

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1485
Ways and Means

(Delegate George, *et al.*)

Voter Registration - Motor Vehicle Administration - Information on Noncitizens

This bill prohibits the Motor Vehicle Administration (MVA) from providing an opportunity to apply to register to vote or update a voter registration to an individual who is either: (1) prohibited from receiving a driver's license because the individual is not able to provide satisfactory documentary evidence of lawful status; or (2) eligible to receive a driver's license, but is not a citizen of the United States. The bill also requires MVA to report to the State Administrator of Elections the names and addresses of those individuals who are not provided an opportunity to apply to register to vote or update a voter registration pursuant to the bill. MVA must report the information monthly in a format required by the State Administrator. An election director must remove from the statewide voter registration list a voter whose name and address is forwarded by MVA to the State Administrator in accordance with the bill.

Fiscal Summary

State Effect: Computer programming by MVA to meet the bill's requirements is expected to be handled with existing resources. If a significant number of registered voters are determined to not be U.S. citizens under the bill and referred to the Office of the State Prosecutor for prosecution, additional resources may be needed. General fund revenues may increase minimally due to criminal penalties from any cases heard in District Court.

Local Effect: Local government expenditures may increase in FY 2011 due to software development and minimal mailing costs. Software development costs may total up to \$125,000 statewide. Local government revenues may increase minimally due to criminal penalties from any cases heard in circuit courts.

Small Business Effect: None.

Analysis

Current Law: MVA must provide the opportunity to apply to register to vote or update a voter registration record to each individual who: (1) applies for or renews a driver's license or identification card; or (2) changes a name or address on an existing driver's license or identification card. Specified procedures must be followed by MVA and voter registration information must be forwarded to the State Board of Elections (SBE) within five days of receipt of an application in a manner and format specified jointly by MVA and SBE.

Under the Election Law Article, an election director may remove a voter from the statewide voter registration list only: (1) at the request of the voter; (2) upon determining, based on specified information, that the voter is no longer qualified to be a registered voter for specified reasons or is deceased; (3) if the voter has moved outside the State, determined by specified procedures; or (4) if a local board determines a voter is not qualified to be registered to vote in accordance with an administrative complaint process.

Under Chapter 390 of 2009, MVA may only issue a driver's license, identification card, or moped operator's permit to a new applicant who, among other things, provides satisfactory documentary evidence of lawful status. Persons who held a driver's license, identification card, or moped operator's permit before April 19, 2009, however, are able to obtain a driver's license, identification card, or moped operator's permit (though not acceptable by federal agencies for official purposes) without providing evidence of lawful status, until July 1, 2015. "Lawful status" means lawful status in accordance with regulations adopted by the Secretary of the U.S. Department of Homeland Security.

Background: Chapter 390 of 2009 was enacted to comply with federal REAL ID requirements, including a requirement that states be able to verify the lawful status of an applicant for a driver's license or identification card. Evidence of lawful status generally shows that a person is a U.S. citizen or otherwise lawfully present in the United States. The REAL ID Act was signed into law in 2005 and requires federal agencies to accept only personal identification cards that meet certain standards for official purposes.

Under Maryland law, a person must be a U.S. citizen in order to register to vote, but is not required to provide proof of citizenship when registering. A voter registration application requires a person to sign a statement swearing or affirming that, among other things, the person is a U.S. citizen.

State Fiscal Effect:

Motor Vehicle Administration

MVA estimates that approximately 800 hours of programming will be needed to modify its driver's license system and mainframe to comply with the requirements of the bill, but indicates that the programming changes can be handled with existing resources. Due to the significant number of programming hours required for the project, however, MVA will need to change priorities and other projects may be delayed.

Office of the State Prosecutor/Penalty Revenue

SBE advises that voter registrations that are canceled under the bill will be referred to the Office of the State Prosecutor since a person swears or affirms on a voter registration application, under penalty of perjury, that the person is a U.S. citizen. If the number of referrals is minimal, enforcement can be handled with existing resources. To the extent a more significant number of referrals are received by the Office of the State Prosecutor, additional resources may be needed. General fund revenues may increase minimally due to criminal penalties from any cases heard in District Court.

Local Fiscal Effect: Local government expenditures may increase in fiscal 2011 due to costs of software development for the statewide voter registration database and minimal mailing costs.

SBE indicates that changes will need to be made to the statewide voter registration database, including developing an interface to electronically receive the names and addresses of individuals that MVA is required to report to the State Administrator and allowing for correspondence to be generated and sent to those individuals before canceling their registration. SBE estimates that such changes could result in increased development costs (billed to the local boards) of up to \$125,000 in fiscal 2011 to the extent the development cannot be included within the operations and maintenance contract for the database. The statewide voter registration database undergoes continuous development and whether the changes necessary to implement the bill would represent increased costs would depend on the amount of room (development hours) within the contract to account for the changes.

For illustrative purposes, if \$125,000 in increased costs is allocated among the counties, Montgomery County (representative of a large county) expenditures would increase by approximately \$21,000, while Cecil County (representative of a smaller county) expenditures would increase by approximately \$2,200.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Maryland Department of Transportation (Motor Vehicle Administration), State Prosecutor's Office, Howard County, U.S. Department of Homeland Security, Department of Legislative Services

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