

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 168  
Ways and Means

(Delegates Rosenberg and Luedtke)

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**Election Law - Required Notifications - Voter Challenges or Intimidation**

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This bill requires that information be provided, both on specimen ballots mailed to voters and at each polling place, regarding the forms of identification an individual may present to establish the individual's identity if the individual's right to vote is challenged at the polls. The notification on specimen ballots must be included in a block of text headlined "Please Read! Important." General information must also be posted at each polling place on federal and State laws regarding prohibitions on voter intimidation, including specified State law prohibitions.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** Local government expenditures for specimen ballots may increase in some cases, if an additional page is needed to include the information required by the bill.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:**

*Voter Challenges*

The right of an individual to vote may be challenged at the polls only on the grounds of identity, before the individual is issued a ballot or a voting authority card. An individual whose right to vote is challenged at the polls may establish the individual's identity by

presenting any of various forms of identification, including the individual's voter registration card; the individual's valid Maryland driver's license; or a copy of a current bill, bank statement, government check, paycheck, or other governmental document that shows the name and current address of the individual.

If the individual does not present any of the forms of identification, the election judge receiving the challenge must require the challenger to provide in writing, under penalty of perjury, the reasons for the challenge. The challenged individual is offered the opportunity to cast a provisional ballot and submit an attestation, witnessed by the election judge, of the individual's identity. During the canvass of provisional ballots, the local board of elections determines, based on the information submitted by the challenger and the challenged individual whether the challenged individual is the registered voter he or she claims to be and is otherwise qualified to vote.

### *Specimen Ballots*

Specimen ballots are used to provide notice of elections to registered voters by mail. The specimen ballot is a facsimile of the ballot that the voter is entitled to vote in the election and can include other election-related notices or information.

### *Information at Polling Places*

Various informational materials must be produced by the State Board of Elections, in consultation with the election directors of the local boards of elections, to be posted in each polling place, including (1) general information on voting rights under applicable federal and State laws, and instructions on how to contact the appropriate local board if those rights are alleged to have been violated, and (2) general information on federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

**Local Expenditures:** Local government expenditures may increase in some cases, if an additional page is needed to include the information required by the bill on specimen ballots. In Wicomico County, for example, the cost to send out specimen ballots for an election may increase by an amount in the range of \$5,000 if a page needs to be added.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Harford, Montgomery, and Wicomico counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2017  
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