

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 706
Ways and Means

(Delegate Myers, *et al.*)

Election Law - Identification of Voters

This bill requires an election judge to establish the identity of a voter by requesting that the voter present a voter identification card, a driver's license, or an identification card issued by the Motor Vehicle Administration. If a voter cannot provide one of these, the voter may present any other identification issued by a governmental entity that contains the voter's name, address, and date of birth. If a voter is unable to present any of the above IDs, the election judge must verify the voter's date of birth by having the voter state the month and day of the voter's birth.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: None. The bill's changes would not directly affect State finances.

Local Effect: The bill's changes 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.

Background: Title III of the Help America Vote Act (HAVA) of 2002 generally requires all states to require identification from first-time voters who have registered by mail. 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) another government document that shows the name and address of the voter.

According to information from the Election Reform Information Project (a nonpartisan, nonadvocacy group), updated just prior to the 2006 elections, 24 states required or requested some form of identification before a voter was issued a ballot, 2 required identification from all first-time voters, and 24 (including Maryland) had the minimum HAVA requirements (above) in place. Two states, Florida and Indiana, exclusively required a photo-ID.

Legal challenges to photo-ID requirements in 2006 in Missouri and Georgia caused those laws to be struck down on state constitutional grounds, while challenges to voter identification laws in Arizona and Indiana were unsuccessful in stopping the implementation of the laws during the November 2006 election.

Additional Information

Prior Introductions: HB 470 of 2006, a nearly identical bill, received a hearing in the House Ways and Means Committee, but no further action was taken. HB 112 of 2006, a similar bill, also received a hearing in Ways and Means, but no further action was taken. HB 1279 of 2005, a nearly identical bill, received an unfavorable report by Ways and Means. HB 105 of 2005, a similar bill, also received an unfavorable report by Ways and Means.

Cross File: None.

Information Source(s): Somerset County, Montgomery County, Prince George's County, Charles County, State Board of Elections, Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2007
ncs/jr

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