



FY22 Operating Budget: Committee Consent Calendar

GO Committee #51

April 26, 2021

Department/Office: Board of Elections (BOE)

Staff: Carlos Camacho, Legislative Analyst

1. Staff Recommendation

Council staff recommends approval of the FY22 Board of Elections Budget as submitted by the County Executive.

2. Summary of FY22 Recommended Budget

The County Executive’s complete FY22 Recommended Operating Budget for BOE is attached at ©1-7.

Board of Elections	FY21 Approved	FY22 CE Recommended	Change from FY21 Approved
General Fund	\$8,284,106	\$8,300,356	\$16,250
Personnel Costs	\$4,392,773 56.35 FTEs	\$4,505,105 56.35 FTEs	2.6% 0.0 FTEs
Operating Costs	\$3,891,333	\$3,795,251	(2.5%)
Total Expenditures (All Funds)	\$8,284,106 56.35 FTEs	\$8,300,356 56.35 FTEs	0.2% --

3. Summary of FY22 Recommended Changes/Adjustments

General Fund - With Service Impact

- \$45,000 reduction to temporary contract services (which is mostly offset due to the \$40,000 increase in seasonal temporary labor detailed in the next section).
- \$27,913 reduction for administrative seasonal temporary staff and \$23,000 reduction for temporary office clerical/contract support reflects minimal spending by BOE for contract and temporary staff on tasks related to its administrative program, such as office support to Board members.
- \$13,751 reduction in allocation to State Board of Election fees in order to avoid making reductions to other line items.
- \$10,000 reduction in election day support from other county employees reflects a reduction in overtime expenditures.

- \$9,995 reduction in maintenance costs primarily for preventative maintenance, painting, and planned storage expansion of the BOE building. However, some funds are still programmed for service request charges to the Department of General Services (DGS).
- \$9,000 total reduction in computer maintenance and equipment expenses, which may impact the ability of BOE to update internal systems. These reductions may also impact the continued development and maintenance of BOE's election judge database and BOE's voter outreach smartphone application.
- \$8,200 reduction for vehicle rentals as vehicle related costs can be charged to BOE's motor pool account, which is increased in FY22.
- \$7,500 is also reduced for election judge training supplies and general office supplies for BOE's information technology program.

General Fund - No Service Impact

- Net increase of \$107,627 in annual personnel adjustments.
- \$40,000 increase for seasonal temporary staff who are hired about 3 months before an election to process the increased amount of voter registrations/voter changes, answer phone calls, and help with increased flow of office visits and mail.
- \$15,291 increase for motor pool adjustments.
- \$13,000 decrease related to changes in vendor and maintenance agreements for polling place furniture, moving costs, and office equipment maintenance.
- \$2,093 increase in software costs to ensure all BOE staff have access to basic office software programs.

4. Suggested Discussion Items for Fall Overview Session

- **Funding for State Board of Election Charges.** Every year, the State Board of Elections (SBE) bills the Montgomery County Board of Elections (BOE) for expenses related to the administration of elections in the County. Since FY16, the annual BOE budget for SBE charges has averaged \$1,541,172, while actual annual charges have averaged \$2,825,620. Based on this historical mismatch of budgeted and actual SBE charges, the Committee may want to discuss with the Executive Branch the funding model used to estimate SBE charges and whether it needs to be updated. Additionally, the Council may want to consider advocating for additional State funding to cover increases in State mandated election costs.
- **New State Mandates and Projected Costs.** As part of the 2021 legislative session, the General Assembly passed five election-related bills that will result in additional annual expenditures for the County and other local governments. A summary of the five bills can be found at ©8-10. BOE staff is also anticipating additional costs related to other non-legislative state mandates such as upgrading its voting system, purchasing new electronic pollbooks, and implementing precinct-based ballots/voting. The Committee should ask the Executive Branch to provide an estimate of costs associated with the new

State mandates, a summary of when additional costs will occur, and a multi-year funding plan.

