

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 118  
Ways and Means

(Delegates Kipke and George)

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Election Law - Qualification of Voters - Option to Present Proof of Identity

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This bill requires that the statewide voter registration application provide the applicant the opportunity to elect to be required to present identification to an election judge to establish the individual's identity when the individual seeks to vote. Information must be made available to the applicant completing the statewide voter registration application regarding acceptable forms of identification. If an individual chooses that option the individual will be required to present specified photo or other identification when seeking to vote or otherwise be referred to vote a provisional ballot. The bill prohibits a person from voting or attempting to vote under a false form of identification. A person who violates the prohibition is guilty of a misdemeanor and on conviction is subject to a fine of up to \$2,500 and/or imprisonment of up to five years.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Local government expenditures increase by approximately \$12,500 in FY 2012 due to costs of software development for the statewide voter registration database. These costs will be allocated among the local boards of elections.

**Small Business Effect:** None.

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Analysis

**Current Law:** For each individual who seeks to vote, an election judge has to:

- locate the voter's name in the election register or inactive list;

- establish the voter's identity by requesting that the voter state their month and day of birth and comparing the response to the information in the election register;
- verify the address of the voter's residence, unless the voter's personal information has been deemed confidential by the local board, in which case an alternative verification method, established by the State Board of Elections (SBE), must be conducted; and
- have the voter sign a voting authority card.

Upon completion of those procedures, a voter is entitled to vote a regular ballot. If a voter's name is not found on the election register or the inactive voter list, the voter is referred to vote a provisional ballot.

**Background:** A number of states require or request some form of identification from voters before they may vote a regular ballot in an election. All states are also subject to federal requirements under the Help America Vote Act of 2002 (HAVA) that identification be required of first-time voters who register by mail and do not provide verification of their identity with their voter registration.

Approximately half of the states have broader identification requirements than those mandated by HAVA. Florida, Georgia, and Indiana have probably the strictest requirements in that some form of photo identification must be presented in order to cast a regular ballot; otherwise, a voter must cast a provisional ballot. A small number of other states request photo identification but allow for other means to cast a regular ballot. Other states requiring identification of all voters generally allow for a broader range of identification (often including items such as a utility bill, bank statement, or paycheck) to be provided, not necessarily containing the voter's photo. Maryland is among the states that do not require identification from all voters.

**Local Fiscal Effect:** Local government expenditures increase minimally in fiscal 2012 due to costs of software development for the statewide voter registration database. SBE advises the database will need to be modified in order to identify voters in the database that have chosen on their voter registration applications to be subject to the identification requirement. The software development is expected to cost approximately \$12,500 and will be billed to the local boards of elections.

The criminal penalty provisions of this bill do not have a discernible impact on local revenues or expenditures.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Maryland Department of Transportation; Baltimore City; Baltimore, Charles, Frederick, and Montgomery counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2011  
mlm/hlb

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