

Department of Legislative Services  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

Senate Bill 804 (Senator Kittleman, *et al.*)  
Education, Health, and Environmental Affairs

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**Election Law - Voter Identification**

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This bill requires a voter whose registration application was submitted by mail or a nongovernmental third party, and who has not yet voted under that registration, to present a current and valid government issued photo identification upon voting. 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. If a voter lacks identification, he or she is allowed to cast a provisional ballot. The bill also requires a voter to include the voter's driver's license number or voter identification card number on an application or written request for an absentee ballot.

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**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.

**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.

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## 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.

A person may apply for an absentee ballot on a form provided by the local board or provided under federal law, or in a signed written request containing the voter's name and address and the reason for absentee voting. A person is eligible to vote by absentee ballot if he/she may be absent from the county on election day • due to accident, illness, or physical disability; death or serious illness in the voter's immediate family; or confinement in or restriction to an institution; • because the voter is a full-time student at a higher education institution outside of the precinct but within the county; • or if the voter is an official or serving the State Board of Elections (SBE) or a local board and is required to be absent from the precinct on election day. In addition, pursuant to Chapter 6 of 2006, a person may vote by absentee ballot except to the extent preempted under federal law.

**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.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Somerset County, Montgomery County, Prince George's County, Maryland State Board of Elections, Maryland Department of Transportation, Frederick County, *electionline.org*, Department of Legislative Services

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