,



Nancy Navarro  
Council Vice President  
Chair, Government Operations and Fiscal Policy Committee  
District 4

CC: County Executive Isiah Leggett  
Montgomery County Councilmembers  
Montgomery County Board of Elections members  
State Board of Elections  
Senator Jamie Raskin, Montgomery County Senate Delegation Chair  
Delegate Anne Kaiser, Montgomery County House Delegation Chair

Mary Ann Keefe  
*President*  
Donice Jeter  
*Vice President*  
Nancy H. Dacek  
*Secretary*  
Nahid Khozeimeh  
*Member*  
Graciela Rivera-Oven  
*Member*  
David Naimon  
*Substitute Member*  
Jacqueline Phillips  
*Substitute Member*



**Montgomery County**  
**Board of Elections**  
Post Office Box 4333  
Rockville, Maryland 20849-4333

Margaret A. Jurgensen  
*Election Director*  
Alysoun McLaughlin  
*Deputy Election Director*  
Alan Vinh  
*Information Technology Manager*  
Betty Ann Lucey  
*Voter Registration Manager*  
N. Christine Rzeszut  
*Operations Manager*  
Kevin Karpinski  
*Counsel*

November 21, 2012

Nancy Navarro  
Council Vice President  
Chair, Government Operations and Fiscal Policy Committee  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

RE: 323-171

Dear Council Vice President Navarro:

This acknowledges receipt of your October 26, 2012 letter. Please allow this to serve as a response to the questions you have posed. Your questions and the Board's answers are set forth seriatim.

- A. Several local media outlets have reported that some Montgomery County absentee voters did not receive the second page of their ballot. As you know, this means these voters may not have an opportunity to weigh in on some of the most significant and high-profile ballot issues our voters have had the opportunity to weigh in on in decades. Please respond to the following:

1. How many voters were impacted by this error?

Preliminarily, it is important to note that this was not an error by the Montgomery County Board of Elections. The State Board of Elections contracted with Runbeck to issue absentee ballots throughout the State of Maryland. In mid-October,

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the Montgomery County Board of Elections became aware of a problem with Runbeck's issuance of absentee ballots. Specifically, there was a "data jump" which caused absentee ballots to circulate continuously in the mail stream. As a result of that problem, the Montgomery County Board of Elections decided to discontinue using Runbeck and the Montgomery County Board of Elections began issuing all absentee ballots as of October 16, 2012.

The Montgomery County Board of Elections subsequently learned that some voters who were issued a ballot by Runbeck may not have received the second page of the ballot. Upon being advised of Runbeck's possible error, the State Board of Elections began weighing returned voted ballot envelopes on Friday, October 26, 2012. They completed their review of the ballots on October 27, 2012. The State Board of Elections' review suggested that as many as two percent (2%) to fifteen percent (15%) of the voters who were issued a ballot by Runbeck may not have received a second page of the ballot. Accordingly, the Montgomery County Board of Elections wrote to the State Board of Elections on Sunday, October 28, 2012, requesting that Runbeck reissue ballots to all voters who received their ballot through Runbeck. A copy of Mr. Karpinski's email to Ross Goldstein, Deputy Director for the State Board of Elections, is enclosed. The State Board of Elections contacted Runbeck on Monday, October 29, 2012. On October 30 and 31, 2012, Runbeck issued a second ballot to all voters who may have been impacted. A brief explanation was included with the second issue ballot to advise the voter why he or she was receiving another ballot.

2. Were the impacted voters notified of this error by the Board of Elections? When and how?

Yes. All voters who may have been affected were notified and issued a second absentee ballot.

3. What is the process to apply for an absentee ballot and how does the Board of Elections carry out these requests?

A voter fills out an absentee ballot application. When Runbeck was being utilized, the request was then forwarded to the State Board of Elections, who in turn forwarded it to its vendor, Runbeck. Runbeck would then issue the voter an absentee ballot. As noted above, in mid-October, the Montgomery County Board of Elections decided to cease using Runbeck and issued ballots from the Board of Elections because of concerns regarding Runbeck's quality control.

4. Are there any safeguards or processes in place to ensure each absentee voter receives the entire ballot? If so, what member of the staff of the Board of Elections is responsible for implementing these procedures?

With regard to the ballots issued by the Montgomery County Board of Elections, staff manually places both pages of the correct ballot style in the absentee ballot envelope. With regard to the processes utilized by Runbeck, I suggest you contact the State Board of Elections. The State Board of Elections does not allow the local boards of elections to have direct contact with its vendor and therefore we are not able to answer your question as it relates to Runbeck.

5. Were the impacted voters still able to cast a full ballot? How?

Yes, the Montgomery County Board of Elections insisted that Runbeck reissue an absentee ballot to all individuals who may have been affected. The Montgomery County Board of Elections insisted that all voters receive a second absentee ballot because it was impossible to determine the individuals who may only have received one page of the ballot until the ballot was returned. The Board was concerned that there would be insufficient time to mail a second ballot to those voters who return their ballot in close proximity to Election Day.

- B. The other issue that has been widely reported concerns the Spanish-language translation of the official voter guide for Ballot Question #6. According to several news sources, the voter guide includes a serious misrepresentation of Question #6. Upon further review, it appears the Prince George's County voter guide has the Spanish translation for Question #6 that was sent to them by the State Board of Elections. However, the Montgomery County translation appears different. Please respond to the following:

1. What is the Board's process for translating the voter guide and ballots into foreign languages?

The Montgomery County Board of Elections does not manage the process for translating ballot questions or the non-technical summaries included in the specimen ballot mailing. The State Board of Elections manages this process and provides the language to Montgomery County.

2. Who at the Board is responsible for this process?

The Montgomery County Board of Elections has several staff who are fluent in Spanish and who are involved in translating information for voters. They work with the State Board of Elections on the correct translation.

3. When was the State Board of Election's (sic) translation transmitted to the County Board of Elections? How was this received?

The first translation prepared by the State Board of Elections' vendor was transmitted directly to a Spanish-speaking staff member for the Montgomery County Board of Elections on Tuesday, September 18. That staff member was not asked to review the translation for meaning, but to scan all ballot question summaries for grammar and spelling. The Montgomery County Board of Elections returned its edits, which were not substantive in nature, to the State Board of Elections on Wednesday, September 19. This version was also transmitted to the graphic designer with the Montgomery County Board of Elections for initial layout in the sample ballot publication.

During the next week, staff was consulted on a number of individual edits to sections on various ballot questions as part of a State-level review process that involved multiple stakeholders, including lawmakers and interested organizations. Staff thought it had received the final version which incorporated all of the changes from those who proposed changes.

4. Is someone at the Board responsible for proof-reading or reviewing the voter guide before it is mailed to voters?

Yes. However, because the State's process involves numerous stakeholders, in this instance, the Montgomery County Board of Elections' review of the Spanish text was limited to ensuring that the final text, as laid out for publication, matched the language that was believed to be the final draft. The Montgomery County Board of Elections also forwarded a proof of its sample ballot publication to the State Board of Elections for review on Tuesday, October 2 and received approval to proceed with printing on Wednesday, October 3.

5. Why did the County Board of Elections change the translation from what was received from the State Board of Elections?

Nancy Navarro  
November 21, 2012  
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The Montgomery County Board of Elections did not perform its own translation. It used a version that had been provided by the State that was believed to be the final draft.

6. Has the County Board altered the State Board translations in the past? Please be specific.

The Montgomery County Board of Elections has several staff members who are fluent in Spanish and whose expertise in translating voting information has been utilized not only by the State, but also by the federal U.S. Election Assistance Commission in translating voting information including a glossary of Spanish-language voting terms. In this instance, because others at the State level were conducting the final review, the Montgomery County Board of Elections believed that Spanish-speaking staff had been sent the final version by the State.

As a result of this incident, the Montgomery County Board of Elections is reviewing its role in the translation process. If the Montgomery County Board of Elections is going to participate in the future, enhanced quality control measures will be implemented to ensure that all of the proposed edits from the stakeholders are reviewed and included in the final submission for print.

Sincerely yours,



By: Mary Ann Keeffe  
President,  
Montgomery County Board of Elections

MK:bjap

Enclosures

cc: County Executive Isiah Leggett  
Montgomery County Councilmembers  
Montgomery County Board of Elections members  
State Board of Elections  
Senator Jamie Raskin, Montgomery County Senate Delegation Chair  
Delegate Anne Kaiser, Montgomery County House Delegation Chair

**From:** kevin@bkcklaw.com <kevin@bkcklaw.com>

**To:** Goldstein, Ross <RGoldstein@elections.state.md.us>

**Cc:** Jurgensen, Margaret <margaret.jurgensen@montgomerycountymd.gov>, makeeffeconsulting@comcast.net, jeterdm@gmail.com, grace.rivera@comcast.net, nahidk24@hotmail.com, nandacek@aol.com, dnaimon@verizon.net, jphlips37@aol.com, alysoun.mclaughlin@montgomerycountymd.gov

**Date:** Sunday, October 28, 2012 04:36 pm

**Subject:** Absentee ballots issued by Runbeck

**Attachments:**

Ross- The Montgomery County Board of Elections has reviewed the problems with Runbeck's issuance of absentee ballots. As you know, SBE was at the Board of Elections last week weighing ballots. Based upon SBE's staff's review, it appears that over eight percent (8%) of the returned ballots do not have a second page. In contrast, the number of ballots issued by the Montgomery County Board of Elections that do not contain a second page is less than half of one percent (0.5%).

