

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1194
Ways and Means

(Delegate Dwyer, *et al.*)

Election Law - Voter Identification

This bill provides that an election judge must establish the identity of a voter by requiring the voter to present a current and valid photo identification issued by a governmental entity and verifying that the identification matches the information listed in the precinct register.

Fiscal Summary

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

Local Effect: It is assumed the bill's changes could be handled with existing 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 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. 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.

Local Fiscal Effect: The changes the bill makes could lead to an increased number of provisional ballots being voted in each election, increasing the number of provisional ballots needed and time and resources to process the ballots. It is assumed the changes could be handled with existing resources.

Additional Information

Prior Introductions: HB 105 of 2005, a similar bill, received an unfavorable report by the Ways and Means Committee. HB 1279 of 2005, another similar bill, received an unfavorable report by the Ways and Means Committee. SB 677 of 2005, another similar bill, had a hearing in the Education, Health, and Environmental Affairs Committee, and was later withdrawn.

Cross File: None.

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

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ncs/jr

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