

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1094
Ways and Means

(Delegate Schuh, *et al.*)

Election Law - Polling Places - Proof of Identity

This bill establishes a requirement that a voter present one of various forms of identification in order to vote a regular ballot and that an election judge read a voter's name aloud. A voter who is unable to provide identification or indicates a change of residence must vote a provisional ballot. The bill also prohibits willfully and knowingly voting or attempting to vote under a false form of identification, with violations subject to existing criminal penalties.

The bill takes effect June 1, 2014.

Fiscal Summary

State Effect: General fund expenditures are expected to increase significantly in FY 2014 to conduct voter outreach. