

Department of Legislative Services
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 594 (Senator Pinsky, *et al.*)
Education, Health, and Environmental Affairs

Elective Franchise - Registration and Voting at Precinct Polling Place

This constitutional amendment gives the General Assembly the power to allow a qualified individual to register and vote at a precinct polling place on Election Day.

Fiscal Summary

State Effect: None. State finances are not directly affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, the General Assembly must provide by law for a uniform registration of voters in the State, to serve as conclusive evidence to election judges of a registered voter's right to vote at any following election in the State. Further, a person may not vote at a federal or State election in the State or municipal election in Baltimore City without being on the list of registered voters.

Under State law, voter registration is conducted continuously, but is closed from 9 p.m. on the twenty-first day preceding an election to the eleventh day after an election. An exception to the closing of registration prior to an election is that, pursuant to Chapters 157 and 158 of 2013, during early voting an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration, then subsequently vote the appropriate ballot.

A voter registration application that is mailed or submitted when registration is closed is accepted and retained but does not become effective until registration reopens. 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 the State Board of Elections (SBE) including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); (4) when applying to the Motor Vehicle Administration (MVA) for issuance, renewal, or modification of a driver's license or identification card; or (5) through SBE's online voter registration system.

Chapter 287 of 2016 designates MVA, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration as electronic voter registration agencies and requires the agencies to implement electronic voter registration systems that offer applicants the opportunity to register to vote or update a voter registration record during an applicable transaction.

At the polls on Election Day, if a voter's name is not found on the election register or inactive list, the voter is referred to vote a provisional ballot.

Background: Election Day registration (EDR), or same-day registration, allows individuals an opportunity to register to vote or correct their existing registration, and then vote, all during a single visit to a voting location. According to the National Conference of State Legislatures, a small number of states – California, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Maine, Maryland (early voting only), Minnesota, Montana, New Hampshire, North Carolina (early voting only), Vermont, Wisconsin, and Wyoming – and the District of Columbia allow for same-day registration.

The Office of the Attorney General and the State Administrator of Elections issued a joint report in December 2006 on EDR. Among other findings, the report indicated that provisions of the Maryland Constitution “contemplate some time interval between the closing of registration and an election” and should be amended in order to implement EDR.

See [*Issue Papers, 2018 Legislative Session*](#), Department of Legislative Services, pgs. 221-222 (“Same-day Registration”) (November 2017) and [*Maryland's Voter Registration System and Same-day Registration*](#), Department of Legislative Services (November 2017) for additional background.

Additional Information

Prior Introductions: SB 423 of 2017, a similar bill, passed in the Senate and passed in the House with amendments, but no further action was taken after the Senate refused to concur with the House amendments and requested that the House recede. Its cross file, HB 345, received a hearing in the House Ways and Means Committee, but no further action was taken. SB 518 of 2013, a similar bill, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, HB 17, received a hearing in the House Ways and Means Committee, but no further action was taken. Similar bills were introduced in the 2009 through 2011 sessions.

Cross File: HB 532 (Delegate Reznik, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Anne Arundel and Montgomery counties; Department of Legislative Services

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md/hlb

Analysis by: Scott D. Kennedy

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