

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 496 (Delegates Qi and Schmidt)
Government, Labor, and Elections

Election Law - Unaffiliated Voters - Open Primary Elections

This bill authorizes, in a primary election, an unaffiliated voter to vote the ballot for unaffiliated voters (if there is one in the county for the primary election) or the ballot of the political party of their choice. An unaffiliated voter who votes a political party’s ballot does not automatically become affiliated with that party, nor is the voter authorized to vote more than one ballot in a primary election. The bill also requires that a written request for an absentee ballot include, if the voter is unaffiliated and requesting a primary election ballot, their choice of the ballot for unaffiliated voters or the political party ballot they wish to vote.

Fiscal Summary

State Effect: General fund expenditures are expected to increase by an indeterminate amount beginning in FY 2028 and in future years in which a primary election occurs, as discussed below. Under one (illustrative) set of assumptions, general fund expenditures increase by \$234,000 in FY 2028. Revenues are not affected.

Local Effect: Local government expenditures are expected to increase by an indeterminate amount beginning in FY 2028 and in future years in which a primary election occurs, as discussed below. Under one (illustrative) set of assumptions, local government expenditures increase, collectively, by *at least* \$234,000 in FY 2028 (not reflecting a significant, indeterminate cost discussed below). Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law:

Primary Elections

A principal political party (majority party and principal minority party) must use the primary election to nominate its candidates for public office and elect all members of the local central committees of the political party. A principal political party may use the primary election in the year of a presidential election to elect delegates to a national presidential nominating convention.

If a political party chooses to permit voters not affiliated with the party to vote in the party's primary election, the chairman of the party's State central committee must notify the State Board of Elections (SBE) at least six months before the date of the primary election.

Absentee (Mail-in) Voting

Under State law, a voter may request an absentee ballot by completing and submitting (1) the SBE approved absentee ballot application; (2) a form provided under federal law; (3) a written request that includes the voter's name, residence address, and signature, and the address to which the ballot is to be mailed, if different from the residence address; or (4) the accessible online absentee ballot application provided by SBE.

If the applicant qualifies to vote by absentee ballot, the local board of elections must provide the ballot by one of the following methods requested by the voter: (1) mail; (2) facsimile transmission; (3) the Internet; or (4) by hand during an in-person transaction.

State and Local Fiscal Effect: State and local government expenditures are expected to increase beginning in fiscal 2028 (and in future years in which a primary election occurs) to implement the bill in fiscal years in which a primary election occurs; however, the extent of additional costs cannot be reliably estimated at this time primarily due to uncertainty of (1) the costs of voter registration system programming required to implement the bill (discussed below) and (2) the number of unaffiliated voters who will turnout to vote the ballot of a political party in a primary election.

For illustrative purposes only, general fund expenditures increase by \$234,000 and local government expenditures increase by *at least* \$234,000 in fiscal 2028 (not reflecting expected significant voter registration system programming costs discussed below), if certain assumptions are made. This illustrative estimate accounts for costs of additional in-person paper ballots and mail-in ballots, costs for voter education, and costs for pollbook programming:

- *Additional Ballots (State – \$155,000; local – \$155,000)* – Additional in-person paper ballots and mail-in ballots are needed as a result of allowing unaffiliated voters to vote the ballot of a political party in a primary election. This estimate is informed by recent primary election data and based on an assumption that unaffiliated voters turnout to vote the ballot of a political party at approximately 50% of the rate of voters registered with the principal political parties.
- *Voter Education (State – \$25,000; local – \$25,000)* – These are estimated costs based on information provided by SBE (for this bill and past legislation), assumed to be shared costs.
- *Pollbook Programming (State - \$54,000; local - \$54,000)* – These are estimated (and shared) costs provided by SBE, for programming needed in order for election judges to be able to record an unaffiliated voter’s ballot choice in the pollbooks.
- *Voter Registration System Programming (local – indeterminate)* – Significant costs are expected to be incurred for programming of the voter registration system (greater costs than those for the pollbook programming) to be able to record in the system primary mail-in ballot requests for party ballots by unaffiliated voters and to be able to accept primary election voting credit for unaffiliated voters, including in elections in which there are no nonpartisan contests on the ballot. Costs of the voter registration system are billed by SBE to the local boards.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore City; Calvert and Prince George’s counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2026
jg/sdk

Analysis by: Arnold H. Adja

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