

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 105
Ways and Means

(Delegate Boschert)

Election Law - Identification of Voters

This bill requires an election judge to qualify a voter by requesting that the voter present: (1) a driver's license; (2) an identification card issued by the Motor Vehicle Administration; or (3) a voter identification card. If the voter cannot provide the aforementioned forms of identification, any other form of identification issued by a governmental entity containing the voter's name, address, and date of birth will suffice. If a voter is unable to present any of the required forms of identification, the voter must state to the election judge, the voter's current address and day and month of birth.

Fiscal Summary

State Effect: The bill would not substantially affect State finances.

Local Effect: Local boards of election would be able to handle any additional printing and training costs associated with changes in procedure required by the bill with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: An election judge is required to establish a voter's identity by requesting the voter to state the month and day of the voter's birth and compare the response to the information listed in the precinct register. Individuals are prohibited from impersonating another person in order to vote or attempt to vote and voting or attempting to vote under a

false name. Violators are guilty of a misdemeanor punishable by a fine not to exceed \$2,500 or imprisonment for not more than five years, or both.

An individual is eligible to cast a provisional ballot if: (1) the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the State and is eligible to vote in that election; and (2) the individual's name does not appear on the precinct register; or an election official asserts that the individual is not eligible to vote; or the individual does not have the necessary identification.

Background: Title III of the Help America Vote Act of 2002 requires all states to require identification from voters who have registered by mail and who have not previously voted in an election for federal office in a state, or if the individual has not previously voted in such an election in a local jurisdiction that is located in a state without a central, computerized voter registration list. Under the Act, valid forms of identification are: (1) a current and valid photo identification; (2) a copy of a current utility bill; (3) a bank statement; (4) a government check or paycheck; or (5) other government document that shows the name and address of the voter.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mll/jr

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