5. Racial Equity and Social Justice

BOE strives to accomplish its mission in a racially equitable and socially just manner. BOE's mission is to conduct elections, inspire public confidence and trust, ensure all persons are treated fairly and equitably, and allow qualified persons to register and vote. This mission is governed by the Federal Voting Rights Act of 1965, which prohibits discrimination based upon race, and as such, identifying voters by race is strictly prohibited.

While identifying voters by race is prohibited, BOE strives to ensure that citizens are able to participate in elections regardless of the language they speak. Section 203 of the Voting Rights Act explicitly includes provisions to ensure that citizens of language minorities are not excluded from participation in the electoral process. In Montgomery County, Spanish-heritage citizens qualify as a language minority and as such BOE must provide forms, instructions, assistance, or information relating to the electoral process in Spanish. BOE goes further and provides election related materials and voting materials in Chinese, Vietnamese, Korean, and French and identifies polling places with a specific language need in order to assign bilingual election judges to assist voters in these languages.

BOE also actively ensures that polling places meet the requirements of the Americans With Disabilities Act and strives to maximize accessible parking and designate rest areas along lengthy hallways.

In terms of performance measurement, BOE tracks data on voter satisfaction, equipment functionality, election judge performance, wait times, and community outreach efforts. BOE evaluates previous election cycles' plans and implementation to determine the effectiveness of services provided in order to make adjustments for future elections.

BOE also implements several outreach initiatives under its election operations program. BOE provides residents with election information and multiple avenues to register to vote, such as through its SMS texting application and through the MoCo Votes application. BOE also implements its Future Vote program that has recruited 43,619 students and parents to participate in elections, since 2004. The initiative has also recruited over 10,000 students to serve as election judges. In the last year, BOE has received awards from the National Association of Counties (NACO), the Election Assistance Commission (EAC), and the Election Center for their outreach efforts.

More generally, voter registration and voting access has been expanded in Maryland. The state has modernized the process of voter registration with the passage of legislation that automatically registers citizens to vote. Alternatively, an individual must affirmatively act to remove their name from the voter registration list. Additionally, Maryland election law allows for same day voter registration for residents who missed the deadline to register to vote.

Voting methods have also been expanded with no-excuse vote-by-mail and increasing the availability of early voting centers. Provisional voting is also available for voters who do not have an updated or correct address on file at the location at which they decide to vote.

6. Attachments

- FY22 Board of Elections Recommended Budget ©1-7
- Excerpt from Montgomery County Office of Intergovernmental Relations
General Assembly 2021 End of Session Summary ©8-10



Board of Elections

RECOMMENDED FY22 BUDGET

\$8,300,356

FULL TIME EQUIVALENTS

56.35

✧ MARGARET JURGENSEN, ELECTIONS DIRECTOR

MISSION STATEMENT

The mission of the Board of Elections is to register voters, conduct elections, assist persons seeking elective office with candidate filings and campaign fund reports, assist citizens seeking to place questions on the ballot, and preserve election data.

BUDGET OVERVIEW

The total recommended FY22 Operating Budget for the Montgomery County Board of Elections is \$8,300,356, an increase of \$16,250 or 0.20 percent from the FY21 Approved Budget of \$8,284,106. Personnel Costs comprise 54.28 percent of the budget for 29 full-time position(s) and two part-time position(s), and a total of 56.35 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 45.72 percent of the FY22 budget.

COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following are emphasized:

- ✦ **Thriving Youth and Families**
- ✦ **Effective, Sustainable Government**

INITIATIVES

- ★ Improve voter satisfaction with the polling place experience during Early Voting and Election Day.
- ★ Monitor and mitigate voter wait time on Election Day.
- ★ Ensure vulnerable populations always have access to various methods of voting: in-person, vote-by-mail, or provisional.
- ★ Expand the use of social media to enhance voter education and community outreach.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ✧ Received the U.S. Election Assistance Commission Award for the Montgomery County Voter App and Short Code that links residents to the Maryland voter registration website, allows voters to request a vote-by-mail application, and allows voters to find the closest voting center to his or her voting location and access its current wait time.
- ✧ Transitioning from traditional in-person Election Judge training to a hybrid of virtual and on-site instruction, which will reduce training costs.

