

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 803 (Senator Kittleman, *et al.*)
Education, Health, and Environmental Affairs

Election Law - Qualification of Voters - Proof of Identity

This bill requires an election judge to establish a voter's identity and verify his/her address prior to authorizing the voter to vote a regular ballot. As part of establishing the voter's identity, the voter must be required to present a current and valid government issued photo identification. A resident who is at least 18 years old who does not have a driver's license may obtain an identification card from the Motor Vehicle Administration (MVA) for use as a voting identification card at no charge. A person who votes or attempts to vote under false identification is guilty of a misdemeanor and subject to maximum penalties of five years imprisonment and/or a \$2,500 fine. A voter is referred for provisional ballot voting if the voter is unable to provide proper identification or indicates a change of residence. The bill also allows election judges to record changes to voting authority cards on a form specified by the State Board of Elections (SBE).

Fiscal Summary

State Effect: The MVA could experience a substantial loss of special fund revenue due to the bill's requirement that identification cards be provided to individuals 18 years of age and older at no charge. The loss cannot be accurately estimated, but could be roughly \$800,000 annually. Computer programming and documentation changes could be handled with existing resources. The bill's criminal penalty provisions would not materially 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. The bill's criminal penalty provisions would not materially affect local government finances.

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 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. A violator is guilty of a misdemeanor and subject to maximum penalties of five years imprisonment and/or a \$2,500 fine.

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.

The MVA must issue an identification card to a resident who does not have a driver's license, upon the individual presenting a birth certificate or other proof of age and identity and a completed application. An applicant is not required to pay a fee if they are 65 years of age or older; legally blind; have permanently lost the use of a leg or an arm; are permanently disabled and requiring the use of crutches or a wheelchair; or have a physical or mental impairment that substantially limits a "major life activity" as defined in the federal Americans with Disabilities Act.

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. 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.

State Revenues: Special fund revenues would decrease due to a loss of identification card fees paid to the Transportation Trust Fund. The MVA issued 58,154 identification cards to persons 18 years of age and older in fiscal 2005. The MVA charges a \$15 fee for

an identification card and \$20 for a replacement. It is difficult to determine the amount of the revenue decrease not knowing how many cards would be new and how many would be replacements, as well as how many would have otherwise been issued at no charge under State law. The MVA does not have these statistics with respect to the 58,154 cards issued to persons 18 and older in fiscal 2005. *For illustrative purposes only*, assuming a fee was collected for 80% of the cards issued to persons 18 and older and half of those cards were new and half replacements, special fund revenues would decrease by roughly \$610,000 in fiscal 2007, accounting for the bill's October 1, 2006 effective date and assuming the same number of identification cards issued to persons 18 and older in fiscal 2005 are issued in fiscal 2007. Annualized costs would be about \$800,000.

State Expenditures: The MVA estimates computer reprogramming will cost \$22,500. This could be handled with existing resources, however the cumulative effect of other legislation and other circumstances could require additional resources. Any documentation changes by SBE could be handled with existing resources.

Additional Information

Prior Introductions: SB 677 of 2005, a similar bill, was withdrawn.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Maryland Department of Transportation, Maryland State Board of Elections, Baltimore City, *electionline.org*, Department of Legislative Services

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