

Department of Legislative Services
 Maryland General Assembly
 2015 Session

FISCAL AND POLICY NOTE

House Bill 1076 (Delegate Parrott, *et al.*)
 Ways and Means

Election Law - Voter Registration and Absentee Voting - Proof of Citizenship

This bill requires that a person submit satisfactory proof of U.S. citizenship in order to register to vote. The bill specifies various forms of satisfactory proof of U.S. citizenship. The requirement does not apply to a U.S. citizen who is registered to vote as of June 30, 2015, or an individual who changes the individual’s name, address, or party affiliation in an existing voter registration record. The bill also authorizes an election director to remove a voter from the statewide voter registration list if the election director verifies that the voter is not a U.S. citizen. With the exception of a voter who submits proof of citizenship when registering to vote, a voter requesting an absentee ballot must also submit satisfactory proof of U.S. citizenship.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$27,800 in FY 2015 only, due to Motor Vehicle Administration (MVA) printing and programming costs. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	27,800	0	0	0	0
Net Effect	(\$27,800)	\$0	\$0	\$0	\$0

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

Local Effect: Local government personnel and other expenditures related to processing voter registration and absentee ballot applications may increase.

Small Business Effect: None.

Analysis

Bill Summary: Satisfactory proof of U.S. citizenship includes:

- a copy of a driver's license or identification card that indicates the applicant has submitted proof of citizenship;
- a copy of a birth certificate that verifies citizenship;
- a copy of the pages of a U.S. passport identifying the applicant and the applicant's passport number;
- a copy of U.S. naturalization documents or the number of a certificate of naturalization, provided that the number is verified with U.S. Citizenship and Immigration Services if only the number is submitted;
- other documents or methods of proof under the federal Immigration Reform and Control Act of 1986;
- a Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number; or
- any other form of proof approved by the State Board of Elections (SBE) through regulation.

The proof of citizenship, both in the case of registering to vote and requesting an absentee ballot (for those that did not submit proof when registering to vote) may be submitted in person, by mail, or by any other method required by SBE through regulation at the time the application is submitted or any reasonable time thereafter as required by SBE through regulation. A voter registration application or an absentee ballot application (for those that did not submit proof when registering to vote) that is not accompanied by proof of citizenship is accepted, but the applicant may not be registered or an absentee ballot may not be issued to the applicant until satisfactory proof of citizenship is submitted.

A voter registration application must include a statement that proof of citizenship is required in order to register to vote.

Current Law:

Voter Registration

Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The constitution requires individuals to be registered in order to vote. Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register.

A voter registration application requires the signature of the applicant, subject to the penalties of perjury, swearing and affirming the information in the application is true and the applicant meets the qualifications to become a registered voter.

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 MVA for issuance, renewal, or modification of a driver's license or identification card; or (5) through SBE's online voter registration system.

Absentee Ballot Application

An absentee ballot may be requested in writing (there is a State application that can be used) or online through the SBE website. An online application requires certain identification information to be provided.

Background: A limited number of states have laws requiring proof of U.S. citizenship in order to register to vote, including Arizona and Kansas.

State Fiscal Effect: TTF expenditures increase by \$27,773 in fiscal 2015 for one-time revision and reprinting of MVA forms and for programming changes. Costs are incurred in fiscal 2015 to implement changes prior to the bill's effective date of July 1, 2015.

SBE finances are not expected to be materially affected, assuming that electronic proof of citizenship documentation submission will not be incorporated into the online voter registration system and instead a voter who registers through the system will be placed in pending status until the documentation is mailed in.

Local Fiscal Effect: Local government expenditures may increase due to additional personnel or other costs associated with processing of voter registration and absentee ballot applications and communicating with the public about the proof of citizenship requirement. As shown in the **Appendix – Election Administration/Costs in Maryland**, temporary staff and overtime costs made up roughly 9% (\$3.4 million) of the collective local boards of elections' budgets for fiscal 2014. While the extent of the increase in expenditures for local boards of elections resulting from this bill cannot be reliably estimated, *for illustrative purposes only*, a 5% increase over local boards of elections' temporary staff and overtime costs in fiscal 2014 results in a \$170,000 collective increase in costs, spread across the local boards.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Anne Arundel, Montgomery, and Wicomico counties; Baltimore City; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2015
min/hlb

Analysis by: Scott D. Kennedy

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

Appendix – Election Administration/Costs in Maryland

Election Schedule

- Most State- and county-level offices are voted on during the gubernatorial elections, with a smaller number of offices, including Baltimore City offices (beginning in 2016), voted on during the presidential elections.

Four-year election cycle (for statewide elections)

Year 1 (2015)	Year 2 (2016)		Year 3 (2017)	Year 4 (2018)	
	Presidential Elections			Gubernatorial Elections	
	Primary (April)	General (November)		Primary (June)	General (November)

- Elections for offices in municipalities other than Baltimore City are held at various times during the year and with varying frequency.

Election Administration

State Board of Elections
Local (County and Balt. City) Boards of Elections

- | | |
|--|--|
| <ul style="list-style-type: none"> • Policy making • Management and coordination of statewide elections-related systems (e.g., voting system, voter registration system) • Supervision and support of local boards of elections | <ul style="list-style-type: none"> • Voter registration • Hiring and training election judges (poll workers) • Mailing specimen (sample) ballots • Processing absentee ballot applications • Voting equipment testing • Early voting centers and polling places (establishment, staffing, supervising, supporting) • Canvassing (vote counting) |
|--|--|

Annual Election Costs*	FY 2014 <i>(based on budgeted amounts)</i>	State Board of Elections	\$11.2 million
		Local Boards of Elections	\$39.4 million
		Total	\$50.6 million

*The timing of elections results in one primary or general election occurring in each fiscal year.
(see second page for more detail on FY 2014 costs)

Exhibit 1
Fiscal 2014 Election Administration Costs

State Board Costs
<ul style="list-style-type: none">● Total – \$11.2 million<ul style="list-style-type: none">● Regular personnel and nonelection-related office operations costs – \$3.4 million● State share of touchscreen voting system operations and maintenance costs – \$1.7 million● State share of final financing payment for touchscreen voting system – \$1.7 million● Other election-related costs – \$1.8 million● Planning for new voting system – \$1.15 million● Studies required under Chapters 157/158 of 2013 – \$0.25 million● Federal grant funding used for costs associated with online voter registration, the voter registration interface with the Motor Vehicle Administration, a call center, online absentee ballot delivery, and voter accessibility projects – \$1.2 million
Local Boards' Costs (collective totals for 24 local boards)
<ul style="list-style-type: none">● Total – \$39.4 million<ul style="list-style-type: none">● Regular personnel and nonelection-related office operations costs – \$15.5 million● Costs billed by the State board to the local boards (primarily the local share of voting system financing and operations and maintenance costs and voter registration system costs) – \$9.0 million● Voter mailings (voter notification cards and sample ballots) – \$1.4 million● Temporary office staff/overtime – \$3.4 million● Election judges – \$6.0 million● Early voting center/polling place rental/maintenance costs – \$0.2 million● Other costs – \$3.9 million
Overall Total – \$50.6 million

Note: Aside from the \$1.2 million in federal grant funding, the State board expenditures are almost entirely general fund expenditures.

Source: Department of Legislative Services; State Board of Elections; Local Boards of Elections
