Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1162   (Delegate R. Baker, *et al.*)

Commerce and Government Matters

Election Law - Maryland Voter's Bill of Rights

This bill modifies the voter registration process and the conduct of elections at polling places. It alters the disqualifications for voter registration of felons; requires registration information be maintained in an electronic, centralized voter registry; requires all polling places to be handicap accessible; prohibits election judges from requesting unauthorized forms of identification; and allows any voter to vote by absentee ballot.

Fiscal Summary

State Effect: Potential significant expenditure increase for an ineligible voter database and a remotely accessible central voter registry.

Local Effect: Significant increase in expenditures due to the bill's provisions regarding absentee voting, handicap accessibility, remote connections to a central voter registry, voting system changes, and specimen ballots. ***This bill imposes a mandate on a unit of local government.***

Small Business Effect: None.

Analysis

Bill Summary: The bill requires polling places to be handicap accessible. It allows persons with two or more felony convictions to qualify for a voter registration upon completion of their entire sentence including any probation, restitution, or fines. It removes the requirements for obtaining an absentee ballot and requires voting systems to be accurate by providing notice and opportunity for voters to change their ballot choices

before their ballot is cast in cases if the ballot was undervoted, overvoted, or improperly marked. The bill also requires the State Board of Elections to maintain an electronic, centralized voter registry that would be made available to registered voters who would be able to make modifications to their registration information, and to election officials on election day for obtaining and verifying registration information. Election judges are prohibited from requesting forms of identification not mentioned in the State election code and a specimen ballot is required to be given to every voter prior to each election.

Current Law: Currently there is no requirement under State law for polling places to be handicap accessible. The State Election Code allows handicapped voters to vote by absentee ballot. An individual with a single conviction for a felony may register to vote after serving the sentence on conviction. No provision currently allows persons convicted of two or more felonies to vote. Voters must certify that they will be absent on election day to vote in order to receive an absentee ballot. Voter identification is currently made by an election judge who asks for the voter's birth date, with the voter's response compared to the information listed in the precinct register. The Code of Maryland Regulations (COMAR) (33.05.07.01(b)) provides that before every general election, all local boards shall mail a specimen ballot to all registered voters in their respective jurisdictions. There is no provision in State law that requires an electronic, central voter registry, nor is there any requirement that voting systems allow a voter to revise undervotes and overvotes.

State Fiscal Effect: The State Board of Elections advises that the provisions of the bill that change the voter registration qualifications for felons and require a central voter registry could have a significant effect on State expenditures. By itself, altering voter disqualification criteria would not impact State finances if the current means for determining eligibility is not changed. The bill may require the State Board of Elections to work with the Judicial Information Service and the Department of Public Safety and Correctional Services to establish a list of ineligible felons. This may require development of an electronic information system and database. Although the cost of this undertaking cannot be reliably estimated at this time, it is expected that it would be significant.

Creating and maintaining an interactive, electronic, central voter registry would increase the State Board of Election's expenditures because it would require establishing remote access capabilities to the central voter registry that it is currently developing. This registry is not designed for access or manipulation by the general public or by poll workers at the 1,666 polling places on election day. The total increase in expenditures cannot be estimated with any certainty, but the cost of retooling the current voter registry while it is being developed, and the additional security features that would have to be added, would be substantial. The cost of the current central voter registry is $4 million.

Local Fiscal Effect: According to the State Board of Elections, currently there are approximately 285 polling places across the State that are not handicap accessible. Also, local election boards do not currently have voting systems that will return overvoted or undervoted ballots to them for correction. Therefore, an entirely new voting system would need to be certified by the State board. The State Board of Elections advises that the costs for such a new system could increase local expenditures by $35,000,000. Montgomery County estimates the total cost for a new compliant voting system would be between $12,000,000 and $20,000,000.

Remote connections to an electronic, central voter registry from polling places statewide would require significant local expenditures. Prince George's County advises that could increase local expenditures by $71,000 in fiscal 2003 for the gubernatorial primary and general elections and $177,000 for fiscal 2004 and 2005 for the presidential primary and general elections. This estimate reflects the rental cost of providing laptops for 199 polling places. The larger figure for the presidential election year reflects the longer rental period between the early March presidential primary and the November general election. The cost to purchase the laptops would be $500,000.

Allowing anyone to vote by absentee ballot would also necessitate additional expenditures. For example, the processing of additional applications for absentee ballots in Prince George's County is estimated to range from $10,000 to $12,000 per election depending on the increase in volume of these applications. The estimate reflects increased printing, mailing costs, and the cost of hiring two temporary employees for one month to assist with tallying the additional number of absentee ballots. The bill's requirement regarding specimen ballots would increase some local boards' expenditures since some boards do not currently mail specimen ballots before primary elections. Baltimore County advises that its expenditures would increase by $20,000 for each primary election and Prince George's County projects a $130,000 increase.

Additional Information

Prior Introductions: None.

Cross File: SB 646 (Senator Pinsky) – Economic and Environmental Affairs.

Information Source(s): State Board of Elections, Baltimore City, Baltimore County, Prince George's County, Montgomery County, Department of Legislative Services

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