

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 884
 Ways and Means

(Delegate McDonough, *et al.*)

Voter Verification and Fairness Act

This bill requires an individual to submit specified proof of U.S. citizenship with a voter registration application. The bill also specifies that the Motor Vehicle Administration may only allow a person to apply to register to vote if that person signs an affidavit, which includes a statement that an applicant who falsely claims to be a citizen for the purpose of registering to vote is deportable and indicates that the applicant is a U.S. citizen eligible to vote. In addition, an election judge must establish the identity of a voter by requiring the voter to present specified identification, or if the voter does not have identification, requiring the voter to state the month and day of the voter’s birth.

Fiscal Summary

State Effect: State expenditures would increase by at least \$145,800 in FY 2009, consisting of an increase in general fund expenditures of \$80,000 to redesign and reprint voter registration applications and brochures and an increase in Transportation Trust Fund expenditures of at least \$65,800 for additional MVA personnel, printing, and one-time computer programming costs. Potentially significant voter outreach costs and potential security-related costs, which cannot be reliably estimated at this time, are not included. Future years reflect ongoing personnel and printing costs. No effect on revenues.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	80,000	-	-	-	-
SF Expenditure	65,800	63,900	66,400	69,100	71,900
Net Effect	(\$145,800)	(\$63,900)	(\$66,400)	(\$69,100)	(\$71,900)

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

Local Effect: Local boards could experience increased expenditures associated with processing citizenship documentation and potential costs associated with storage/ mailing of citizenship documentation and security for, and authentication of, the documentation. These costs cannot be reliably estimated due to uncertainty as to how the documentation would need to be processed and handled. Local government expenditures could also increase due to costs associated with modification of election judge procedures and voter outreach related to the bill's identification requirement.

Small Business Effect: None.

Analysis

Current Law:

Voter Registration

To qualify as a registered voter, an individual must be a U.S. citizen, at least 18 years old (on or before the next general or special election), and a resident of the State at the time of registration. An individual is not qualified to be a registered voter if the individual has been convicted of a felony and is serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction. An individual is also not qualified if he/she is under guardianship for mental disability or has been convicted of buying or selling votes.

A voter registration application requires the signature of the applicant, subject to the penalties of perjury, swearing and affirming the information in the application is true and the applicant meets the qualifications to become a registered voter.

An individual may apply to become a registered voter through a number of means including • visiting an election board office; • by mail; • when applying for services at a voter registration agency (public and nongovernmental agencies designated by the State Board of Elections, including agencies providing public assistance or services for individuals with disabilities, public higher education institutions, and military recruiting offices); or • when applying to MVA for issuance, renewal, or modification of a driver's license or identification card.

Election Day Voting

For each individual who seeks to vote, an election judge has to • locate the voter's name in the precinct register or inactive list; • establish the voter's identity by requesting that

the voter state their month and day of birth and comparing it to the information in the precinct register; • verify the address of the voter's residence (unless the voter's personal information has been deemed confidential by the local board, in which case an alternative verification method established by the State Board of Elections must be conducted); and • have the voter sign a voting authority card. Upon completion of those procedures, a voter is entitled to vote a regular ballot. If a voter's name is not found on the precinct register or the inactive voter list, the voter is referred to vote a provisional ballot.

Background:

Voter Registration – Proof of Citizenship

Arizona and New Hampshire currently have proof of citizenship requirements for voter registration. Arizona requires all new registrants to provide evidence of citizenship. New Hampshire allows an applicant to fulfill the requirement by signing and having notarized a citizenship affidavit as an alternative to providing a birth certificate, passport, naturalization papers, or other citizenship documentation.

Voter Identification

A number of states require or request some form of identification from voters before they may vote a regular ballot in an election. All states are also subject to the federal requirement under the Help America Vote Act of 2002 that identification generally be required of first-time voters who register by mail.

Florida, Georgia, and Indiana currently require some form of photo identification in order to cast a regular ballot; otherwise, a voter must cast a provisional ballot. Hawaii, Louisiana, Michigan, and South Dakota request photo identification, although if a voter cannot provide identification the voter may sign an affidavit and cast a regular ballot.

A number of legal challenges were made to voter identification laws – primarily involving photo identification requirements – prior to the November 2006 elections. As a result, photo identification requirements in Missouri and Georgia were struck down or enjoined from enforcement. On the other hand, challenges to voter identification requirements in Arizona (which allows several identification options) and Indiana (which allows photo identification only) were not successful in stopping their implementation during the November 2006 elections.

Since then, Georgia's photo identification requirement has been restored after the state Supreme Court reversed on jurisdictional grounds a lower court determination that the requirement was unconstitutional. In addition, a previously unenforced photo

identification requirement in Michigan, which requires voters to provide photo identification or sign an affidavit prior to voting, was upheld by the Michigan Supreme Court and is now required of voters. A court challenge over Indiana's photo identification requirement that began prior to the 2006 elections has been appealed to the U.S. Supreme Court, which heard arguments regarding the appeal in January 2008 and is expected to issue a ruling by July.

State Expenditures:

Proof of Citizenship Requirement

General fund expenditures would increase by \$80,000 in fiscal 2009 due to the costs estimated by SBE of redesigning and reprinting voter registration applications and informational brochures. TTF expenditures would increase by at least \$65,751 in fiscal 2009 due to additional MVA personnel, printing, and programming costs. General fund and TTF expenditures could further increase due to costs of any necessary security-related measures associated with handling/transporting citizenship documentation. These costs, however, cannot be reliably estimated at this time.

