

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1166
Ways and Means

(Delegate Dwyer, *et al.*)

Election Law - Voter Registration and Voting - Proof of Citizenship and Identity

This bill requires an individual to submit proof of U.S. citizenship with a voter registration application and requires an election judge to establish the identity of a voter on election day by requesting a voter's voter registration card. An applicant for voter registration must submit: (1) an original or certified copy of a birth certificate issued by the U.S. or territory of the U.S.; (2) a current or expired passport issued by the U.S. or a territory of the U.S.; or (3) an official copy of the document issued by the U.S. government identifying the applicant as a naturalized citizen of the U.S. On election day, an election judge is required to verify that the information on the voter registration card matches the information listed on the precinct register.

Fiscal Summary

State Effect: Costs associated with printing updated brochures and updating the voter registration application could be handled by the State Board of Elections with existing resources.

Local Effect: Local expenditures could increase substantially beginning in FY 2006 as a result of additional clerical personnel, security, and postage needed to handle official personal documents of voters. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: An individual may become registered to vote if the individual is: (1) a citizen of the U.S.; (2) at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election; (3) a resident of the county as of the day

the individual seeks to register; and (4) registers pursuant to the requirements of State 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 \$1,000 or imprisonment for not more than five years, or both.

Local Fiscal Effect: Although the bill does not expressly require local boards of election to maintain possession of the documents submitted to establish proof of citizenship, it is assumed that this will be the case at least on a temporary basis, since most voter registration applications are either mailed in by individuals or forwarded to a local board from a third-party agency such as the Motor Vehicle Administration.

It is not clear whether or not local boards would be required or allowed to return the submitted documents since the bill's provisions require that an individual submit original or certified copies. For example, some individuals may have to relinquish a current passport to register to vote under the bill, if an expired one is not available. Should local boards have to return these documents back to voters for their use in other affairs, local expenditures for postage could increase significantly. The State Board of Elections estimated that approximately 38,700 voter registration applications were mailed into its offices in calendar 2003. The postage cost of returning a passport via certified, return-receipt mail would have been \$180,000. This cost would be distributed among various local jurisdictions.

In addition, many local boards would require additional permanent clerical personnel to authenticate, secure, and maintain the submitted documents. Employees responsible for document authentication would also require specialized training. While the magnitude of the increased expenditures would vary by local jurisdiction, larger counties would presumably experience the most significant increases. For example, Montgomery County estimates the bill would require two additional administrative aides, increased video surveillance, and filing equipment at a cost of \$176,000 beginning in fiscal 2006 and \$80,000 for ongoing expenses in the out-years. This includes a one-time cost of \$95,000 for five additional automated files to store the additional documentation. The Montgomery County Board of Elections advises that it currently maintains approximately 700,000 documents for the county's 512,000 registered voters. The bill could require the board to maintain an additional 500,000 documents, many of which are of nonstandard size.

Additional Information

Prior Introductions: HB 56 of 2004, a nearly identical bill, was unfavorably reported by the Ways and Means Committee.

Cross File: None.

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

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mp/jr

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