- ✱ Creation of a ballot drop box mail system to ensure the secure and expeditious return of cast ballots to the Board of Elections.
- ✱ Expansion of canvassing capacity using an off-site location that will allow up to 20,000 ballots to be counted per day.

PROGRAM CONTACTS

Contact Margaret A. Jurgensen of the Montgomery County Board of Elections at 240.777.8523 or Taman Morris of the Office of Management and Budget at 240.777.2771 for more information regarding this department's operating budget.

PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY21 estimates reflect funding based on the FY21 Approved Budget. The FY22 and FY23 figures are performance targets based on the FY22 Recommended Budget and funding for comparable service levels in FY23.

PROGRAM DESCRIPTIONS

✱ Administration

The Administration program of the Board of Elections is responsible for delivering a fundamental and legally mandated public good by ensuring that all eligible citizens have the right to vote, and that elections are accurate, fair, and equitable. This requires effective management of resources from the State Board of Elections and County Government, as well as adherence to all Federal, State, and local laws and regulations. This is accomplished through the following activities: public records management including the certification of election results with the Board of Canvassers; support to the County Board of Elections and its attorney; compliance with Montgomery County Government policies and regulations related to human resources, procurement, budget, etc.; liaising with the Maryland State Board of Elections; compliance with Federal and State statutory and regulatory requirements; and the effective coordination of public information. These combined activities are essential to ensure the accuracy and integrity of the election process, and to instill public confidence in election results.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Number of public comments recorded at official board meetings	4	12	13	14	15
Percent of precincts reporting election results by 11:00 p.m. ¹	98.9%	75.0%	8.0%	100.0%	100.0%
Average voter wait time on election day (minutes)	7	20	20	30	30

¹ Results from the Silver Spring Civic Building were late in reporting results for the 2020 Presidential Primary Election due to long lines and a backlog of same-day registrants after polls closed. For the 2020 Presidential General Election, all sites returned their results to the Board of Elections timely but a technical issue in state software prevented the reporting of full results that night.

FY22 Recommended Changes	Expenditures	FTEs
FY21 Approved	2,787,986	4.00
Increase Cost: Office Equipment Maintenance	3,000	0.00
Decrease Cost: Polling Place Moving Contract	(5,000)	0.00
Reduce: Other Vehicle Rentals	(8,200)	0.00
Reduce: Maintenance Budget to Support Polling Place Supplies and Enterprise Software	(9,995)	0.00
Reduce: State Board of Election Fees	(13,751)	0.00
Reduce: Temporary Office Clerical/Contract Support	(23,000)	0.00
Reduce: Administrative Seasonal Temporary Staff	(27,913)	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	176,616	0.00
FY22 Recommended	2,879,743	4.00

☼ Election Operations

The Election Operations program contains three independent sections that ensure Early and Election Day voting is successful. These sections are Polling Place and Early Voting Management, Election Judge Recruitment and Training, and Outreach.

According to the Maryland Law Code, the Polling Place and Early Voting Management (PPM) section is responsible for leasing polling sites, assigning all Montgomery County voters to sites that are in the same or an adjacent precinct to the voter's home address, ensuring each polling place complies with the Americans with Disabilities Act, ensuring all polling places have adequate ballots and supplies, and providing the Board of Elections with information about the cost of facilities, the accessibility of voting sites, and other criteria.

The program's duties also include coordinating with the Information Technology program and the Montgomery County Department of General Services to transport voting equipment, assisting candidates and groups requesting to add questions to the ballot, assisting candidate filings, proofing ballot styles, and redistricting and updating voter precincts.

The timeline of Montgomery County's election process is dictated by the Maryland State Election Calendar, and begins with the creation of Early Voting Centers and Election Day polling places. As Polling Place Management is preparing the supplies and equipment necessary to facilitate an election, other sections within Election Operations are preparing Election Judges, and providing voter outreach to the public.

