

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Bill 1470
Ways and Means

(Delegate Cardin, *et al.*)

Elective Franchise - Registration and Voting at Early Voting Polling Places

This proposed constitutional amendment gives the General Assembly the power to provide by law a process to allow a qualified voter to register and vote at a polling place where the voter may vote during early voting.

Fiscal Summary

State Effect: None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets.

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 9:00 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. A small number of states – Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Ohio, Wisconsin, and Wyoming – allow for EDR in some form. North Carolina and Ohio only allow for EDR during early voting. According to the National Conference of State Legislatures (NCSL), in the six states that had EDR prior to 2006 and North Dakota (which has no voter registration), turnout is 10 to 17 percent higher than the national average. NCSL also indicates, however, that EDR can be costly due to a need for additional poll workers and other 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.

State Fiscal Effect: State costs of printing absentee and provisional ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). Any increase in costs, however, is expected to be relatively minimal, and it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

Local Fiscal Effect: Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on absentee and provisional ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

Additional Information

Prior Introductions: HB 732 of 2011 received a hearing in the House Ways and Means Committee, but no further action was taken. SB 417/HB 322 of 2010 received hearings in the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, respectively, but no further action was taken on either bill. SB 6 of 2010 was withdrawn prior to receiving a hearing in the Senate Education, Health, and Environmental Affairs Committee. Similar bills were also introduced in 2009.

Cross File: SB 339 (Senator Raskin, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; Office of the Attorney General; Baltimore, Carroll, Cecil, Harford, Montgomery, and Queen Anne's counties; National Conference of State Legislatures; Department of Legislative Services

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Analysis by: Scott D. Kennedy

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