

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 656
Ways and Means

(Delegate Impallaria, *et al.*)

Election Law - Voting by Felons at Polling Places - Prohibition

This bill specifies that an individual who is a felon may vote only by absentee ballot and may not vote at a polling place. The statewide voter registration application must require the applicant to indicate whether the applicant is a felon. Notification that an applicant who is a felon may vote only by absentee ballot and not at a polling place must be made available to the applicant. The bill also amends a voting-related exception to a prohibition against specified registered criminal offenders knowingly entering on school or child/day care property; the bill specifies that the prohibition does not apply where entry on the property is for the purpose of voting at a school on an election day *provided* the registrant is not a felon.

Fiscal Summary

State Effect: General fund expenditures may increase by up to \$28,000 and Transportation Trust Fund expenditures increase minimally in FY 2011 due to increased costs to make revised voter registration applications and other forms available after the effective date of the bill.

Local Effect: Local government expenditures may increase in FY 2011 due to software development and personnel costs. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential minimal.

Analysis

Current Law: A person convicted of a felony is not qualified to be a registered voter while actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction. Registered voters, however, generally have the choice of voting in person or by absentee ballot.

Under the Criminal Procedure Article, specified registered criminal offenders may not knowingly enter onto real property that is used for public or nonpublic elementary or secondary education or where a State-registered/licensed family day care home, child care home, or child care institution is located. The prohibition, however, does not apply to a registrant who enters real property for the purpose of voting at a school on an election day in the State if the registrant is properly registered to vote, and the registrant's polling place is at the school.

State Fiscal Effect:

State Board of Elections

General fund expenditures may increase by up to \$28,000 in fiscal 2011 to print voter registration applications allowing for applicants to indicate if they are felons. The applications would then be available for use when the bill takes effect October 1, 2010, between the 2010 primary and general elections.

In the absence of the bill, the State Board of Elections (SBE) expects it may need to print a batch of voter registration applications after the 2010 legislative session, for use leading up to the 2010 primary and general elections, due to a need to reflect any legislative changes and/or reduced inventory. Another batch would likely not be printed until after the 2011 legislative session.

Because the bill will require new voter registration applications to be available on October 1, 2010, general fund expenditures are expected to increase to some extent to ensure a sufficient number of two versions of forms leading up to the 2010 elections: those reflecting applicable requirements prior to October 1, 2010, and those allowing for applicants to indicate if they are felons beginning October 1, 2010, when the bill takes effect. SBE advises that having to print two separate versions of voter registration applications will increase costs but is uncertain of the extent of the increase. Voter registration applications are typically ordered in batches of 250,000, which SBE indicates is expected to cost approximately \$28,000 (though that cost could vary for future procurements).

Motor Vehicle Administration

Transportation Trust Fund expenditures may increase minimally in fiscal 2011 to reprint Motor Vehicle Administration (MVA) forms to account for the bill's changes. 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.

Local Fiscal Effect: Local government expenditures may increase in fiscal 2011 due to costs of software development for the statewide voter registration database and potential personnel costs associated with manually accounting for the bill's changes until the software development can be completed.

SBE advises that various changes will need to be made to the statewide voter registration database, including providing for the ability to track registered voters who are felons in the database, generate notifications to the voters regarding the voters' ability to only vote absentee, and ensure that those voters' registration records are not included in the electronic pollbooks and precinct registers on election day. SBE estimates that such changes could result in increased development costs (billed to the local boards by SBE) of up to \$250,000 in fiscal 2011 to the extent the development cannot be included within the operations and maintenance contract for the database. The statewide voter registration database undergoes continuous development and whether the changes necessary to implement the bill would represent increased costs would depend on the amount of room (development hours) within the contract to account for the changes.

For illustrative purposes, if \$250,000 in increased costs is allocated among the counties, Montgomery County (representative of a large county) expenditures, for example, would increase by approximately \$42,000, while Cecil County (representative of a smaller county) expenditures would increase by approximately \$4,400.

SBE also indicates that the software development may not be complete until the latter part of fiscal 2011 and an extensive manual business process to account for the bill's changes would need to be developed and implemented until that time. Local boards may have increased personnel costs as a result; however, the extent of any increase in costs is uncertain.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Maryland Department of Transportation, Judiciary (Administrative Office of the Courts), State Prosecutor, State's Attorneys' Association, Howard and Wicomico counties, Department of Legislative Services

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