Election Judge Recruitment and Training is responsible for the recruitment of registered Maryland voters to serve as Election Judges during Early Voting and Election Day. The section also provides training, assigns Election Judges to sites, and provides payment to each volunteer. Recruitment of volunteers is done year-round utilizing a variety of methods, with increased effort and focus in the six months preceding an election. A database of interested volunteers is maintained by the section to maintain the efficiency of the selection process.

Training for all election workers is required by State law and is necessary for successful operations on Election Day. The training program includes both on-line and in-person class instruction throughout the County, over a period of 9 to 12 weeks. Each precinct team includes volunteers that are registered in different political parties, have various levels of experience, and that may have bilingual language capabilities. Following each election, the Election Judge Recruitment and Training staff complete payroll processing and a thorough precinct performance review and audit.

The Voting Rights Act mandates that information provided in English also be provided in Spanish, and the Outreach section is responsible for accommodating the cultural and linguistic needs of Montgomery County. This section is responsible for contacting voting eligible citizens that are unregistered, for whom English is a second language, who have special needs or disabilities, who are homeless, or who live in areas with low participation rates. With over 170 recognized languages, Montgomery County is a nationally recognized leader in providing effective voter outreach through voter-focused planning and community engagement. A key asset for the Outreach section is its national award-winning Future Vote Initiative that has recruited 43,619 students and parents to participate in elections, since 2004. The Initiative has also recruited over 10,000 students, that are at least 16 years-old, to serve as election judges.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Percent of voters rating Election Day polling place as "well run"	91%	99%	92%	92%	92%
Percent of no-show Election Judges on Election Day	4%	6%	3%	4%	4%
Number of election judges recruited, trained, and placed per election ¹	3,393	139	3,384	3,200	3,400
Percent of polling places opening on time	100%	100%	100%	100%	100%
Tax dollars saved by leveraging Future Vote students earning Student Learning (SSL) hours ²	\$299,049	\$0	\$13,413	\$250,000	\$250,000

¹ The decrease in FY20 is due to the elimination of early voting for the 2020 Presidential Primary Election and COVID-19-related restrictions on in-person voting.

² Zero figure for FY20 reflects suspension of the Future Vote Program for the 2020 Presidential General Election. The reduced figure for FY21 reflects restriction of the program only to those age 16 or older choosing SSL hours rather than payment of a stipend for Election Judge service.

FY22 Recommended Changes	Expenditures	FTEs
FY21 Approved	3,038,814	21.53
Increase Cost: Polling Place Furniture Rental	5,000	0.00
Reduce: Election Judge Training Supplies	(4,500)	0.00
Reduce: Election Day Support - Other County Employees	(10,000)	0.00

FY22 Recommended Changes	Expenditures	FTEs
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(73,266)	0.00
FY22 Recommended	2,956,048	21.53

☼ Information Technology

The Information and Technology (IT) program supports the year-round security of all data and the efficient performance of voting equipment for thousands of voters during an election cycle. The IT program is responsible for network infrastructure, the production of data reports, the maintenance of systems related to election operations, the maintenance, storage and security of equipment, and the maintenance of website and database applications mandated for use by the State Board of Elections. The program coordinates with the Maryland State Board of Elections to organize and integrate voter registration information, to modify polling place precincts and district boundaries, and to transport voting equipment.

The IT program collaborates with Montgomery County's Department of Technology Services (DTS) to implement enhancements to the Election Management System. The Election Management System is used to manage election workers, Future Vote students and polling places. The program also coordinates with DTS to implement technology that provides valuable information and resources to voters such as the display of wait times on the department website, and allowing voters to request and receive voting information by text message.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Annual hours worked by temporary employees to perform Maryland State Board of Elections mandated tasks exceeding merit workforce availability	10,892	18,586	19,414	20,000	20,000
Number of electronic poll books prepared and used on election days ¹	1,059	31	413	1,059	1,059
Percent of required voting units per precinct that were operable on election day	100%	100%	100%	100%	100%
Average response time to resolve equipment and/or maintenance concerns during voting hours (hours)	2.5	0.5	1.0	1.5	1.5
Incidents of emergency bin use during voting hours ²	8	0	0	8	8

¹ Less equipment was used in FY20 and FY21 due to restrictions in the number of in-person voting sites and an increase in the footprint required for each check-in station due to the restrictions presented by the COVID-19 virus.