Based upon the sampling done by SBE's staff, the problem with the second page not being issued by Runbeck is not limited to the September 21 request. Out of the ballot requests from September 21, the sampling done reflects that sixteen percent (16%) of the returns do not have a second page. The other requests have varying ranges from five percent (5%) to two percent (2%). This is simply unacceptable and necessitates SBE directing the vendor to take immediate action to ensure that all voters in Montgomery County receive both pages of their absentee ballot.

The Montgomery County Board of Elections is requesting that Runbeck issue a second absentee ballot to all voters who have not already received a second absentee ballot. In other words, the Montgomery County Board of Elections is not requesting that Runbeck issue a second absentee ballot to those individuals who already received another ballot in conjunction with Runbeck's "data jump" issue. Also, our Board has already sent out a second absentee ballot to some voters who have complained that they did not receive the second page. Obviously, there is no need to send them a third ballot. However, with regard to the balance of those absentee voters who received their ballot from Runbeck, the Montgomery County Board of Elections requests that SBE direct Runbeck to issue another ballot and expedite delivery to the voter to ensure that the voter has the opportunity to vote on the important questions contained on the second page of the ballot. Inasmuch as the General Election is rapidly approaching, the Montgomery County Board of Elections requests that SBE contact Runbeck immediately.

You should feel free to contact me. However, I suggest you work out the logistics of information and process with Margaret and Alysoun. Kevin

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**The New York Times**

February 4, 2013

# Waiting Times at Ballot Boxes Draw Scrutiny

By JEREMY W. PETERS

WASHINGTON — With studies suggesting that long lines at the polls cost Democrats hundreds of thousands of votes in November, party leaders are beginning a push to make voting and voter registration easier, setting up a likely new conflict with Republicans over a deeply polarizing issue.

White House officials have told Congressional leaders that the president plans to press for action on Capitol Hill, and Democrats say they expect him to highlight the issue in his State of the Union address next week. Democrats in the House and Senate have already introduced bills that would require states to provide online voter registration and allow at least 15 days of early voting, among other things.

Fourteen states are also considering whether to expand early voting, including the battlegrounds of Florida, Ohio and Virginia, according to FairVote, a nonprofit group that advocates electoral change. Florida, New York, Texas and Washington are looking at whether to ease registration and establish preregistration for 16- and 17-year-olds.

Several recent polls and studies suggest that long waiting times in some places depressed turnout in 2012 and that lines were longest in cities, where Democrats outnumber Republicans. In a New York Times/CBS News poll taken shortly after Election Day, 18 percent of Democrats said they waited at least a half-hour to vote, compared with 11 percent of independents and 9 percent of Republicans.

A Massachusetts Institute of Technology analysis determined that blacks and Hispanics waited nearly twice as long in line to vote on average than whites. Florida had the nation's longest lines, at 45 minutes, followed by the District of Columbia, Maryland, South Carolina and Virginia, according to Charles Stewart III, the political science professor who conducted the analysis.

A separate analysis, by an Ohio State University professor and The Orlando Sentinel, concluded that more than 200,000 voters in Florida "gave up in frustration" without voting.

"When I got there, the line was around the building," said Jonathan Piccolo, 33, who said he had waited nearly eight hours to cast a ballot in Miami-Dade County the Monday before Election Day.

"It's one of the most sacred rights you have," Mr. Piccolo added. "They should make it as painless as possible."

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As the Supreme Court prepares to hear a major challenge to the Voting Rights Act this month — with a decision potentially giving states more freedom to tighten voting requirements — election issues seem likely to become even more of a flash point.

Republicans in several states across the country have passed or promoted measures they say are meant to reduce voter fraud, like stricter identification requirements. Some have also cited costs; Florida, for instance, had eight days of early voting in November, down from 14, after the Republican-led Legislature changed the law.

By highlighting long waits and cumbersome voter registration as issues, Democrats hope they have found a counterattack. Democrats have already tried to block the Republican efforts, noting that nonpartisan analyses have generally found voter fraud to be extremely rare.

Waiting times are “costing America a lot of votes,” said Senator Kirsten Gillibrand, a New York Democrat who is sponsoring the Senate voting bill and expects to have the full support of the White House.

She added, “We’ve talked to some of the White House staff about this from the beginning, and I think it’s something they care deeply about, and I think it’s something they will help us pass.”

Representative James E. Clyburn of South Carolina, the assistant Democratic leader in the House, said he had received similar assurances from the White House. “I think he’s going devote a pretty significant amount of his political resources to bear on this question,” he said of President Obama.

Mr. Obama, a former community organizer who worked to register poor voters in Chicago, declared waiting times a top concern in speeches both on election night and at his second inauguration. “Our journey is not complete until no citizen is forced to wait for hours to exercise the right to vote,” he said on Inauguration Day.

But getting anything passed without Republican support will be impossible, Democrats acknowledge. And so far, conservatives have complained that Democrats are politicizing an issue that should be handled by the states, not the federal government.

“It’s ridiculous to stand in line a couple of hours to vote,” said Senator Charles E. Grassley of Iowa, the senior Republican on the Senate Judiciary Committee. “But I think it’s also ridiculous to make a political issue out of it when it’s very easily handled.”

Because Democrats have been primarily focused on issues like gun control and immigration this year and have not yet devoted much time to voting rights, it is difficult to know their chances for success.

Two factors that help determine waiting times, experts say, are the length of the ballot and the number of voters per polling place. Mr. Stewart said California stood out as an example of a place that reduces waiting times by having relatively low numbers of voters per precinct.

“Despite the fact that it’s a very large state, a very complicated state, and has the longest ballots in the Western world — all these things that you’d think would complicate voting — they don’t wait that long,” Mr. Stewart said.

California’s had one of the 10 shortest average waits of any state, at six minutes, according to Mr. Stewart.

In some other places, including counties and cities run by Democrats, local officials have not spent the money to open as many polling places. The high turnout of young and minority voters in 2008 and 2012 may also have contributed to long lines.

Ashley Marie Lapadula, a student at Florida International University in Miami who said she voted for Mitt Romney in November, said she went to two different polling sites, leaving one where the wait appeared to be about three hours only to wait three hours at another.

She said she saw numerous voters, mostly Spanish speakers, leave. “Most of them said: ‘I have to get back to work. I don’t have time for this. This is incredible, the waiting is just too long,’” Ms. Lapadula said.

Theodore T. Allen, a systems engineer at Ohio State who conducted the analysis of Florida voting last year, said that lengthy ballots also played an important role in how long voting takes. “It’s not because people are dumb or old,” he said. “It’s just that they have twice as much to read and process.”

The average wait nationwide was 14 minutes last year, according to Mr. Stewart’s data. Blacks and Hispanics waited an average of 20.2 minutes, compared with 12.7 minutes for whites. In the most populous areas — those with more than 500,000 voters in a county — the average wait was 18 minutes, more than double what it was in counties with fewer than 50,000 voters.

According to Mr. Allen’s estimates, waiting times cost Mr. Obama a net of about 15,000 votes in Florida. He carried the state by about 74,000 votes.

*Neil Reisner contributed reporting from North Miami, Fla.*

Number	Title	Primary Sponsor	Description	Status
HB 17/ SB 518	Elective Franchise - Registration and Voting at Polling Places	Delegate Reznik/ Senator Raskin	Authorizing the General Assembly to provide by suitable enactment a process to allow a qualified voter to register and vote on election day at a specified polling place in a specified precinct or on a specified day before election day at a specified polling place; making a stylistic change; and submitting the amendment to the qualified voters of the State for their adoption or rejection.	In the House - Hearing 2/21  In the Senate - Hearing 2/21
HB 49	Election Law - Petitions - Confidentiality	Delegate Robinson, B.	Prohibiting a sponsor or circulator of a petition from disclosing to the public specified information that an individual includes on a petition; prohibiting public inspection of a petition after the petition is filed with the State Board of Elections or a county board of elections, subject to an exception; requiring a custodian to permit a person to inspect a petition if the person requires access to the petition to facilitate judicial review of a determination concerning the sufficiency of the petition; etc.	In the House - Unfavorable Report by Ways and Means <b>Withdrawn</b>
HB 73	Presidential Elections - Agreement Among the States to Elect the President by National Popular Vote - Repeal	Delegate O'Donnell	Rescinding the State's consent to enter into the Agreement Among the States to Elect the President by National Popular Vote and repealing the statutory provisions reciting the Agreement; repealing specified provisions of law relating to the nomination of presidential electors; specifying that presidential electors in the State are elected at large by the voters of the entire State; specifying that presidential electors cast their votes in a specified manner; repealing a contingency relating to the State's entry into the Agreement; etc.	In the House - Hearing 2/07
HB 137	Election Law - Polling Places - Proof of Identity	Delegate Kipke	Requiring an election judge to establish a voter's identity by requiring the voter to present specified proof of identity; requiring a voter to vote a provisional ballot if the voter is unable to provide specified proof of identity; prohibiting a person from knowingly and willfully voting or attempting to vote under a false form of identification; and making conforming and clarifying changes.	In the House - Hearing 2/07
HB 170	Election Law - Early Voting Centers	Delegate Clagett	Requiring counties with fewer than 150,000 registered voters to establish at least one and not more than three early voting centers.	In the House - Unfavorable Report by Ways and Means <b>Withdrawn</b>
HB 196/ SB 171	Election Law - Special Elections - Voting by Mail	Delegate Cardin/ Senator Forehand	Authorizing the Governor, a county council, or a board of county commissioners to direct that voting by mail be utilized in specified special elections; specifying the application of provisions of law to a special election conducted by mail; requiring a local board of elections to mail a vote-by-mail ballot to each registered voter who is eligible to vote in a special election conducted by mail unless the voter has requested that the ballot be transmitted by other means; etc.	In the House - Hearing 2/07  In the Senate - Hearing 2/21

