

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1582
Ways and Means

(Delegate Jennings, *et al.*)

Election Law - Voting Procedures - Identification

This bill provides that an election judge must establish the identity of a person seeking to vote by requiring the voter to present current and valid photo identification and comparing the information on the identification with information on the precinct register. If the voter does not present photo identification, the voter must state the month and day of the voter's birth, for the election judge to compare with information on the precinct register, and immerse approximately one inch of the voter's right index finger in indelible purple ink.

Fiscal Summary

State Effect: None.

Local Effect: Local expenditures would increase in accordance with each county's share of the \$50,000 total estimated cost of indelible ink required to supply precincts statewide on election day and any costs for additional supplies to administer the ink. It is assumed additional costs would also result from supplying ink for early voting, though the costs should not be substantial for any county. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: If a voter lacks a right index finger, the election judge must specify an alternate digit, and if the voter lacks all 10 digits, the requirement must be waived. The

State Board of Elections must adopt regulations to implement the bill, including uniform standards for ink and containers and procedures for voters who lack a right index finger.

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 comparing 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; 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 either have not previously voted in an election for federal office in the state or have not previously voted in such an election in a local jurisdiction, and the jurisdiction is located in a state without a central, computerized voter registration list (Maryland currently used 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.

Twenty-three states currently require all voters to provide some form of identification in order to vote.

Requiring voters to immerse a finger in indelible ink upon voting has been used in developing democracies to prevent voter fraud. Legislative Services is not aware of any U.S. jurisdictions that use the method.

Local Fiscal Effect: SBE advises it could cost roughly \$50,000 to supply sufficient amounts of indelible ink to all precincts in the State on election day. This assumes three containers of ink would be needed at each precinct and that a limited number of voters would need to use the method as opposed to presenting valid photo identification. It is assumed additional costs would result from supplying ink for early voting, though the costs should not be substantial. Local boards would presumably bear these costs and any additional costs for supplies needed to administer the ink.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Garrett County, State Board of Elections, International Foundation for Election Systems, Department of Legislative Services

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ncs/jr

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