

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 170 (Senators Kagan and Hershey)
 Education, Health, and Environmental Affairs

Ways and Means

Voter Registration - Affiliation With Political Party and Participation in Primary Election, Caucus, or Convention

This bill requires that the statewide voter registration application, in the section of the application that asks whether the voter wants to affiliate with a political party, list the recognized political parties in the State and include the statement: “You must register with a political party if you want to take part in that political party’s primary election, caucus, or convention. Check one box only.” The voter registration application form prescribed pursuant to the National Voter Registration Act of 1993 (NVRA) must satisfy requirements applicable to the statewide voter registration application.

The bill takes effect June 1, 2016. Applications produced prior to the bill’s effective date, but submitted to an appropriate election official after the effective date, must be accepted.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$12,100 in FY 2016 to modify Motor Vehicle Administration (MVA) web/kiosk applications. Revenues are not affected.

(in dollars)	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	12,100	0	0	0	0
Net Effect	(\$12,100)	\$0	\$0	\$0	\$0

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Certain information must be stated on the statewide voter registration application or made available to an applicant completing an application, including the qualifications to become a registered voter and the penalties for submission of a false application. Statute does not specify information to be included on the statewide voter registration application regarding a voter's choice about party affiliation. State Board of Elections (SBE) regulations, however, require that the statewide voter registration application contain a space for the applicant to designate party affiliation, together with information on the effect that a designation will have on the ability to vote in primary elections. The voter registration application used by MVA must contain substantially the same information as the statewide voter registration application. The regulations also require that the online voter registration system include a field for the applicant to designate party affiliation and state the effect that a party affiliation designation will have on the ability to vote in primary elections.

The voter registration application form prescribed pursuant to NVRA must be accepted by the appropriate election official for purposes of voter registration. Under NVRA, the U.S. Election Assistance Commission (EAC), in consultation with the chief election officers of the states, must develop a mail voter registration application form for elections for federal office. Each state must accept and use the form and may also develop and use a State form for registration of voters in elections for federal office.

Under EAC regulations, the national mail voter registration form must provide an appropriate field for the applicant's political party preference, for an applicant in a closed primary state. The application must direct the applicant to consult accompanying state-specific instructions to determine if the applicant's state is a closed primary state. Accompanying instructions must state that if the applicant is registering in a state that requires the declaration of party affiliation, then failure to indicate a political party preference, indicating "none," or selecting a party that is not recognized under state law may prevent the applicant from voting in partisan races in primary elections and participating in political party caucuses or conventions. Each chief state election official must notify EAC, in writing, within 30 days of any change to the state's voter eligibility requirements, including but not limited to the specific state requirements, if any, relating to, among other things, whether the state is a closed primary state.

Background: The Maryland voter registration application includes a section asking the applicant to check one of various boxes next to names of specific political parties in the state or boxes for "unaffiliated" or "other – specify" (with a space to specify the other party). The instructions on the same page, but not in the same section, state: "You must register with a party if you want to take part in that party's primary election, caucus or convention. Check one box only." The National Mail Voter Registration Form includes

information consistent with EAC regulations (mentioned above). The form does not contain boxes to check to designate affiliation with a specific party or nonaffiliation but instead a space to fill in the name of a party or to write “no party.”

State Fiscal Effect: TTF expenditures increase by \$12,100 in fiscal 2016 for one-time contractual programming costs for MVA to make changes to web/kiosk applications. Costs are incurred in fiscal 2016 to implement changes prior to the bill’s effective date of June 1, 2016. SBE can accommodate modifications to the Maryland voter registration application within its regular schedule of printing.

Additional Information

Prior Introductions: None.

Cross File: HB 344 (Delegates Afzali and C. Howard) - Ways and Means.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Baltimore, Carroll, Harford, Montgomery, Queen Anne’s, and St. Mary’s counties; U.S. Election Assistance Commission; Department of Legislative Services

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hb/hlb

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