

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

House Bill 322
Ways and Means

(Delegate Reznik, *et al.*)

Elective Franchise - Registration and Voting at Polling Places

This constitutional amendment gives the General Assembly the power to provide by law a process to allow a qualified voter to register and vote on election day at the polling place in the precinct in which the voter resides or at a polling place where the voter may vote during early voting.

Fiscal Summary

State Effect: The bill does not directly affect State operations or finances.

Local Effect: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2010 general election. It should not result in additional costs for the local boards of elections.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, the General Assembly must provide by law for a uniform registration of voters in the State, to serve as conclusive evidence to election judges of a registered voter's right to vote at any following election in the State. Further, a person may not vote at a federal or State election in the State, or municipal election in Baltimore City, without being on the list of registered voters.

Under State law, voter registration is conducted continuously, but is closed from 9 p.m. on the twenty-first day preceding an election to the eleventh day after an election. In general, a voter registration application that is mailed or submitted when registration is closed is accepted and retained, but does not become effective until registration reopens.

An individual may apply to become a registered voter through a number of means including: (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by the State Board of Elections, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); or (4) when applying to the Motor Vehicle Administration for issuance, renewal, or modification of a driver's license or identification card.

At the polls on election day and during early voting, if a voter's name is not found on the election register or inactive list, the voter is referred to vote a provisional ballot.

Background: Election day registration (EDR), or same-day registration, allows individuals an opportunity to register to vote or correct their existing registration after the voter registration deadline. Nine states – Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming – allowed for EDR in some form in 2008. Montana, Iowa, and North Carolina adopted EDR relatively recently (in 2006 and 2007), while other states have had EDR for a number of years, including Wisconsin, Maine, and Minnesota, which were the first states to enact EDR in the 1970s. The District of Columbia adopted EDR in 2009. According to the National Conference of State Legislatures, advocates of EDR assert that it increases turnout, while opponents maintain that EDR can also add administrative burdens and costs.

The Office of the Attorney General and the State Administrator of Elections issued a joint report in December 2006 on EDR. Among other findings addressing EDR's potential effect on voter turnout and provisional voting, a potential need for additional polling place staff, and other issues, the report indicated that provisions of the Maryland Constitution “contemplate some time interval between the closing of registration and an election” and should be amended in order to implement EDR.

Local Effect: The Maryland Constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the budgets of local boards of elections will contain funding for notifying qualified voters about proposed constitutional amendments for the 2010 general election in newspapers or on specimen ballots.

Additional Information

Prior Introductions: SB 514 and HB 476 of 2009 received hearings in the Senate Education, Health, and Environmental Affairs Committee and House Ways and Means Committee, respectively, but no further action was taken on either bill.

Cross File: SB 417 (Senator Lenett, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections, National Conference of State Legislatures, Department of Legislative Services

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