

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 268 (Senator Salling, *et al.*)
Education, Health, and Environmental Affairs

Election Law - Qualification of Voters - Proof of Identity

This bill establishes a requirement that a voter present a current government-issued photo identification in order to vote a regular ballot. A voter who does not have the required identification or indicates a change of residence must vote a provisional ballot. The bill allows a resident who is at least age 18, does not have a driver's license, and produces specified documentation to obtain an identification card from the Motor Vehicle Administration (MVA), for use as a voter identification card, at no charge. The bill also prohibits willfully and knowingly voting or attempting to vote under a false form of identification, with violations subject to existing criminal penalties.

The bill takes effect January 1, 2017.

Fiscal Summary

State Effect: General fund expenditures increase significantly in FY 2018 through 2021 for voter outreach. Costs may total at least \$500,000 each year; however, local boards of elections are expected to be responsible for a portion of the cost. Voter outreach costs diminish beyond FY 2021. Transportation Trust Fund (TTF) identification card revenues may decrease significantly. The bill's criminal penalty provisions are not expected to materially affect State finances.

Local Effect: Local government expenditures may increase due to costs associated with voter outreach, additional election judges, and additional provisional ballots. The bill's criminal penalty provisions are not expected to materially affect local government finances. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

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, 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: The National Conference of State Legislatures indicates that there are 33 states that have voter identification laws in force in 2016. The laws range from allowing various types of identification and allowing voters without acceptable identification the ability to still cast a ballot without further action to more strict, photo identification requirements. Remaining states, including Maryland, use other methods to verify the identity of voters.

State Expenditures: General fund expenditures are expected to increase significantly in fiscal 2018 to conduct voter outreach regarding the voter identification requirement prior to the 2018 gubernatorial primary election. Costs of voter outreach in fiscal 2018 may total at least \$500,000. It is expected that local boards of elections will be responsible for part of the cost of a voter outreach campaign, but how the cost will be shared by the State and local boards is uncertain. Significant voter outreach costs will likely also be incurred in fiscal 2019 through 2021 for outreach prior to the gubernatorial general election and 2020 presidential elections but will subsequently diminish as voters become more accustomed to the requirement.

Efforts to redevelop election judge procedures, training materials, and polling place signs, and to train local board staff, are assumed to be absorbable within existing resources.

State Revenues: Special fund revenues are expected to decrease due to a loss of identification card fees paid to TTF, assuming individuals at least age 18 applying for an identification card assert that they are applying for the card for voter identification purposes. MVA charges a \$24 fee for an identification card and \$20 for a

duplicate/corrected card. Based on fiscal 2015 statistics, *for illustrative purposes only*, assuming approximately 83,642 identification cards and 26,761 duplicate/corrected identification cards that would otherwise be issued for a fee are issued for voter identification purposes, TTF revenues decrease by \$1.3 million in fiscal 2017, accounting for the bill's January 1, 2017 effective date. Annualized, the revenue decrease totals \$2.5 million.

Local Fiscal Effect: Expenditures may increase for local boards of elections for the 2018 gubernatorial primary election and future elections to account for costs such as voter outreach, training and compensation of additional election judges, and additional provisional ballot materials and canvassing (personnel) costs.

Based on election administration cost information gathered from local boards of election in 2014, election judge and temporary staff and overtime costs made up roughly 24% (\$9.4 million) of the collective local boards of elections' budgets for fiscal 2014. While the extent of the overall 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' election judge and temporary staff/overtime costs in fiscal 2014 results in a \$470,000 collective increase in costs, spread across the local boards.

Additional Information

Prior Introductions: HB 1017 of 2015 received an unfavorable report from the House Ways and Means Committee. HB 288 of 2011 received a hearing in the House Ways and Means Committee, but no further action was taken. In addition, similar bills were introduced in the 2005 through 2010 sessions.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Carroll, Harford, Queen Anne's, and St. Mary's counties; National Conference of State Legislatures; Department of Legislative Services

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Analysis by: Scott D. Kennedy

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