² Due to the use of vote centers, there were several ballot scanners at each site. There was never a need for any voter to use the emergency bin due to a technical issue with a scanner during the 2020 Presidential General Election.

FY22 Recommended Changes	Expenditures	FTEs
FY21 Approved	764,654	12.45
Increase Cost: Enterprise Software	2,093	0.00
Reduce: General Office Supplies	(3,000)	0.00
Reduce: Computer Maintenance	(4,000)	0.00
Reduce: Computer Equipment	(5,000)	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	246	0.00
FY22 Recommended	754,993	12.45

☼ Voter Services

Accurate voter registration records are the foundation for fair and equitable elections, and accurate voter registration records are the basis of effective election planning. The Voter Services program administers voter registration and absentee voting under procedures established by the State Administrator of Elections. Voter Services is responsible for answering voters' questions, and ensures compliance with Federal and State confidentiality requirements. In addition, the Voter Services program coordinates the counting of absentee and provisional ballots, and ensures that each ballot for an election corresponds to a single eligible voter who has not cast more than one ballot.

Voter Services is a deadline-driven program that diligently processes a constant stream of incoming data. The program processes all changes to name, address, and party affiliation, and maintains a database of citizens that will not vote for reasons of death, felony conviction, ineligibility for jury duty, residency outside of the jurisdiction, or other valid legal reason.

The program provides legally-required training for volunteer registrars; responds to various voter and candidate requests for voter registration

applications, listings, and data regarding registered voters; verifies nominating and referenda petitions; and issues and canvasses absentee and provisional ballots. The program also tracks returned mail and sends multiple mailings to voters for whom new eligibility information is obtained in order to comply with State and Federal requirements.

The program also provides voter registration data to municipalities within Montgomery County, and is responsible for researching provisional ballots, verifying same-day registration, performing monthly peer audits of other jurisdictions within the state, assisting military and overseas voters, administering voting for residents of nursing homes and assisted living facilities, receiving and staging ballots, conducting the post-election canvassing, counting and auditing of ballots cast, and reconciling and auditing absentee and provisional voter credit.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Number of registered voters served per program FTE ¹	35,989	38,584	36,647	36,830	37,014
Number of absentee ballots requested (000s) ²	48	671	378	100	150
Number of active registered voters (000s)	665	670	673	676	679

¹ The fluctuation between FY19 and FY21 reflects the transfer of a part-time position out of Voter Services and the subsequent transfer of a full-time position into Voter Services.

² The FY20 figure reflects the total number of ballots mailed to registered voters. 33,174 were affirmatively requested by voters and 637,604 were mailed without a request pursuant to emergency action of the governor.

FY22 Recommended Changes	Expenditures	FTEs
FY21 Approved	1,692,652	18.37
Increase Cost: Seasonal Temporary Staff	40,000	0.00
Reduce: Temporary Contract Services	(45,000)	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	21,920	0.00
FY22 Recommended	1,709,572	18.37

BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	3,655,197	3,518,079	4,166,372	3,645,453	3.6 %
Employee Benefits	851,600	874,694	941,903	859,652	-1.7 %
County General Fund Personnel Costs	4,506,797	4,392,773	5,108,275	4,505,105	2.6 %
Operating Expenses	4,299,905	3,891,333	5,197,483	3,795,251	-2.5 %
County General Fund Expenditures	8,806,702	8,284,106	10,305,758	8,300,356	0.2 %
PERSONNEL					
Full-Time	29	29	29	29	---
Part-Time	2	2	2	2	---
FTEs	56.35	56.35	56.35	56.35	---
REVENUES					
Miscellaneous Revenues	1,492	0	0	0	---
Other Charges/Fees	1,173	10,000	1,000	1,000	-90.0 %
County General Fund Revenues	2,665	10,000	1,000	1,000	-90.0 %