HB 217/ SB 373	Early Voting Access Act of 2013	Delegate Rosenberg/ Senator Ferguson	Increasing the number of early voting centers that are required to be established in each county for a regularly scheduled general election; authorizing the State Board of Elections, in collaboration with the local boards of elections, to increase the number of early voting centers in each county for a regularly scheduled primary election; and requiring that early voting centers be open for specified days and hours before regularly scheduled primary and general elections.	In the House - Hearing 2/07  In the Senate - Hearing 2/21
HB 220	Voters' Rights Protection Act of 2013	Delegate Rosenberg	Prohibiting a person from willfully and knowingly influencing or attempting to influence a voter's voting decision through the use of fraud; authorizing the Attorney General to institute an action in a circuit court for injunctive relief to prohibit a person from engaging in or continuing to engage in specified violations of election law; providing that injunctive relief may be granted under the Act only to prevent specified violations of election law from affecting a pending election; etc.	In the House - Hearing 2/07
HB 221	Election Law - Petitions - Prohibited Actions	Delegate Rosenberg	Prohibiting a person from willfully and knowingly obtaining or attempting to obtain a signature on a petition by threat, menace, or intimidation; and prohibiting a person from willfully and knowingly preventing, hindering, or delaying a person who has a lawful right to sign a petition from signing a petition through the use of fraud, duress, force, threat, menace, or intimidation.	In the House - Hearing 2/07
HB 224/ SB 279	Election Law - Improving Access to Voting	Speaker/ President	Providing an exception to the voter registration deadline to allow an individual to register to vote or update an existing voter registration address and vote during early voting; requiring proof of residency to register or update an existing voter registration address during early voting; providing the types of acceptable proof; requiring the State Board of Elections to adopt regulations and establish procedures for the administration of voter registration during early voting; etc.	In the House - Hearing 2/21  In the Senate - Hearing 2/21
HB 233	Elections - Study Commission on the Redistricting Process in Maryland	Delegate McComas	Establishing a Study Commission on the Redistricting Process in Maryland; specifying the composition, powers, and duties of the Commission; providing for the staffing of the Commission; requiring the Commission to report its findings and recommendations, including suggested constitutional and legislative changes, to the Governor and the General Assembly on or before December 31, 2014; providing for the termination of the Act; etc.	In the House - First Reading House Rules and Executive Nominations
HB 236	Election Law - Districting Plan Questions - Inclusion of Map	Delegate McComas	Requiring that a question that relates to the enactment of a legislative or congressional districting plan that was petitioned to referendum include a map of the State that shows the boundary lines for the legislative or congressional districts that are included in the legislative or congressional districting plan.	In the House - First Reading House Rules and Executive Nominations
HB 242 SB 519	Election Law - Registration and Voting at Early Voting Centers	Delegate Cardin/ Senator Raskin	Authorizing an individual to apply to register to vote at specified early voting centers on a day designated for voting before election day by completing a voter registration application and providing specified proof of residency; requiring that an individual who satisfies specified requirements for registration at an early voting center be allowed to vote a provisional ballot; requiring that provisional ballots cast under the Act be separated and held apart from other provisional ballots cast at an early voting center; etc.	In the House - Hearing 2/21  In the Senate- Hearing 2/21

HB 259	Campaign Finance - Affiliated Business Entities - Attribution of Contributions	Delegate Bobo	Requiring that campaign finance contributions by two or more business entities be attributed to one business entity if one is a wholly owned subsidiary of another or if the business entities are owned or controlled by at least 80% of the same individuals or business entities; and defining the term "business entity" to include a corporation, a general partnership or limited partnership, a limited liability company, or a real estate investment trust.	In the House - Hearing 2/21
HB 323	Election Law - Primary Elections - Dates	Delegate Afzali	Altering the dates of primary elections to be the first Tuesday in June; and altering the deadline for filing a certificate of candidacy in the year in which the Governor is elected.	In the House - Hearing 2/21
HB 324	Elections - Offenses Relating to Voting - Penalties	Delegate Afzali	Increasing the penalties for offenses relating to voting.	In the House - Hearing 2/21
HB 325	Election Law - Qualification of Voters - Proof of Identity	Delegate Afzali	Requiring an election judge to establish a voter's identity and verify the voter's address if the voter seeks to vote a regular ballot; requiring an election judge to qualify a voter by requesting the voter to present a current government-issued photo identification; requiring an election judge to authorize an individual to vote a regular ballot; allowing a voter who is unable to present a specified form of identification to vote by provisional ballot under specified circumstances; etc.	In the House - Hearing 2/21
HB 427	Election Law - Absentee Ballots - Timeliness	Delegate Impallaria	Requiring that an absentee ballot returned by an absent uniformed services voter or an overseas voter be considered timely if the ballot is mailed by the voter and received by a local board by specified times.	In the House - Hearing 2/21
HB 447	Election Law - Use of Campaign Funds for Meeting and Conference Expenses	Delegate Howard	Including as an allowable expenditure of funds from a campaign account under the State election law a disbursement to pay for travel, lodging, meals, and registration expenses associated with attendance of an office holder or a candidate at meetings or conferences focused on legislative issues, process, or public policy analysis pertinent to the office the elected official holds or that the candidate seeks.	In the House - Hearing 2/21
HB 481/ SB 497	Early Voting Centers - Legislative Districts	Delegate Tarrant/ Senator Pugh	Requiring each county to establish one early voting center in each General Assembly legislative district in the county.	In the House - Hearing 2/21  In the Senate - Hearing 2/21
HB 493/ SB 673	Referendum Integrity Act	Delegate Luedtke/ Senator Conway	Requiring a petition signature page to contain a specified notification and be completed on a specified form; altering the information an individual must provide to sign a petition; establishing specified requirements for an online petition system; establishing specified requirements for petition circulators; requiring that a specified determination of whether a petition has a sufficient number of signatures be made in a specified manner; etc.	In the House - Hearing 2/21  In the Senate - Hearing 2/28
HB 592	Election Law - Reporting of	Delegate	Requiring a local board of canvassers to prepare a statement of election results by precinct that	In the House -

	Precinct Results	Kaiser	includes all votes cast by voters registered in each precinct who voted provisionally, absentee, and early; and requiring the State Board of Elections to prepare a report that includes election results by precinct of all votes cast by voters registered in each precinct who voted provisionally, absentee, and early.	Hearing 2/21
HB 620	Campaign Finance - Contributions - Disclosure	Delegate Olszewski	Requiring a campaign finance entity to report specified information on its campaign finance reports for each contribution the entity receives; authorizing a campaign finance entity to report a maximum of a cumulative amount of \$25,000 in contributions in an election cycle on its campaign finance reports without providing specified information about each contribution; requiring that contributions reported on or after January 1, 2011, shall be considered in making a specified determination under the Act; etc.	In the House - Hearing 2/21
HB 729/ SB 367	Election Law - Petitions - Confidentiality	Delegate Parrott/ Senator Jacobs	Prohibiting public inspection of a petition after the petition is filed with the State Board of Elections or a county board of elections, with a specified exception; requiring a custodian to permit a person to inspect a petition if the person requires access to the petition to facilitate judicial review of a determination concerning the sufficiency of the petition; providing that a custodian may not disclose personal information contained in a petition to the general public; defining a term; etc.	In the House - Hearing 2/21  In the Senate - Hearing 2/21
HB 730/ SB 542	Election Law - Polling Places - Electioneering	Delegate Parrott/ Senator Young	Requiring that electioneering be allowed on the premises of a public building that is used for a polling place up to a specified electioneering boundary; prohibiting a polling place from being located in a privately owned building unless the owner of the building agrees to allow electioneering on the premises up to a specified electioneering boundary; etc.	In the House - Hearing 2/21  In the Senate - Hearing 2/28
HB 758	Election Law - Polling Places - Waiting Times to Vote	Delegate Frush	Requiring that each polling place on election day be supplied with a number of voting machines and staffed with a number of election judges that the State Board of Elections, in collaboration with the local boards of elections, determines is sufficient to ensure that each voter will be able to cast a ballot after waiting no more than 15 minutes; etc.	In the House - Unfavorable Report by Ways and Means <b>Withdrawn</b>
HB 832/ SB 361	Congressional Districting Process	Delegate Norman/ Senator Pinsky	Requiring the Department of Legislative Services to obtain specified census data, adjust the census data for specified purposes, and provide the census data to a temporary redistricting commission within a specified time period; creating a temporary redistricting commission; requiring the commission to use specified census data to prepare and adopt a districting plan for congressional districting within a specified time period; specifying that a specified districting plan is the plan for the State; etc.	In the House - First Reading House Rules and Executive Nominations  In the Senate - Hearing 2/14
HB 907	Electronic Voting System	Delegate	Requiring that, to the extent practicable, all candidates for the same office appear on the same	In the House - Hearing

