

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 444

(Delegate Cardin)

Ways and Means

Education, Health, and Environmental Affairs

Election Law - Citizens Who Have Not Lived in the United States - Right to Vote

This bill establishes that a citizen of the United States born abroad who has never lived in the United States, but who has a parent who is a resident of the State, is considered a resident of the State for purposes of qualifying to register to vote, provided the individual has not established a domicile outside the State. Such an individual may register to vote and vote only in elections for federal office in the county where a parent resides, provided the individual is not registered to vote in another state and is otherwise qualified.

The bill takes effect June 1, 2010.

Fiscal Summary

State Effect: Transportation Trust Fund expenditures may increase by less than \$10,000 in FY 2011 for the Motor Vehicle Administration to make revised voter registration-related forms available after the effective date of the bill. Any fiscal impact on the State Board of Elections (SBE) is not expected to be significant.

Local Effect: Local government expenditures may increase minimally due to costs of any necessary modifications to the State's voter registration database and any additional printing and postage costs for mailings to voters enfranchised under the bill.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The constitution requires individuals to be registered in order to vote. Under State law, with certain exceptions, an individual may

register to vote if the individual is a citizen of the United States, is at least age 18 (or will be age 18 on or before the day of the next succeeding general or special election), and is a resident of the State as of the day the individual seeks to register.

Background: According to the Federal Voting Assistance Program, 17 states allow U.S. citizens, age 18 or older, who were born abroad but have never resided in the United States, to vote absentee.

Currently, under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), states are required to permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office. An overseas voter includes a person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States. An overseas voter, under UOCAVA, however, is not defined to include a U.S. citizen who has never resided in the United States. In Maryland, an overseas citizen may register to vote and vote in the State if Maryland is the state where the person last resided immediately prior to leaving the United States. Some overseas voters are eligible to vote for all federal, State, and local offices, while others are only eligible to vote for federal offices.

The Court of Appeals has stated, with respect to the term “domicile” that:

“Domicile has been defined as the place with which an individual has a settled connection for legal purposes and the place where a person has his true, fixed, permanent home, habitation and principal establishment, without any present intention of removing therefrom, and to which place he has, whenever he is absent, the intention of returning.” (*See* *Oglesby v. Williams*, 372 Md. 360, 372-73 (2002).)

State Fiscal Effect: Transportation Trust Fund expenditures may increase minimally in fiscal 2011 to reprint Motor Vehicle Administration (MVA) forms to reflect a change in voter registration qualifications. MVA indicates the cost associated with revising and printing a three-month inventory of necessary forms would be \$10,000. MVA, however, has a system in place to adjust the regular printing of forms to minimize costs and wasted forms associated with expected revisions, likely resulting in any increase in costs being less than \$10,000.

Modifications may need to be made to the State’s voter registration database to account for foreign-born voters enfranchised by this bill. Costs of any modifications are expected to be billed to the local governments.

Revision of voter registration applications by SBE is not expected to result in an increase in expenditures, assuming SBE will need to print new voter registration applications after

the 2010 legislative session, for use leading up to the 2010 primary and general elections, with or without the bill. SBE has indicated that, historically, printing additional voter registration applications has been necessary.

Local Fiscal Effect: Local government expenditures may increase minimally due to costs of any necessary modifications to the State's voter registration database and any additional printing and postage costs for mailings to voters enfranchised under the bill. Costs of any necessary modifications to the State's voter registration database presumably will be relatively minimal once allocated among the 24 jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation (Motor Vehicle Administration); Office of the Attorney General; Baltimore, Garrett, Howard, and Montgomery counties; Federal Voting Assistance Program; Department of Legislative Services

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