

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 597 (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 the voter's address prior to authorizing the voter to vote a regular ballot. As part of establishing the voter's identity, the voter has to present a current and valid government-issued photo identification. A resident without a driver's license who is at least age 18 may obtain an identification card from the Motor Vehicle Administration (MVA) for use as a voting identification card at no charge.

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 and older at no charge. The loss cannot be accurately estimated, but could be roughly \$1.3 million annually based on one set of assumptions. Special fund expenditures could increase to hire additional MVA customer agents to handle an increase in transactions and to make a one-time computer programming change. 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

Bill Summary: A person who knowingly and willfully votes or attempts to vote under false identification is guilty of a misdemeanor and subject to maximum penalties of 5 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).

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 require 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 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, at the time 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.

State Revenues: Special fund revenues would decrease due to a loss of identification card fees paid to the Transportation Trust Fund. The MVA charges a \$15 fee for an identification card and \$20 for a replacement. The MVA issued 77,845 identification cards to persons 18 and older in fiscal 2006 for a fee. It is difficult to estimate the amount of the potential revenue decrease not knowing how many cards would be new and how many would be replacements. The MVA does not have these statistics. *For illustrative purposes only*, assuming the same number of identification cards issued to persons 18 and older for a fee in fiscal 2006 would be issued in fiscal 2008 and 75% of the ID cards were new and 25% replacements, special fund revenues would decrease by roughly \$950,000 in fiscal 2008, accounting for the bill's October 1, 2007 effective date. Annualized decreased revenues would be about \$1.3 million.

State Expenditures: Special fund expenditures could increase to hire additional MVA customer agents to handle an increase in transactions due to the bill's requirements that individuals present government-issued photo identification in order to vote. However, it cannot be reliably estimated how many additional individuals would apply for State identification cards under the bill.

The MVA estimates roughly 171,000 individuals in Maryland who are 18 and older do not have a State ID card or driver's license based on U.S. Census population estimates and the number of State ID cards and driver's licenses issued. According to the U.S. Census, Maryland was estimated to have a population of 5.6 million in 2005 and at the end of 2006 there were 3,157,495 registered voters.

It is difficult to determine how many of these 171,000 people would choose to apply for a State ID card in order to vote. Therefore, it cannot be reliably estimated what level of additional resources would be needed by MVA. *For illustrative purposes only*, if 50,000 people applied for State ID cards prior to the 2008 presidential primary, MVA special fund expenditures could increase by \$182,171 in fiscal 2008, to hire two full-time and five contractual employees (based on an MVA cost model) to handle additional transactions. Future years would reflect ongoing salaries, fringe benefits, and operating

costs for the full-time employees, taking into account the fact that a State ID is renewed every five years, and assuming a reduced level of additional transactions would be experienced in out years. This would eliminate the need for the added contractual employees.

MVA special fund expenditures could also increase by up to \$22,500 in fiscal 2008 only due to a one-time computer programming cost, which could be reduced if economies of scale are realized.

Additional Information

Prior Introductions: SB 803 of 2006, a nearly identical bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee but no further action was taken.

Cross File: None.

Information Source(s): Town of Bel Air, Wicomico County, Allegany County, Montgomery County, State Board of Elections, Town of Leonardtown, Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2007
mam/jr

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510