	Devices - Ballot Arrangement	Kach	ballot face on a direct recording electronic voting system device.	cancelled
HB 974	Election Law - Subsequent Election Absentee Ballot List	Delegate Kramer	Requiring the State Board of Elections to establish guidelines for a subsequent election absentee ballot list; requiring that a voter who receives an absentee ballot be provided the opportunity to request an absentee ballot for the next subsequent election in the written materials accompanying the absentee ballot; requiring that a voter who requests an absentee ballot for the next subsequent election be placed on the subsequent election absentee ballot list for specified elections; etc.	In the House - Hearing cancelled
HB 1044/ SB 584	Public Funding and Small Donor Act for General Assembly Elections	Delegate Cardin/ Senator Pinsky	Creating a public financing system for General Assembly candidates; repealing the Public Financing Act for gubernatorial candidates; altering limits on contributions and transfers, as specified; providing that specified contributions be considered as being made by one contributor; authorizing the governing body of a county to enact laws to regulate public campaign finance activity for county elective offices and candidates for those offices, as specified; specifying expenditure limits for participating candidates; etc.	In the House - Hearing cancelled  In the Senate - Hearing 2/28
HB 1199	Citizens' Congressional Redistricting Commission	Delegate Parrott	Creating the Citizens' Congressional Redistricting Commission; requiring the Commission to divide the State to create congressional districts, as specified; providing for the membership, qualifications, and duties of the Commission; specifying requirements for the adoption of a redistricting plan; requiring the Legislative Auditor to establish and administer an online application process for individuals seeking appointment to the Commission; etc.	In the House - First Reading House Rules and Executive Nominations
HB 1207	Election Law - Early Voting Centers	Delegate Gutierrez	Altering the number of registered voters used to determine the number of early voting centers that must be established in a county; altering the number of early voting centers a county with 450,000 or more registered voters is required to establish; etc.	In the House - Hearing cancelled
HB 1234	Election of Circuit Court Judges - Random Ordering of Names	Delegate Frank	Requiring a local board of elections to conduct a random drawing of the names of the candidates for election for circuit court judge to determine the order of the names on the ballot; etc.	In the House - Reassigned to Ways and Means and Judiciary
HB 1269/ SB 240	Task Force to Study Redistricting in Maryland	Delegate Braveboy/ Senator Kelley	Establishing a Task Force to Study Redistricting in Maryland; specifying the composition, powers, and duties of the Task Force; providing for the staffing of the Task Force; requiring the Task Force to report its findings and recommendations, including suggested constitutional and legislative changes, to the Governor and the General Assembly on or before December 31, 2014; and terminating the Act at the end of June 30, 2015.	In the House - First Reading House Rules and Executive Nominations  In the Senate - Hearing 2/21
SB 309	Election Law - Local Board	Senator	Altering the qualification requirements for an employee of a local board of elections to require	In the Senate -

	Employees - Qualifications	Getty	that the employee be a registered voter in the jurisdiction where the employee resides, rather than a registered voter in the State.	Hearing 2/14
SB 453	Election Law and Ethics - Political Parties - Uniform Transparency, Disclosure, and Accountability Act	Senator Manno	Requiring the constitution and bylaws of a political party to provide that a central committee shall provide public access to records related to filling a vacancy in public office similar to the requirements of the Public Information Act, shall perform activities related to filling a vacancy in public office in an open and public manner similar to the requirements of the Open Meetings Act, shall prohibit a member of the central committee from demanding or receiving a bribe related to filling a vacancy in public office; etc.	In the Senate - Hearing 2/14
SB 583	Election Law - Public Campaign Financing of Local Elections	Senator Pinsky	Authorizing the governing body of a county to enact laws to regulate public campaign finance activity for county elective offices and candidates for those offices; specifying provisions, requirements, and limitations applicable to any county laws enacted to regulate public campaign finance activity; etc.	In the Senate - Hearing 2/28
SB 706	Referendum Petitions	Senator Madaleno	Altering the earliest date by which a nonemergency law may take effect; altering the date by which petitions to refer a law to referendum must be filed; requiring the Secretary of State to refer specified laws to referendum at specified elections if sufficient petitions are filed; altering the number of signatures required to refer a law to referendum; repealing provisions requiring that petitions containing a specified number of signatures be filed by specified dates; etc.	In the Senate - Hearing 3/07
SB 772	Campaign Finance - Corporate Contributions and Independent Expenditures - Determination of Stockholder Preference	Senator Raskin	Prohibiting a Maryland corporation or a foreign corporation doing business in the State from making a contribution to a campaign finance entity or an independent expenditure unless a specified condition is met; authorizing a stockholder alleging a violation of specified provisions of the Act to bring an action directly against the directors of the corporation; prohibiting a campaign finance entity from receiving a contribution made in violation of a specified provision of the Act; etc.	In the Senate - Hearing 3/07
SB 840	Voting - Notice of Election by Specimen Ballot	Senator Stone	Altering the date by which a local board of elections must provide voters notice of an election by specimen ballot.	In the Senate - Hearing 3/07
SB 901	Election Law - Elections by Mail	Senator Dyson	Requiring that elections be conducted by mail; requiring the State Board of Elections, in consultation with the local boards of elections, to select a specified voting system; requiring local boards of elections to mail a ballot to specified voters by specified deadlines; requiring a voter who receives a ballot to take specified action to vote the ballot; providing for the methods by which a voter may return a ballot; etc.	In the Senate - Hearing 3/07

# HOUSE BILL 224

G1

3lr0141  
CF SB 279

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By: **The Speaker (By Request – Administration) and Delegates Reznik, Barve, Bobo, Carr, Clagett, Davis, Dumais, Frick, Guzzone, Hucker, Lafferty, Luedtke, McHale, Mitchell, Rosenberg, Simmons, Tarrant, and M. Washington**

Introduced and read first time: January 21, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Improving Access to Voting**

3 FOR the purpose of providing an exception to the voter registration deadline to allow  
4 an individual to register to vote or update an existing voter registration address  
5 and vote during early voting; requiring proof of residency to register or update  
6 an existing voter registration address during early voting; providing the types of  
7 acceptable proof; requiring the State Board of Elections to adopt regulations and  
8 establish procedures for the administration of voter registration during early  
9 voting; providing for certain methods of requesting an absentee ballot, including  
10 through the use of an online application; requiring a local board of elections to  
11 provide a voter with an absentee ballot in the manner requested by the voter;  
12 requiring the State Board to provide an optional online ballot marking tool;  
13 specifying certain certification requirements for the ballot marking tool;  
14 authorizing an absentee ballot to be sent by the Internet or facsimile  
15 transmission and requiring certain information to be provided with the ballot;  
16 altering the number of early voting centers for a county with a certain number  
17 of registered voters; altering the dates and times for early voting during certain  
18 elections; and generally relating to election law and improving access to voting.

19 BY repealing and reenacting, with amendments,  
20 Article – Election Law  
21 Section 3–302, 9–305, 9–306, 9–308, 9–310, and 10–301.1  
22 Annotated Code of Maryland  
23 (2010 Replacement Volume and 2012 Supplement)

24 BY adding to  
25 Article – Election Law  
26 Section 3–305

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



18

1 Annotated Code of Maryland  
2 (2010 Replacement Volume and 2012 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Election Law**

6 **3–302.**

7 (a) [Registration] **EXCEPT AS PROVIDED UNDER § 3–305 OF THIS**  
8 **SUBTITLE, REGISTRATION** is closed beginning at 9 p.m. on the 21st day preceding an  
9 election until the 11th day after that election.

10 (b) A voter registration application received when registration is closed shall  
11 be accepted and retained by a local board, but the registration of the applicant does  
12 not become effective until registration reopens.

13 (c) A voter registration application that is received by the local board after  
14 the close of registration shall be considered timely received for the next election  
15 provided:

16 (1) there is sufficient evidence, as determined by the local board  
17 pursuant to regulations adopted by the State Board, that the application was mailed  
18 on or before registration was closed for that election; or

19 (2) the application was submitted by the voter to the Motor Vehicle  
20 Administration, a voter registration agency, another local board, or the State Board  
21 prior to the close of registration.

22 **3–305.**

23 **(A) DURING EARLY VOTING, AN INDIVIDUAL MAY APPEAR IN PERSON AT**  
24 **AN EARLY VOTING CENTER IN THE INDIVIDUAL’S COUNTY OF RESIDENCE AND**  
25 **APPLY TO REGISTER TO VOTE OR CHANGE THE VOTER’S ADDRESS ON AN**  
26 **EXISTING VOTER REGISTRATION.**

27 **(B) (1) WHEN APPLYING TO REGISTER TO VOTE OR CHANGE AN**  
28 **ADDRESS ON AN EXISTING REGISTRATION DURING EARLY VOTING, THE**  
29 **APPLICANT SHALL PROVIDE PROOF OF RESIDENCY.**

30 **(2) THE APPLICANT SHALL PROVE RESIDENCY BY SHOWING THE**  
31 **ELECTION JUDGE:**

1                   (I) A MARYLAND DRIVER'S LICENSE OR MARYLAND  
2 IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS;  
3 OR

4                   (II) IF THE APPLICANT DOES NOT HAVE A DRIVER'S LICENSE  
5 OR IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT  
6 ADDRESS, A COPY OF AN OFFICIAL DOCUMENT THAT:

7                                 1. MEETS THE REQUIREMENTS ESTABLISHED BY THE  
8 STATE BOARD; AND

9                                 2. CONTAINS THE APPLICANT'S NAME AND CURRENT  
10 ADDRESS.

