

Department of Legislative Services
2013 Session

FISCAL AND POLICY NOTE

House Bill 17
Ways and Means

(Delegate Reznik)

Elective Franchise - Registration and Voting at 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 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: 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' (SBE) 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 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); (4) when applying to the Motor Vehicle Administration for issuance, renewal, or modification of a driver's license or identification card; or (5) through SBE's online voter registration system.

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. According to the National Conference of State Legislatures (NCSL), a small number of states – Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Ohio, Wisconsin, and Wyoming – and the District of Columbia allow for EDR in some form. North Carolina and Ohio only allow for EDR during early voting. Two additional states, California and Connecticut, have enacted EDR but have yet to implement it. NCSL cites increased voter turnout and convenience for voters as being among the advantages of EDR but notes that it can be costly to implement and must be adopted along with safeguards to prevent fraud.

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 SBE's budget. Pursuant to Chapter 564 of 2001, SBE 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: SB 339 of 2012 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on the bill. Its cross file, HB 1470, was referred to the House Ways and Means Committee, but no further action was taken on it. HB 732 of 2011 received a hearing in the House Ways and Means Committee, but no further action was taken on it. Similar bills were introduced in the 2010 and 2009 sessions.

Cross File: None.

Information Source(s): State Board of Elections, Montgomery and Prince George's counties, National Conference of State Legislatures, Department of Legislative Services

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