GRANT FUND - MCG

EXPENDITURES					
Salaries and Wages	0	0	0	0	---
Employee Benefits	0	0	0	0	---
Grant Fund - MCG Personnel Costs	0	0	0	0	---
Operating Expenses	31,484	0	0	0	---
Grant Fund - MCG Expenditures	31,484	0	0	0	---
PERSONNEL					
Full-Time	0	0	0	0	---
Part-Time	0	0	0	0	---

BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
FTEs	0.00	0.00	0.00	0.00	---
DEPARTMENT TOTALS					
Total Expenditures	8,838,186	8,284,106	10,305,758	8,300,356	0.2 %
Total Full-Time Positions	29	29	29	29	—
Total Part-Time Positions	2	2	2	2	—
Total FTEs	56.35	56.35	56.35	56.35	—
Total Revenues	2,665	10,000	1,000	1,000	-90.0 %

FY22 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY21 ORIGINAL APPROPRIATION	8,284,106	56.35
Changes (with service impacts)		
Reduce: General Office Supplies [Information Technology]	(3,000)	0.00
Reduce: Computer Maintenance [Information Technology]	(4,000)	0.00
Reduce: Election Judge Training Supplies [Election Operations]	(4,500)	0.00
Reduce: Computer Equipment [Information Technology]	(5,000)	0.00
Reduce: Other Vehicle Rentals [Administration]	(8,200)	0.00
Reduce: Maintenance Budget to Support Polling Place Supplies and Enterprise Software [Administration]	(9,995)	0.00
Reduce: Election Day Support - Other County Employees [Election Operations]	(10,000)	0.00
Reduce: State Board of Election Fees [Administration]	(13,751)	0.00
Reduce: Temporary Office Clerical/Contract Support [Administration]	(23,000)	0.00
Reduce: Administrative Seasonal Temporary Staff [Administration]	(27,913)	0.00
Reduce: Temporary Contract Services [Voter Services]	(45,000)	0.00
Other Adjustments (with no service impacts)		
Increase Cost: FY21 Compensation Adjustment	106,308	0.00
Increase Cost: FY22 Compensation Adjustment	57,735	0.00
Increase Cost: Seasonal Temporary Staff [Voter Services]	40,000	0.00
Increase Cost: Motor Pool Adjustment	15,291	0.00
Increase Cost: Polling Place Furniture Rental [Election Operations]	5,000	0.00
Increase Cost: Office Equipment Maintenance [Administration]	3,000	0.00
Increase Cost: Retirement Adjustment	2,618	0.00
Increase Cost: Enterprise Software [Information Technology]	2,093	0.00
Decrease Cost: Print and Mail Adjustment	(20)	0.00
Decrease Cost: Polling Place Moving Contract [Administration]	(5,000)	0.00
Increase Cost: Annualization of FY21 Personnel Costs	(56,416)	0.00
FY22 RECOMMENDED	8,300,356	56.35

PROGRAM SUMMARY

Program Name	FY21 APPR Expenditures	FY21 APPR FTEs	FY22 REC Expenditures	FY22 REC FTEs
Administration	2,787,986	4.00	2,879,743	4.00
Election Operations	3,038,814	21.53	2,956,048	21.53
Information Technology	764,654	12.45	754,993	12.45
Voter Services	1,692,652	18.37	1,709,572	18.37
Total	8,284,106	56.35	8,300,356	56.35

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY22	FY23	FY24	FY25	FY26	FY27
COUNTY GENERAL FUND						

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY22	FY23	FY24	FY25	FY26	FY27
EXPENDITURES						
FY22 Recommended	8,300	8,300	8,300	8,300	8,300	8,300
No inflation or compensation change is included in outyear projections.						
Restore One-Time Lapse Increase	0	38	38	38	38	38
Labor Contracts	0	83	83	83	83	83
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	8,300	8,421	8,421	8,421	8,421	8,421

Partnerships - Process and Oversight ([SB 361/ HB 485](#)) would have created a P3 Oversight Review Board to review P3 solicitations and reports, with a primary focus on P3 projects valued at more than \$500 million.