11           (C) (1) WHEN AN INDIVIDUAL APPLIES TO REGISTER TO VOTE AT AN  
12 EARLY VOTING CENTER, THE ELECTION JUDGE SHALL DETERMINE WHETHER  
13 THE APPLICANT RESIDES IN THE COUNTY IN WHICH THE APPLICANT APPLIED  
14 AND IS QUALIFIED TO BECOME A REGISTERED VOTER.

15                   (2) IF THE VOTER IS A RESIDENT OF THE COUNTY AND IS  
16 QUALIFIED TO REGISTER TO VOTE, THE ELECTION JUDGE SHALL:

17                                 (I) ISSUE THE VOTER A VOTING AUTHORITY CARD;

18                                 (II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;  
19 AND

20                                 (III) ISSUE THE VOTER A BALLOT.

21           (D) (1) WHEN A VOTER APPLIES TO CHANGE THE VOTER'S ADDRESS  
22 DURING EARLY VOTING, THE ELECTION JUDGE SHALL DETERMINE WHETHER  
23 THE VOTER RESIDES IN THE COUNTY IN WHICH THE VOTER SEEKS TO VOTE.

24                   (2) IF THE VOTER IS A RESIDENT OF THE COUNTY, THE ELECTION  
25 JUDGE SHALL:

26                                 (I) ISSUE THE VOTER A VOTING AUTHORITY CARD;

27                                 (II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;  
28 AND

29                                 (III) ISSUE THE VOTER THE APPROPRIATE BALLOT FOR THE  
30 VOTER'S NEW ADDRESS.

1           **(E) THE STATE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES**  
2 **IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE**  
3 **ADMINISTRATION OF VOTER REGISTRATION DURING EARLY VOTING.**

4 9-305.

5           (a) [An application for] **A VOTER MAY REQUEST** an absentee ballot[, signed  
6 by the voter, may be made] **BY COMPLETING AND SUBMITTING:**

7                   (1) [on a form produced by the local board and supplied to the voter]  
8 **THE STATE BOARD APPROVED ABSENTEE BALLOT APPLICATION;**

9                   (2) [on] a form provided under federal law; [or]

10                   (3) [in] a written request that includes:

11                           (i) the voter's name [and], residence address, **AND**  
12 **SIGNATURE;** and

13                           (ii) the address to which the ballot is to be mailed, if different  
14 from the residence address; **OR**

15                   **(4) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY**  
16 **THE STATE BOARD.**

17           (b) [Except for a late application under subsection (c) of this section, an] **AN**  
18 application for an absentee ballot must be received by a local board:

19                   **(1) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY**  
20 **MAIL OR FACSIMILE TRANSMISSION,** not later than the Tuesday preceding the  
21 election, at the time specified in the guidelines;

22                   **(2) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY**  
23 **THE INTERNET, NOT LATER THAN THE FRIDAY PRECEDING THE ELECTION, AT**  
24 **THE TIME SPECIFIED IN THE GUIDELINES; OR**

25                   **(3) IF THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT**  
26 **APPLIES FOR AN ABSENTEE BALLOT IN PERSON AT THE LOCAL BOARD OFFICE,**  
27 **NOT LATER THAN THE CLOSING OF THE POLLS ON ELECTION DAY.**

28           [(c) (1) Beginning on the Wednesday preceding the election, through the  
29 closing of the polls on election day, a registered voter or the voter's duly authorized  
30 agent may apply in person for an absentee ballot at the office of the local board.

1           (2) A special application for an absentee ballot issued under this  
2 subsection shall be supplied by the staff of the local board to the voter or the voter's  
3 duly authorized agent.

4           (3) The application shall be made under penalty of perjury but without  
5 a formal oath.

6           (4) After review of the application, the staff shall issue an absentee  
7 ballot to the voter or the voter's duly authorized agent.]

8 9-306.

9           (a) Promptly after receipt of an application, the election director shall review  
10 the application and determine whether the applicant qualifies to vote by absentee  
11 ballot.

12           (b) If the applicant qualifies to vote by absentee ballot, the local board shall  
13 [send] **PROVIDE** the ballot **BY ONE OF THE FOLLOWING METHODS REQUESTED BY**  
14 **THE VOTER:**

15           (1) **MAIL;**

16           (2) **FACSIMILE TRANSMISSION;**

17           (3) **THE INTERNET; OR**

18           (4) **BY HAND DURING AN IN-PERSON TRANSACTION.**

19           **(C) ONCE BALLOTS ARE AVAILABLE, THE LOCAL BOARD SHALL**  
20 **PROVIDE THE BALLOT TO A QUALIFIED APPLICANT:**

21           (1) as soon as practicable after receipt of the request; or

22           (2) [if the ballots have not been received from the printer, as soon as  
23 practicable after the local board receives delivery of the ballots] **IMMEDIATELY FOR**  
24 **AN IN-PERSON TRANSACTION WITH A VOTER OR THE VOTER'S DULY**  
25 **AUTHORIZED AGENT.**

26           **[(c)] (D)** (1) If the members of the local board determine that the  
27 applicant is not entitled to vote by absentee ballot, the local board shall notify the  
28 applicant as soon as practicable after receipt of the application of the reasons for the  
29 rejection.

1           (2) (i) The local board may delegate the determination under  
2 paragraph (1) of this subsection to the staff of the local board.

3                   (ii) If the determination has been delegated, the applicant may  
4 appeal the rejection to the members of the local board, who shall decide the appeal as  
5 expeditiously as practicable.

6           **[(d)] (E)** Not more than one absentee ballot may be issued to a voter unless  
7 the election director of the local board has reasonable grounds to believe that an  
8 absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

9 9-308.

10           (a) A voter who requires assistance in casting an absentee ballot by reason of  
11 disability, inability to write, or inability to read the ballot may be assisted by any  
12 individual other than:

13                   (1) a candidate who is on that ballot;

14                   (2) the voter's employer or an agent of the employer; or

15                   (3) an officer or agent of the voter's union.

16           (b) An individual rendering assistance under this section shall execute a  
17 certification as prescribed by the State Board and included in the instructions under §  
18 9-309 of this subtitle.

19           **(C) (1) THE STATE BOARD SHALL PROVIDE AN OPTIONAL ONLINE**  
20 **BALLOT MARKING TOOL FOR A VOTER WHO REQUESTED TO HAVE THE**  
21 **ABSENTEE BALLOT SENT BY THE INTERNET.**

22                   **(2) (I) THE STATE BOARD SHALL CERTIFY THE ONLINE**  
23 **BALLOT MARKING TOOL IN ACCORDANCE WITH THE APPLICABLE**  
24 **CERTIFICATION STANDARDS UNDER § 9-102(D) OF THIS TITLE.**

25                           **(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS**  
26 **PARAGRAPH, § 9-102(D)(2) OF THIS TITLE IS NOT APPLICABLE TO THE STATE**  
27 **BOARD'S CERTIFICATION DETERMINATION IF THE U.S. ELECTION ASSISTANCE**  
28 **COMMISSION HAS NOT APPROVED SPECIFIC PERFORMANCE AND TEST**  
29 **STANDARDS FOR ONLINE BALLOT MARKING TOOLS.**

30 9-310.

31           (a) **(1) THIS SUBSECTION APPLIES ONLY TO AN ABSENTEE BALLOT**  
32 **THAT IS SENT BY MAIL.**

1           **(2)** An absentee ballot shall be enclosed in specially printed envelopes,  
2 the form and content of which shall be prescribed by the State Board.

3           **[(b) (1)] (3) (I)** A local board may use either two envelopes or three  
4 envelopes.

5           **[(2)] (II)** If two envelopes are used, the inner envelope shall be  
6 designated the "ballot/return envelope", and, when issued, it shall fit inside the  
7 envelope designated the "outgoing envelope".

8           **[(3)] (III)** If three envelopes are used, the innermost envelope shall be  
9 designated the "ballot envelope", which shall fit inside the envelope designated the  
10 "return envelope", both of which, when issued, shall fit inside the envelope designated  
11 the "outgoing envelope".

12           **[(c)] (4)** When voted and returned to the local board, an absentee ballot  
13 shall be enclosed in a ballot envelope or ballot/return envelope, on which has been  
14 printed an oath prescribed by the State Board.

15           **(B) IF AN ABSENTEE BALLOT IS SENT BY THE INTERNET OR FACSIMILE**  
16 **TRANSMISSION, THE LOCAL BOARD SHALL PROVIDE THE VOTER WITH AN**  
17 **ENVELOPE TEMPLATE, THE OATH PRESCRIBED BY THE STATE BOARD, AND**  
18 **INSTRUCTIONS FOR MARKING AND RETURNING THE ABSENTEE BALLOT.**

19 10-301.1.

20           (a) Except as provided under Title 9, Subtitle 3 of this article, during any  
21 regularly scheduled primary or general election a voter may vote:

22           (1) in the voter's assigned precinct on election day; or

23           (2) at an early voting center in the voter's county of residence on any  
24 early voting day in accordance with this section.

25           (b) (1) Each county shall have at least one early voting center established  
26 in the county as prescribed in this subsection.

27           (2) A county with fewer than **[150,000] 125,000** registered voters  
28 shall have one early voting center established in the county.

29           (3) A county with more than **[150,000] 125,000 REGISTERED**  
30 **VOTERS** but fewer than 300,000 registered voters shall have three early voting  
31 centers established in the county.

1                   (4) A county with more than 300,000 registered voters **BUT FEWER**  
2 **THAN 450,000 REGISTERED VOTERS** shall have five early voting centers established  
3 in the county.