TTF expenditures account for the bill's October 1, 2008 effective date. This estimate reflects hiring two contractual employees based on the additional time the proof of citizenship requirement would add to MVA voter registration transactions. It includes salaries, fringe benefits, printing costs, and one-time programming costs. The estimate is based on an assumption of MVA receiving approximately 100,000 voter registration applications each year and the proof of citizenship requirement adding 2.5 minutes to each voter registration transaction.

Contractual Positions	2
Salaries and Fringe Benefits	\$41,376
Computer Programming (one-time)	16,875
Printing Costs	<u>7,500</u>
Total FY 2009 TTF Expenditures	\$65,751

Future year expenditures reflect full salaries with 4.4% annual increases and 6.8% employee turnover.

MVA notes that a greater number of contractual employees may be needed since all MVA branch offices would be affected, and several offices could require additional staff

and/or overtime. MVA also notes that additional personnel could be needed to the extent the affidavit requirement would add to wait/transaction times.

Additional costs could be incurred by SBE and MVA for any necessary security-related measures associated with handling/transporting citizenship documentation. Voter registration applications, whether received by SBE, MVA, or other voter registration agencies are forwarded to, and processed by, the local boards. SBE advises it would need to research the security measures that might be needed in handling citizenship documentation; thus, such costs cannot be reliably estimated at this time. MVA also noted concern about the security of the citizenship documentation but could not estimate associated costs. It is unclear whether a need for security measures could also affect expenditures of other State agencies accepting voter registration applications.

Voter Identification

SBE indicates a voter outreach campaign would need to be conducted to inform voters of the new identification requirement at the polls prior to the 2008 general election and the 2010 primary and general elections. After those elections, information on the photo identification requirement could be included in normal election outreach efforts. The campaign would likely include advertising through television, radio, and print media, direct mailing, and staff outreach to various organizations. The total cost of conducting such a campaign cannot be reliably estimated at this time, but is expected to be significant. The cost would depend, at least in part, on the magnitude of the campaign chosen to be conducted (*e.g.*, the number of media outlets used and number of times the message is heard).

Efforts to redevelop election judge procedures and training materials and to train local board staff are expected to be handled with existing resources.

Local Fiscal Effect:

Proof of Citizenship Requirement

Local boards could experience increased expenditures associated with processing proof of citizenship documentation (possibly including scanning into the statewide voter registration database); storage or mailing costs; and costs associated with security for, and authentication of, citizenship documentation. The amount of any increased costs would likely vary among counties and, due to uncertainty regarding how the documentation would need to be processed and handled, potential costs cannot be reliably estimated at this time.

SBE noted that local boards would need to investigate what security measures might be needed for handling the documentation and would need to train staff regarding determination of the authenticity of the documentation.

Voter Identification

Expenditures could increase for local boards prior to the 2008 general election to account for modifications to election judge procedure and training related to the bill's identification requirement and costs of supplementing SBE's statewide voter outreach campaign. Based on information provided by local boards, the impact on local boards would vary by county. It is assumed voter outreach costs resulting from the bill's identification requirement could also be incurred in future election years.

Election Judge Procedure and Training

SBE indicates that changes made under the bill would require redevelopment of election judge procedure and training material. As a result, local boards would incur costs to supplement or reprint election judge manuals prior to the 2008 general election, and some local boards may incur costs associated with training election judges that might not otherwise be retrained prior to the election.

Prince George's County and Baltimore City, for example, estimate the cost of reprinting election judge manuals to be \$12,000 and approximately \$20,000, respectively, while Harford County could supplement existing manuals at a minimal cost. Baltimore City and Harford County expect to retrain all election judges prior to the 2008 general election and therefore would not incur additional training costs as a result of the bill. Frederick County costs could increase by at least \$15,500, reflecting compensation for 500 "check-in" election judges (who would not otherwise be retrained) to attend the training and estimated staff overtime costs to conduct the training (costs could be higher to account for additional time of voting system vendor trainers and the possibility of more than 500 judges needing to be trained). Cecil County costs could also increase by approximately \$13,000 to train roughly 300 election judges. These costs would be more significant in larger counties with more election judges if all judges would not otherwise be retrained prior to the 2008 general election in the absence of the bill (*e.g.*, if only new and chief election judges would be trained/retrained).

Voter Outreach

Costs could increase by \$30,000 in Prince George's County, \$6,000 to \$10,000 in Baltimore City, and approximately \$33,000 in Frederick County (to add information to specimen ballots) for voter outreach, based on information provided by those local

boards. Montgomery County indicates it could cost \$78,000 (not including copying costs) to reissue a polling place instructional video for voters, if necessary, and approximately \$8,000 for polling place signs. It is expected Harford County, however, would not incur any significant voter outreach-related costs.

Additional Information

Prior Introductions: HB 1212 of 2006, a bill including a similar proof of citizenship requirement, received a hearing in the House Ways and Means Committee but no further action was taken. HB 1166 of 2005 and HB 56 of 2004, bills also including a similar proof of citizenship requirement, both received an unfavorable report from Ways and Means. HB 706 of 2007 and HB 105 and HB 1279 of 2005, bills including a similar identification requirement, each received an unfavorable report from Ways and Means. HB 105 and HB 470 of 2006, bills also including a similar identification requirement, each received a hearing in Ways and Means but no further action was taken.

Cross File: None.

Information Source(s): Cecil County, Frederick County, Harford County, Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Baltimore City, State Board of Elections, Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

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