

**Department of Legislative Services**  
**Maryland General Assembly**  
**2008 Session**

**FISCAL AND POLICY NOTE**

Senate Bill 34 (Senator Colburn)  
 Education, Health, and Environmental Affairs

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**Election Law - Voter Registration - Proof of Citizenship**

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This bill requires an individual to submit proof of U.S. citizenship with a voter registration application. An applicant for voter registration must submit • a copy of a birth certificate or verification of birth in the U.S. or territory of the U.S.; • a current or expired passport issued by the U.S. or a territory of the U.S.; or • a copy of the document issued by the U.S. government identifying the applicant as a naturalized citizen of the U.S.

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**Fiscal Summary**

**State Effect:** State expenditures would increase by at least \$137,400 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 \$57,400 for additional Motor Vehicle Administration personnel and one-time computer programming costs. Potential security-related costs, which cannot be reliably estimated, are not included. Future years reflect ongoing personnel 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	57,400	52,600	54,900	57,400	59,900
Net Effect	(\$137,400)	(\$52,600)	(\$54,900)	(\$57,400)	(\$59,900)

*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. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

**Current Law:** 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 the MVA for issuance, renewal, or modification of a driver's license or identification card.

**Background:** Arizona and New Hampshire are two states that 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.

**State Expenditures:** General fund expenditures would increase by \$80,000 due to the costs estimated by SBE of redesigning and reprinting voter registration applications and informational brochures. TTF expenditures would increase by at least \$57,400 due to additional MVA personnel 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.

The MVA 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, and one-time start-up costs. The estimate is based on an assumption of the 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.

Salaries and Fringe Benefits	\$40,564
Computer Programming (one-time)	<u>16,875</u>
<b>Total FY 2009 TTF Expenditures</b>	<b>\$57,439</b>

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

The 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.

Additional costs could be incurred by SBE and the MVA for any necessary security-related measures associated with handling/transporting citizenship documentation. Voter registration applications, whether received by SBE, the 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. The 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.

**Local Fiscal Effect:** 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. Costs would likely vary among counties and, due to uncertainty regarding how the documentation would need to be processed and handled, costs cannot be reliably estimated at this time.

Montgomery County estimates it could incur costs of over \$120,000 in fiscal 2009 due to additional personnel and computer equipment needed for voter registration application processing – to account for the additional time required to scan citizenship documentation into the statewide voter registration database – as well as storage space to store citizenship documentation, if necessary. Other counties, on the other hand, have identified minimal or no costs.

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.

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### **Additional Information**

**Prior Introductions:** HB 1212 of 2006, an identical bill, had a hearing in the House Ways and Means Committee, but no action was taken. HB 1166 of 2005 and HB 56 of 2004, similar bills, both received an unfavorable report by Ways and Means.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Maryland Department of Transportation (Motor Vehicle Administration); Calvert, Caroline, Howard, and Montgomery counties; Department of Legislative Services

**Fiscal Note History:** First Reader - January 16, 2008  
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