4                   **(5) A COUNTY WITH MORE THAN 450,000 REGISTERED VOTERS**  
5 **SHALL HAVE EIGHT EARLY VOTING CENTERS.**

6           (c) No later than 6 months before a primary election, the State Board, in  
7 collaboration with the local board in each county, shall designate each early voting  
8 center in that county.

9           (d) Each early voting center shall be open for voting as follows:

10                   [(1) for the 2010 gubernatorial primary and general elections:

11                           (i) beginning the second Friday before a primary or general  
12 election through the Thursday before the elections, but excluding Sunday; and

13                           (ii) during the hours between 10 a.m. and 8 p.m.; and

14                   (2) for the 2012 presidential primary and general elections:

15                           (i) beginning the second Saturday before a primary or general  
16 election through the Thursday before the elections; and

17                           (ii) 1. during the hours between 10 a.m. and 8 p.m. on the  
18 Saturday and the Monday through the Thursday during the early voting period; and

19   2. during the hours between 12 noon and 6 p.m. on the  
20 Sunday during the early voting period.]

21                   **(1) BEGINNING THE SECOND THURSDAY BEFORE A PRIMARY OR**  
22 **GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTION; AND**

23                   **(2) DURING THE FOLLOWING HOURS:**

24                           **(I) IN A PRESIDENTIAL GENERAL ELECTION, DURING THE**  
25 **HOURS BETWEEN 8 A.M. AND 8 P.M. EACH EARLY VOTING DAY; AND**

26                           **(II) IN ALL OTHER ELECTIONS, DURING THE HOURS**  
27 **BETWEEN 10 A.M. AND 8 P.M. EACH EARLY VOTING DAY.**

28           (e) Each early voting center shall satisfy the requirements of § 10-101 of this  
29 title.

1 (f) Beginning 30 days prior to each early voting period the State Board and  
2 each local board shall undertake steps to inform the public about early voting and the  
3 location of early voting centers in each county, including:

4 (1) a series of public service media announcements;

5 (2) mailings to all registered voters in each county; and

6 (3) other measures as appropriate.

7 (g) Except as expressly provided in this section, any provision of this article  
8 that applies to voting on election day also applies to early voting.

9 (h) The State Board shall adopt regulations and guidelines in accordance  
10 with the requirements of this section for the conduct of early voting.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2013.

Department of Legislative Services  
 Maryland General Assembly  
 2013 Session

FISCAL AND POLICY NOTE

House Bill 224  
 Ways and Means

(The Speaker, *et al.*) (By Request - Administration)

Election Law - Improving Access to Voting

This Administration bill (1) increases the number of early voting centers in certain counties; (2) establishes an eight-day early voting period for the 2014 and future elections; (3) allows for an individual to register to vote and subsequently vote during early voting, at an early voting center; and (4) makes specified changes to absentee voting provisions, including expanding and clarifying the methods by which a voter may request to receive an absentee ballot.

The bill takes effect July 1, 2013.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$150,700 in FY 2014 due to costs for additional early voting centers for the 2014 gubernatorial primary election and for epollbook programming costs to facilitate voter registration during early voting. Future years reflect ongoing costs for additional early voting centers as well as additional voting equipment and associated operations and maintenance costs, assuming a new voting system is implemented for the 2016 elections.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	150,700	9,700	125,900	125,800	125,700
Net Effect	(\$150,700)	(\$9,700)	(\$125,900)	(\$125,800)	(\$125,700)

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

**Local Effect:** Local government expenditures increase by approximately \$1.2 million in FY 2014 for additional early voting days and centers and administration of voter registration during early voting. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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## Analysis

### Bill Summary:

#### *Early Voting Centers*

The bill alters provisions that determine the number of early voting centers in a county as shown in **Exhibit 1**.

#### *Early Voting Days and Hours*

The bill establishes the days and hours of early voting for elections going forward, as shown in **Exhibit 2**, along with the days and hours set in current law for the already held 2010 and 2012 elections (for purposes of comparison).

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### Exhibit 1 Early Voting Centers

Current Law		Under the Bill	
<u>Registered Voters in County</u>	<u>Early Voting Centers</u>	<u>Registered Voters in County</u>	<u>Early Voting Centers</u>
< 150,000	1	< 125,000	1
150,000-300,000	3	125,000-300,000	3
> 300,000	5	300,000-450,000	5
		> 450,000	8

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**Exhibit 2**  
**Early Voting Days and Hours**

<b>Current Law</b>		<b>Under the Bill</b>
<b><u>2010 Elections</u></b>	<b><u>2012 Elections</u></b>	<b><u>2014 and Future Elections</u></b>
<i><u>Days (6)</u></i>	<i><u>Days (6)</u></i>	<i><u>Days (8)</u></i>
Second Friday before the election through Thursday before the election, excluding Sunday	Second Saturday before the election through Thursday before the election	Second Thursday before the election through Thursday before the election
<i><u>Hours</u></i>	<i><u>Hours</u></i>	<i><u>Hours</u></i>
10 a.m.-8 p.m. (each day)	10 a.m.-8 p.m. (Saturday; Monday-Thursday) 12 noon-6 p.m. (Sunday)	Presidential election: 8 a.m.-8 p.m. (each day)  All other elections: 10 a.m.-8 p.m. (each day)

*Voter Registration During Early Voting*

The bill allows for an individual to register to vote, or change the voter's address on an existing registration, during early voting, at an early voting center in the individual's county of residence. The individual then may vote at that early voting center.

In order to register to vote or change an address on an existing registration at an early voting center, the individual must provide proof of residency by showing the election judge (1) a Maryland driver's license or identification card that contains the individual's current address or (2) if the individual does not have a driver's license or identification card that contains the individual's current address, a copy of an official document that meets requirements established by the State Board of Elections (SBE) and contains the individual's name and current address. If the election judge determines that the individual resides in the county and, if registering to vote, that the individual is qualified to become a registered voter, the election judge then must issue the voter a voting authority card, have the voter sign the voter authority card, and issue the voter a ballot.

SBE is required to adopt regulations and procedures in accordance with the bill's requirements for the administration of voter registration during early voting.

### *Absentee Voting*

The bill expands and clarifies the methods by which a voter may request to receive an absentee ballot. Under the bill, the available methods are (1) mail; (2) facsimile transmission; (3) the Internet; or (4) by hand during an in-person transaction. The bill also allows for a voter to request an absentee ballot by completing and submitting an online absentee ballot application provided by SBE.

Different deadlines for receipt by a local board of elections of an application requesting an absentee ballot are established based on the method by which the voter requests that an absentee ballot be sent. An application must be received:

- not later than the Tuesday before the election, for an absentee ballot to be sent by mail or facsimile transmission;
- not later than the Friday before the election, for an absentee ballot to be sent by the Internet; and
- not later than the closing of the polls on election day, for an in-person application.

The bill also requires that SBE provide an optional online ballot marking tool for a voter who requests to have an absentee ballot sent by the Internet. SBE must certify the online ballot marking tool in accordance with existing voting system certification standards. However, certain provisions of those certification standards relating to federal standards are not applicable to SBE's certification determination if the U.S. Election Assistance Commission has not approved specific performance and test standards for online ballot marking tools.

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

### **Current Law:**

#### *Early Voting Centers and Early Voting Days and Hours*

See Exhibits 1 and 2 above.

#### *Voter Registration*

Voter registration is conducted continuously, but is closed from 9 p.m. on the twenty-first day preceding an election until the eleventh day after that election. In general, a voter registration application that is mailed or submitted when registration is closed is accepted and retained but does not become effective until registration reopens. An individual may

apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by SBE, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); (4) when applying to the Motor Vehicle Administration for issuance, renewal, or modification of a driver's license or identification card; or (5) through SBE's online voter registration system.

At the polls on election day and during early voting, if a voter's name is not found on the election register or inactive list, the voter is referred to vote a provisional ballot.

### *Absentee Voting*

An individual may vote by absentee ballot except to the extent preempted by federal law. An absentee ballot application generally must be received by a local board of elections not later than the Tuesday preceding an election. Absentee ballots are sent to voters as soon as practicable after the receipt and review of an application and must be enclosed in specially printed outgoing and return envelopes. A registered voter or the voter's duly authorized agent can also apply for an absentee ballot in person at the local board office beginning on the Wednesday preceding an election through the closing of the polls on election day.

### **Background:**

#### *Early and Absentee Voting*

See the attached **Appendix – Early and Absentee Voting** for general background information on early and absentee voting. **Exhibit 3** shows, based on voter registration as of December 2012, the number of early voting centers in each jurisdiction under current law and under the bill.

SBE developed an online ballot marking tool in 2012 for the use of military and overseas voters voting absentee during the 2012 general election. The online ballot marking tool allows a voter to fill out a ballot sent electronically and print and mail in the ballot, which shows the voter's selections and contains a barcode encapsulating the voter's selections. A local board of elections uses the barcode to print a duplicate ballot on a ballot card that can be scanned by an optical scan voting machine, verifies that the duplicate ballot matches the selections shown on the ballot mailed in by the voter, and then scans the duplicate ballot into the optical scan voting machine.