Taxation

In addition to various forms of business and individual tax relief that were passed in response to the pandemic, other pieces of unrelated tax legislation deserve mention. The *Local Tax Relief for Working Families Act of 2021* ([SB 133/ HB 319](#)) allows counties to create progressive local income tax systems. Under current law, counties are restricted to one local income tax rate, ranging between 1% and 3.2%. The State rates vary and they are applied on a bracket basis: as taxable income increases, rates increase, making the State's system progressive. The bills allow counties the ability to create a system similar to the State's. However, as the bills advanced, the authority to increase the top local income tax rate on very high income earners was deleted, which eliminated the opportunity for the 11 counties (including Montgomery County) that already impose the top local income tax rate of 3.2% to introduce progressivity in a revenue neutral manner.

Another set of bills alters various tax credit programs that seek to incentivize investment in research and development ventures ([SB 196](#)) and cybersecurity ([SB 160](#)) and biotechnology ([SB 19](#)) companies, including extending the sunset dates for each of the programs. The newer Regional Institution Strategic Enterprise Zone Program (RISE) ([SB 778/ HB 1279](#)) tax credit program, which creates tax and other incentives to foster innovation around institutions of higher education, was also revised to make the program more flexible.

A bill of significant interest to Montgomery County requires the State Department of Assessments and Taxation (SDAT) to rectify errors that the agency made in calculating the State Homeowner's Property Tax Credit (HPTC) for many years. The HPTC is a State-funded program that provides credits against State and local real property taxes based on a homeowner's household income as compared to the homeowner's property tax bill. With the passage of *Property Tax - Homeowners' Property Tax Credit - Calculation of Refunds* ([SB 593/ HB 158](#)), SDAT is now required to send retroactive refunds to thousands of low-income County residents for excessive property taxes that they paid in tax years 2018, 2019, and 2020. The bill also clarifies how SDAT should calculate the credit in future tax years.

Elections

The first Statewide vote-by-mail elections in Maryland were implemented in response to the COVID-19 pandemic for the 2020 Primary and General Elections to provide a safe way for voters to participate in the elections. That experience and broader concerns about the integrity of elections and voting rights in general inspired legislators to introduce dozens of bills relating to absentee ballots, early voting centers, ballot drop boxes, ballot canvassing, post-election audits and reports, procurement of elections equipment and materials, composition and responsibilities of the State Board of Elections (SBE) and local boards of elections, voter outreach and

Excerpt from Montgomery County Office of Intergovernmental Relations
General Assembly 2021 End of Session Summary

education, and various other elections-related issues. The General Assembly ultimately passed five key bills.

The first elections-related bill passed by the General Assembly, *Election Law - Early Voting Centers* ([HB 745 \(Ch. 43\)](#)), was sent to the Governor before Session ended and was enacted when the Governor allowed it to become law without his signature. The bill increases the mandatory number of early voting centers throughout the State based on voter population in each county. For Montgomery County, the bill increases the mandatory number of early voting centers from 11 to 13. The bill retains provisions of law that allow a county to establish one additional center if the local governing body and local board of elections agree to establish the center, but also now requires that the SBE approve the establishment of the additional centers. The bill outlines criteria that a local board of elections must consider when determining the location of early voting centers.

The second elections-related bill passed by the General Assembly, *Election Law - Voting - Permanent Absentee Ballot List, Ballot Drop Boxes, and Reports* ([SB 683 \(Ch.56\)/HB 1048](#)), was also sent to the Governor before Session ended and was enacted when the Governor allowed it to become law without his signature. The bill requires the SBE to establish a permanent absentee voting list and sets up a process for voters to request to be placed on the list so they will automatically receive absentee ballots before each election. For the 2022 and 2024 elections, the bill requires the SBE to send absentee ballot applications to all eligible voters who are not on the permanent absentee voting list. The bill also: (1) outlines factors for a local board of elections to consider when determining the location of ballot drop boxes; (2) requires local boards to ensure the security of the ballot drop boxes by using security cameras at all times, ensuring periodic in-person visits by appropriate personnel, and removing ballots from each box at least once a day; and (3) and requires the SBE to establish chain of custody procedures for removal and return of ballots from each box to the local board.

