

# Department of Legislative Services

Maryland General Assembly

2008 Session

## FISCAL AND POLICY NOTE

House Bill 1170

(Delegate King)

Ways and Means

### Election Law - Voter Fraud - Penalties

This bill specifies that a person convicted of specified prohibited acts relating to voter registration and voting is not eligible to vote and is permanently ineligible to be elected to any public office. The bill also increases applicable criminal penalties for violations, increasing the maximum fine from \$1,000, in the case of voter registration-related acts, and \$2,500, in the case of voting-related acts, to \$7,000 in both cases. The maximum term of imprisonment, in both cases, is also increased from five to seven years.

### Fiscal Summary

**State Effect:** State expenditures would increase by approximately \$96,900 in FY 2009, consisting of an increase in general fund expenditures of \$80,000 for the State Board of Elections to redesign and reprint voter registration applications and brochures and an increase in Transportation Trust Fund expenditures of \$16,900 for Motor Vehicle Administration programming costs for revisions to voter registration forms and driver license programming. Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	-	-	-	-	-
GF Expenditure	80,000	-	-	-	-
SF Expenditure	16,900	0	0	0	0
Net Effect	(\$96,900)	\$-	\$-	\$-	\$-

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** State law prohibits various actions relating to voter registration and voting, including • impersonating another person in order to register or vote; • registering or voting more than once; • preventing, hindering, or delaying a person with a lawful right to register from registering, by specified means; • and influencing or attempting to influence a voter's voting decision or decision whether to go to the polls to vote, by specified means.

Violations of the prohibitions relating to voter registration are misdemeanors and are subject to a fine of up to \$1,000 and/or imprisonment for up to five years. Violations of the prohibitions relating to voting are also misdemeanors and are subject to a fine of up to \$2,500 and/or imprisonment for up to five years.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's increased monetary penalty provisions from cases heard in the District Court.

**State Expenditures:** SBE indicates that due to the bill's effective date of October 1, 2008, roughly two weeks before the close of voter registration prior to the 2008 general election, voter registration materials would need to be modified for use during that period, to reflect the bill's change to voter registration qualifications.

State expenditures would therefore increase by approximately \$96,875 in fiscal 2009, consisting of an increase in general fund expenditures of approximately \$80,000 for SBE to redesign and reprint voter registration applications and brochures and an increase in TTF expenditures of \$16,875 for MVA programming costs for revisions to voter registration forms and driver license programming. Printing costs associated with revisions to MVA registration forms are expected to be minimal.

General fund expenditures could increase minimally as a result of the bill's expanded incarceration penalties due to people being committed to Division of Correction facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds,

personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$526 per month. Excluding medical care, the average variable costs total \$148 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2009 are estimated to range from \$19 to \$71 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues could increase minimally as a result of the bill's increased monetary penalty provisions from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase minimally as a result of the bill's expanded incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$40 to \$129 per inmate in fiscal 2009.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Allegany County, Montgomery County, Prince George's County, State Board of Elections, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2008  
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