**Exhibit 3**  
**Early Voting Centers under Current Law and under the Bill**

<b>Jurisdiction</b>	<b>Registered Voters (December 2012)</b>	<b>Early Voting Centers under Current Law</b>	<b>Early Voting Centers Proposed</b>
Montgomery	626,976	5	8
Prince George's	578,254	5	8
Baltimore	523,978	5	8
Baltimore City	398,227	5	5
Anne Arundel	356,429	5	5
Howard	194,137	3	3
Harford	162,705	3	3
Frederick	148,565	1	3
Carroll	112,835	1	1
Charles	100,346	1	1
Washington	88,978	1	1
St. Mary's	65,021	1	1
Cecil	63,239	1	1
Calvert	59,650	1	1
Wicomico	57,578	1	1
Allegany	42,358	1	1
Worcester	36,825	1	1
Queen Anne's	33,008	1	1
Talbot	25,878	1	1
Dorchester	20,582	1	1
Garrett	19,080	1	1
Caroline	18,515	1	1
Somerset	13,694	1	1
Kent	12,704	1	1
<b>Total</b>	<b>3,759,562</b>	<b>48</b>	<b>59</b>

*Same-day Voter Registration*

Same-day voter registration allows individuals an opportunity to register to vote or correct their existing registration after the voter registration deadline. According to the National Conference of State Legislatures (NCSL), a small number of states – Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Ohio, Wisconsin, and Wyoming – and the District of Columbia allow for same-day registration in some form. North Carolina and Ohio only allow for same-day registration during early voting. Two additional states, California and Connecticut, have enacted same-day registration but have yet to implement it. NCSL cites increased voter turnout and convenience for voters

as being among the advantages of same-day registration but notes that it can be costly to implement and must be adopted along with safeguards to prevent fraud.

**State Fiscal Effect:** General fund expenditures increase by approximately \$150,700 in fiscal 2014, as shown in **Exhibit 4**. This estimate accounts for:

- the State's portion of voting equipment delivery and network service costs and one-time equipment costs for an additional 11 early voting centers required to be established by the bill for the 2014 gubernatorial primary and future elections;
- epollbook programming costs to facilitate voter registration during early voting.

This estimate assumes that Frederick County would only have one early voting center for the 2014 elections in the absence of the bill. However, if Frederick County's voter registration surpasses 150,000 and the county would have three early voting centers regardless of the bill, the cost increases would be somewhat reduced. State expenditures will not be affected by the additional number of early voting days. Whether the epollbook programming costs will be borne by the State or counties, or be shared by the State and counties is uncertain. For the purposes of this estimate, it is assumed the costs are shared.

A significant portion of the State costs associated with this bill will be incurred from fiscal 2016 forward, assuming a new optical scan voting system is implemented for the 2016 elections. Based on certain assumptions about equipment costs for the new system, general fund expenditures may increase by approximately \$125,900 in fiscal 2016, accounting for the cost of additional optical scan machines and ballot-on-demand printers for the 11 additional early voting centers (financed over a five-year lease purchase term), software and maintenance costs for the optical scan machines, and ongoing voting equipment delivery and network service costs for the 11 additional centers. Ballot-on-demand printers are needed to be able to provide various ballot styles at an early voting center for voters throughout a county. The voting system-related expenditure increases represent the State's share of the voting system costs. Pursuant to Chapter 564 of 2001 (HB 1457), SBE shares voting system costs with the local boards of elections.

No costs are expected to be incurred to develop the online absentee ballot system since SBE has already developed a system.

**Exhibit 4**  
**Impact on State Expenditures**

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
General early voting cost increases	\$50,711	\$9,736	\$9,736	\$9,736	\$9,736
Optical scan machines and ballot-on-demand printers for additional early voting centers – capital costs			113,166	113,049	112,931
Optical scan machines – operations and maintenance			2,957	2,984	3,005
Epollbook programming (for early voting voter registration)	100,000				
<b>Total</b>	<b>\$150,711</b>	<b>\$9,736</b>	<b>\$125,860</b>	<b>\$125,770</b>	<b>\$125,672</b>

Note: Operations and maintenance costs for the ballot-on-demand printers are not included and could further increase costs.

Source: Department of Legislative Services

**Local Fiscal Effect:** Local government expenditures increase by approximately \$1.2 million in fiscal 2014, as shown in **Exhibit 5**. This estimate accounts for:

- costs of 11 additional early voting centers in Baltimore, Frederick, Montgomery, and Prince George’s counties;
- costs in all jurisdictions for two additional days of early voting;
- additional election judges needed at early voting centers to facilitate voter registration during early voting; and
- epollbook programming costs to facilitate voter registration during early voting.

This estimate is based largely on survey information submitted by local boards of elections covering early voting costs for the 2012 elections and how those costs would be affected by changes to the number of early voting days and/or centers. The estimate assumes that an early voting period of six days, similar to past early voting periods, would be held in 2014 in the absence of the bill. The estimate also assumes that early voting election judge costs increase by 10% to facilitate voter registration during early voting.

As mentioned above under State Fiscal Effect, the cost increases would be somewhat reduced if Frederick County would have three early voting centers regardless of the bill and the epollbook programming costs are assumed to be shared by the State and counties for the purposes of this estimate.

Beginning in fiscal 2016, local government expenditures will also increase to account for the local governments' share of the cost of additional optical scan voting machines and ballot-on-demand printers needed for additional early voting centers, assuming an optical scan system is implemented for the 2016 elections.

At least one jurisdiction has indicated a potential need for additional staff due to the bill's absentee voting provisions; however, any such costs have not been quantified.

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**Exhibit 5**  
**Impact on Local Government Expenditures**

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
General early voting cost increases*	\$1,093,906	\$1,335,662	\$972,266	\$1,335,662	\$972,266
Optical scan machines and ballot-on-demand printers for additional early voting centers – capital costs			113,166	113,049	112,931
Optical scan machines – operations and maintenance			2,957	2,984	3,005
Epollbook programming (for early voting voter registration)	100,000				
<b>Total</b>	<b>\$1,193,906</b>	<b>\$1,335,662</b>	<b>\$1,088,389</b>	<b>\$1,451,695</b>	<b>\$1,088,201</b>

Note: Operations and maintenance costs for the ballot-on-demand printers are not included and could further increase costs.

\*This includes the assumed 10% increase in early voting election judge costs to facilitate voter registration during early voting.

Source: Department of Legislative Services

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 279 (The President, *et al.*) (By Request - Administration) - Education, Health, and Environmental Affairs.

**Information Source(s):** State Board of Elections; Department of Budget and Management; RTI International, *Maryland Voting Systems Study* (2010); Allegany, Anne Arundel, Baltimore, Carroll, Caroline, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Kent, Montgomery, Prince George's, St. Mary's, Somerset, Talbot, Washington, and Worcester counties; Baltimore City; National Conference of State Legislatures; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2013  
ncs/hlb

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Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

## Appendix – Early and Absentee Voting

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### *In Maryland*

Maryland voters have the option of voting at an early voting center prior to election day or by absentee ballot, as alternatives to voting at a polling place on election day. These options are relatively recent changes to Maryland law. In-person early voting at early voting centers was first implemented in 2010 and “no excuse” absentee voting (not requiring a reason that a voter cannot vote on election day) was first allowed in 2006.

**Exhibit 1** shows that, as a percentage of overall turnout in the 2010 and 2012 elections, use of early voting has been steadily increasing, from just under 10% in the 2010 primary election to approximately 16% in the 2012 general election, and use of absentee voting has been relatively consistent, between 3% and 6%. The actual numbers of voters who utilized these methods, however, as opposed to the percentages of voter turnout that they represented, varied much more significantly, consistent with the significant differences in overall turnout for the different elections (shown in parentheses in Exhibit 1).

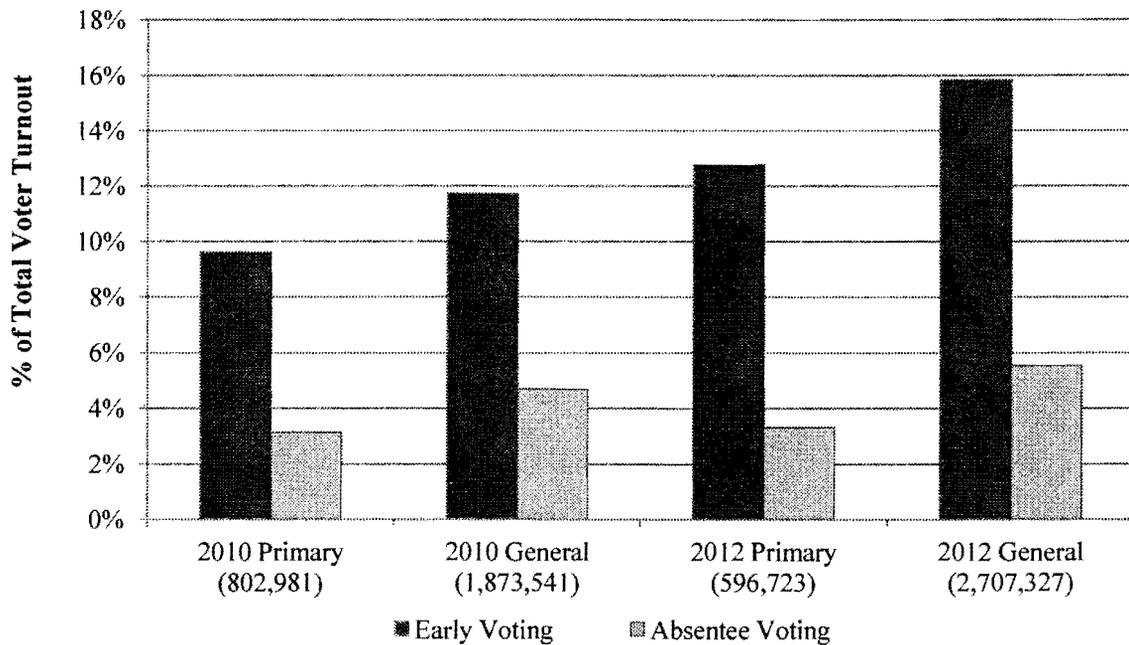
The number of early voting centers in each county is dependent on the number of registered voters in the county. A county with fewer than 150,000 registered voters has one early voting center; a county with more than 150,000 but fewer than 300,000 registered voters has three early voting centers; and a county with more than 300,000 registered voters has five early voting centers (**Exhibit 2**). A voter may vote at any early voting center in the voter’s county of residence.