The *Student and Military Voter Empowerment Act* ([SB 283/HB 156](#)) primarily addresses voter registration and voting by military and overseas voters and students at institutions of higher education in the State, including: (1) a process for a military or overseas voter to submit a federal post card application electronically; (2) designation of a student voting coordinator and development and implementation of a student voting plan at each public institution of higher education; (3) placement of links to the SBE's online voter registration system on online portals used by higher education students to register for course work; and (4) inclusion of a web page on the SBE's website that provides information about registration and voting to students enrolled in institutions of higher education. The bill also requires local boards of elections to obtain input from large residential institutional communities when establishing precinct boundaries and designating polling places.

Election Law - Early Voting Centers - Hours of Operation ([SB 596/HB 206](#)) increases the hours during which early voting centers must be open for all primary and general elections by requiring that they be open from 7:00 a.m. to 8:00 p.m. instead of 8:00 a.m. to 8:00 p.m. for presidential general elections and 10:00 a.m. to 8:00 p.m. for all other regular primary and

general elections. *Election Law - Correctional Facilities - Voter Registration and Voting* ([HB 222](#)) requires all State and local correctional facilities to take a variety of steps to facilitate voting by eligible incarcerated individuals and requires the Department of Public Safety and Correctional Services to ensure that individuals who are released from State or local correctional facilities are provided with written information about voter registration and voting rights.

Environment

A number of bills were introduced this year aimed at combatting climate change and reducing the State's carbon footprint. The comprehensive *Climate Solutions Now Act of 2021* ([SB 414/HB 583](#)) sought to increase the Statewide greenhouse gas (GHG) emission reduction requirement from 40% of 2006 levels by 2030 to 60% of 2006 levels by 2030 and ultimately would have required the State to achieve net-zero GHG emissions by 2045. It also included ambitious changes to the State's building code requirements, a plan to transition the State's bus fleet to electric buses, and a requirement that the State plant and maintain five million native trees by 2030. Both the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee amended the bill but were unable to reconcile the amendments prior to sine die.

Although this comprehensive measure did not pass, a separate bill requiring the Maryland Transit Association (MTA) to transition to electric buses was successful this year. *The Maryland Transit Administration - Conversion to Zero-Emission Buses (Zero-Emission Bus Transition Act)* ([SB 137/HB 334](#)) prohibits the MTA from entering into a contract to purchase buses for its transit bus fleet that are not zero-emission buses, beginning in fiscal 2023. The bill does allow the MTA to purchase an alternative-fuel bus if it determines that no available zero-emission bus meets the performance requirements for a particular use.

For the past several years, Delegate Lorig Charkoudian has sponsored legislation authorizing local governments to establish Community Choice Energy (CCE) programs. This year she found success with a bill that allows Montgomery County to pilot such a program. Delegate Charkoudian, Senator Brian Feldman, and the members of the Montgomery County Delegation were instrumental in the passage of this legislation.

Montgomery County - Community Choice Energy - Pilot Program ([HB 768](#)) authorizes Montgomery County to establish a CCE pilot program under which the County government purchases or generates electricity for its residents and businesses. The pilot program would have an anticipated duration of about seven years. The bill establishes an "opt-out" program, meaning that customers are automatically enrolled in the program unless they notify the County otherwise. The CCE model is intended to provide communities with additional control over their energy provider choices by allowing a jurisdiction/the aggregator to amass demand for the purpose of negotiating better rates and choose cleaner energy sources. CCEs are a hybrid between municipal utilities and standard investor-owned utilities. Typically, utilities are responsible for purchasing and distributing power, grid maintenance, and customer service. While customers currently have the ability to purchase power from other energy providers, most purchase from standard utilities often because they are unaware of their other options. Under a