

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 35
Ways and Means

(Delegate R. Long)

Elections - In-Person Voting - Proof of Identity

This bill requires that each individual seeking to vote in person prove the individual's identity by presenting to an election judge (1) a valid government-issued photo identification or (2) a valid nongovernment-issued photo identification and a current utility bill, bank statement, paycheck, government check, or other government document that states the voter's name and address. A voter who is unable to provide the allowable forms of identification must vote a provisional ballot. 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.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$250,000 in FY 2024 through 2027, as discussed below. The bill's criminal penalty provisions are not expected to materially affect State finances.

Local Effect: Local government expenditures increase due to costs associated with voter outreach, additional election judges and equipment, and additional provisional ballots, as discussed below. The bill's criminal penalty provisions are not expected to materially affect local government finances. **This bill imposes 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 his or her 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 (SBE), 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.

State Fiscal Effect: General fund expenditures are expected to increase by at least \$250,000 in fiscal 2024 to conduct additional statewide voter outreach prior to the 2024 presidential primary election, regarding the voter identification requirement. SBE indicates that costs of additional voter outreach in fiscal 2024 are expected to total at least \$500,000 for direct voter contact (mail, email, text message), radio and television advertising, and digital communication efforts. In accordance with the State's current cost-sharing with the local boards of elections, these additional statewide voter outreach costs are assumed to be split evenly between SBE and the local boards of elections. Similar voter outreach costs are expected to be incurred in fiscal 2025 through 2027 for outreach prior to the 2024 presidential general election and 2026 gubernatorial elections but will subsequently diminish as voters become more accustomed to the requirement.

General fund expenditures further increase for additional pollbooks and pollbook printers to the extent local boards of elections need them, to mitigate additional time added to the voting process by the voter identification requirement. It is assumed that the costs of the additional pollbooks are shared by the State and the local boards of elections in accordance with current cost-sharing. The number of additional pollbooks and pollbook printers needed statewide cannot be reliably estimated at this time; however, *for illustrative purposes*, if an additional pollbook and pollbook printer is needed at 25% of election day polling places and at each early voting center, SBE costs increase by approximately \$300,000 in fiscal 2024 only.

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.

Local Fiscal Effect: Expenditures are expected to increase for local boards of elections for the 2024 presidential primary election and future elections to account for costs such as voter outreach, training and compensation of additional election judges, additional pollbook equipment, and/or additional provisional ballot materials and canvassing (personnel) costs. As previously noted, local boards of elections are assumed to be responsible for one-half of the amount of the costs of additional statewide voter outreach (at least \$250,000 in fiscal 2024 through 2027).

Based on information provided by a small number of counties, additional costs beyond the statewide voter outreach costs may vary from relatively minimal in some counties to more significant in others, depending on a county's approach to implementing the bill's requirement.

Those additional costs, for example, may total \$91,000 in Charles County, at least \$23,000 in Howard County (not accounting for any additional pollbook equipment needed), \$33,000 in Kent County, \$143,000 in Washington County, and \$42,000 in Worcester County, in fiscal 2024 (with lesser ongoing costs in future years) primarily associated with local voter education and additional election judges and pollbook equipment to alleviate any effect a voter identification requirement has on voter wait times. These estimates include adjustments made by the Department of Legislative Services to pollbook and pollbook printer cost assumptions.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 113 of 2022.

Designated Cross File: None.

Information Source(s): Charles, Garrett, Howard, Kent, Washington, and Worcester counties; Maryland State Board of Elections; Department of Legislative Services

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