Early voting was available for six days prior to the 2010 primary and general elections and the 2012 primary election, ending on the Thursday before the election in each case. Hurricane Sandy caused early voting to only be available for five days prior to the 2012 general election, ending on the Friday before the election. The early voting hours were generally from 10 a.m. to 8 p.m. each day with the exception of shorter hours when early voting fell on a Sunday and extended hours during the 2012 general election to mitigate the lesser number of days resulting from Hurricane Sandy.

The Maryland Code provides that early voting should be available for any regularly scheduled primary or general election but only specifies early voting periods and hours for the already held 2010 and 2012 elections. The statute does not specify what the early voting periods and hours will be for future elections or for other “regularly scheduled primary or general elections,” such as the already held 2011 Baltimore City elections. Pursuant to Attorney General advice, the State Board of Elections established the early voting dates and hours for the 2011 Baltimore City elections.

With respect to absentee voting, a voter must request an absentee ballot from their local board of elections and may either mail in the completed ballot, postmarked on or before election day, or deliver it to the local board of elections in person by the close of polls on election day. A person may also request, complete, and submit an absentee ballot all at one time at a local board of elections office.

**Exhibit 1**  
**Maryland Early and Absentee Voting Turnout**  
**2010-2012**



Note: Official turnout information for the 2012 general election was not available as of early February. The 2012 general election information above is based on official results for the presidential race reported by the State Board of Elections, which should be comparable to the overall turnout.

Source: State Board of Elections; Department of Legislative Services

*In Other States*

Currently, 32 states (and the District of Columbia) offer in-person early voting and 27 states (and the District of Columbia) permit no excuse absentee voting, according to the National Conference of State Legislatures (NCSL). In addition, Washington and Oregon conduct all elections by mail. Overall, 26 states and the District of Columbia

offer both early voting and no excuse absentee voting, as Maryland does, and 15 states allow neither early voting nor no excuse absentee voting.

The timing and length of early voting periods varies among the early voting states. According to NCSL, the average starting time for early voting, across the 32 states, is 22 days before an election. Maryland's early voting periods started on the eleventh day before the elections in 2010 and on the tenth day before the elections in 2012. NCSL indicates that the average length of early voting periods across the states is 19 days and early voting typically ends just a few days before election day, somewhere between the Thursday and the Monday before election day.

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**Exhibit 2**  
**Number of Early Voting Centers in Each Jurisdiction**  
**2012 Elections**

<u>One Early Voting Center</u>	<u>Three Early Voting Centers</u>	<u>Five Early Voting Centers</u>	
Allegany	Harford <sup>1</sup>	Howard	Anne Arundel
Calvert	Kent		Baltimore City
Caroline	Queen Anne's		Baltimore
Carroll	St. Mary's		Montgomery
Cecil	Somerset		Prince George's
Charles	Talbot		
Dorchester	Washington		
Frederick	Wicomico		
Garrett	Worcester		

<sup>1</sup>Harford County had over 150,000 registered voters as of December 2012, which will cause the county to have three early voting centers for future elections if voter registration in the county remains at that level.

Source: State Board of Elections; Department of Legislative Services

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Election Law – Improving Access to Voting

BILL NUMBER: SB 279/ HB 224

PREPARED BY: 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

This bill makes changes to three areas of election law in order to provide Marylanders with greater access to voting. First the bill creates an exception to the voter registration deadline to allow an individual to register to vote or update an existing voter registration address and vote during early voting. Second, the bill makes it easier for a voter to request an absentee ballot by permitting an online application process. The bill also makes absentee voting easier for voters by permitting all voters to obtain the ballot via the Internet and utilize an online ballot marking tool to assist them with making their selections on the ballot. Finally, the bill increases the number of early voting centers and provides more days and hours to allow voters more opportunities to vote.

The bill will create administrative changes and add some one time programming costs for State and local government. However, the bill will not have any impact on small businesses.

**Mihill, Amanda**

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**From:** Jurgensen, Margaret  
**Sent:** Sunday, February 17, 2013 3:06 PM  
**To:** Marcolini, Timothy  
**Cc:** Wenger, Melanie; Subin, Michael; Mihill, Amanda  
**Subject:** RE: HB 224 - PROPOSED LEGISLATION – REQUEST FOR INFORMATION

**Statement of Position on House Bill 224/Senate Bill 279  
 Election Law – Improving Access to Voting**

On February 8, 2013, the Montgomery County Board of Elections voted to support Governor O'Malley's proposed State legislation, House Bill 224/Senate Bill 279, to expand early voting hours and the number of locations, allow qualified Maryland residents to register to vote or update their address at early voting locations, and authorize online requests for absentee ballots. The vote to support this legislation was 3 in favor and 2 against, along party lines, with the Democratic members supporting the legislation and the Republican members opposing it. While all Board members agreed that implementing these reforms would be costly and require updated technology, the two Republican members cited these concerns as the basis of the opposition, while the three Democratic members concluded that the expenditures are worthwhile because voting is a fundamental constitutional right and the State and County should do what is necessary to make exercising that right as easy and convenient as possible, while assuring the integrity of voting.

**The Board supports this legislation with the following comments:**

**Early Voting.** In order to address unacceptably long lines at both early voting and Election Day sites, the Board supports these provisions without amendment. The Board believes that voting is a fundamental constitutional right and that it is our obligation to make exercising that right as convenient as possible.

- **The Board supports the proposed expansion of early voting sites to eight locations.** The Board expects early voting to increase in popularity, and anticipates little difficulty arranging for locations in accordance with regulations.
- **The Board supports expanding early voting dates to Thursday through Thursday.** We appreciate that Governor O'Malley modified his proposal to follow this schedule in response to comments from election officials so that we have sufficient time to update poll books, which assures that no voter can cast a ballot both during early voting and on Election Day. Voters can continue to obtain an absentee ballot after early voting has concluded.
- **The Board supports making early voting hours the same every day.** It is the Board's experience that voters find varying hours to be confusing; in the recent presidential election, a significant number of voters sought to cast ballots on Sunday before and after closing.

**Same-day registration during early voting.** The Board supports these provisions while encouraging the State Board to move forward expeditiously with technology to instantly verify voter eligibility. Registrants not providing proper documentation need to cast a provisional ballot so that registration eligibility can be verified.

- **The Board urges support for improved data management technology with rigorous testing.** The Board supports development of software to perform verification instantly at early voting sites. New software should only be implemented after it is rigorously tested and proven to be accurate and to improve efficiency and keep lines moving smoothly.
- **The Board supports counting ballots of same-day registrants after proper documentation is provided by the registrant or after review by professional staff.** Enfranchising voters is a critical element of the Board's mission, and encouraging voters to update their information when they cast a ballot will assist the Board in maintaining accurate voter records. Ballots of voters who register at the polls without proper documentation should be kept individually sealed (such as for provisional voting), however, until their voter registration is reviewed by professional staff.

**The Board supports expanding opportunities to all voters that are currently offered to military and overseas voters.** Military and overseas voters can currently request an absentee ballot using tools that do not

require a paper signature and can also request that their blank ballot be delivered electronically. Expanding this opportunity is especially important within the disabled community, which the Board supports.

## Fiscal Estimate filed with Legislative Fiscal Office

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**From:** Marcolini, Timothy

**Sent:** Thursday, January 24, 2013 1:32 PM

**To:** Jurgensen, Margaret; Roher, Margie

**Subject:** HB 224 - PROPOSED LEGISLATION – REQUEST FOR INFORMATION

Click link to review proposed Bill: <http://mgaleg.maryland.gov/2013RS/bills/hb/hb0224F.pdf>

### PROPOSED LEGISLATION – REQUEST FOR INFORMATION

Attached is a link to a copy of proposed legislation which may affect Montgomery County. In order to help the Intergovernmental Relations staff determine its potential impact and formulate a position, the following information would be helpful:

- The position the County should adopt – “support,” “oppose,” “amend,” “no position” – and why you recommend that position. The more detail you provide to support the recommendation, the better. *If you recommend that the County take a position, please indicate how important taking a position is: critical, very important, or important.*
- Suggested amendments, if necessary.
- The effects on the County, particularly fiscal or operational, should the bill be enacted. Please note that you may be contacted separately by Wanda Wells to provide a formal fiscal estimate requested by the Maryland General Assembly’s Department of Legislative Services.

In some instances, our office requests information about proposed legislation from more than one County agency. We do this because we think that the bill may have legal, policy, or fiscal implications that affect more than one County agency or area of government. In these situations, we would appreciate receiving separate responses from each agency. If you believe that another agency should provide input on a bill and the legislative liaison for the agency has not been included on the distribution list for this email, please notify our office as soon as possible.

A prompt response is greatly appreciated. If you have any questions, please contact Melanie Wenger, R. C. Bates, Sara Morningstar, or Pat Brennan at 301-261-2461. Our fax number is 301-261-2820.

Tim Marcolini  
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