

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 512
Ways and Means

(Delegate Kipke, *et al.*)

Anne Arundel County - Election Law - Photo Identification for Voting

This bill establishes a requirement that a voter in Anne Arundel County must present a current and valid government-issued photo identification in order to vote a regular ballot. A voter in Anne Arundel County who does not have the required identification or any voter that indicates a change of residence must vote a provisional ballot. The bill prohibits willfully and knowingly voting or attempting to vote under a false form of identification, with violations subject to existing criminal penalties.

Fiscal Summary

State Effect: Accounting for the Anne Arundel County specific requirement in election administration, outreach materials can be handled with existing budgeted resources of the State Board of Elections. Transportation Trust Fund revenues and expenditures may increase in FY 2010 and future years to the extent additional State driver's licenses/identification cards are applied for because of the photo ID requirement. The bill's criminal penalties are not expected to materially affect State finances.

Local Effect: Anne Arundel County expenditures increase in FY 2010 and 2011 primarily to conduct voter outreach and account for a possible increase in the number of provisional ballots cast. The extent of the expenditure increase, however, cannot be reliably estimated at this time. The bill's criminal penalties are not expected to materially affect county finances. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: 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 the response 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: 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 federal requirements under the Help America Vote Act of 2002 (HAVA) that identification be required of first-time voters who register by mail and do not provide verification of their identity with their voter registration.

Approximately half of the states have broader identification requirements than those mandated by HAVA. Florida, Georgia, and Indiana have probably the strictest requirements in that some form of photo identification must be presented in order to cast a regular ballot; otherwise, a voter must cast a provisional ballot. A small number of other states request photo identification, but allow for other means to cast a regular ballot. Other states requiring identification of all voters generally allow for a broader range of identification (often including items such as a utility bill, bank statement, or paycheck) to be provided, not necessarily containing the voter's photo. Maryland is among the states that do not require identification from all voters.

A number of legal challenges have been made to voter identification laws in recent years, primarily involving photo identification requirements. Photo identification requirements in Missouri and Georgia were struck down or enjoined from enforcement prior to the November 2006 elections, while challenges to requirements in Arizona (which allows several identification options) and Indiana (which allows photo identification only) were not successful in stopping their implementation for the November 2006 elections. Georgia's photo identification requirement was later restored by court action.

Two consolidated cases challenging Indiana's voter identification law, which is called the most stringent voter identification law in the country, reached the U.S. Supreme Court during its 2007 term and were decided by the Court in April 2008 (*Crawford, et al. v. Marion County Election Board, et al.*; *Indiana Democratic Party, et al. v. Rokita, et al.*). The Indiana law requires persons voting in person to present federal or State government issued photo identification (with the exception of persons that live and vote in a state licensed care facility) before voting. In a 6-3 decision, the Supreme Court upheld the law.

State Fiscal Effect: Transportation Trust Fund revenues and expenditures may increase in fiscal 2010 and future years to the extent additional State driver's license/identification cards are issued due to the photo ID requirement. Any increase, however, cannot be reliably estimated. Any need for additional customer agents would presumably, for the most part, exist during limited periods of time prior to elections and may diminish or vary in future years.

Local Fiscal Effect: Anne Arundel County expenditures increase in fiscal 2010 and 2011 primarily to conduct voter outreach to inform voters of the photo identification requirement and to account for a possible increase in the number of provisional ballots cast as a result of the requirement. The total cost to the county of implementing the bill cannot be reliably estimated at this time, primarily due to uncertainty regarding the extent and cost of advertising that may be necessary as part of voter outreach efforts. Costs are expected to diminish in future years as voters become more accustomed to the requirement.

Voter Outreach

Direct mailings to registered voters well in advance of an election (to allow those without a photo ID time to obtain one) and inclusion of information in specimen ballots mailed just prior to an election is expected to be necessary. Anne Arundel County spent \$67,426 to print and mail specimen ballots to almost all registered voters in the county (excluding absentee voters) prior to the November 2008 election. Costs for direct mailings regarding a photo identification requirement may be comparable, not accounting for inflation or increases in postage costs. A more targeted mailing to registered voters identified as not having a State driver's license or identification card, through data matching of voter registration and Motor Vehicle Administration information, may reduce costs. Adding information on the requirement to specimen ballots may cost an additional \$16,400, based on certain assumptions.

Costs of advertising, to the extent it is determined to be necessary, cannot be reliably estimated at this time, but may be significant. Other potential voter outreach efforts are not expected to result in significant costs.

Provisional Voting

Election officials may need to order additional provisional ballot materials (which are paid for in part by local election boards) as a result of the potential increase in the number of provisional ballots cast due to the photo ID requirement. In addition, the Anne Arundel County Board of Elections may need to hire additional temporary staff to review provisional ballots after the election. These costs, however, are expected to be relatively minimal, assuming a limited increase in provisional voting. A separate printing of Anne Arundel County specific provisional ballot applications, to include information related to the photo identification requirement, may be necessary. This may increase printing costs; however, any increase in costs is not expected to be significant.

Additional Information

Prior Introductions: Various bills establishing voter identification requirements statewide have been proposed in previous sessions. See, for example, SB 136 of 2008, SB 597 of 2007, and SB 803 of 2006, which received hearings in the Senate Education, Health, and Environmental Affairs Committee but were not acted upon. HB 1194 of 2006 received a hearing in the House Ways and Means Committee but no further action was taken.

Cross File: None.

Information Source(s): State Board of Elections, Maryland Department of Transportation, Anne Arundel County, Department of Legislative Services

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Analysis by: Scott D. Kennedy

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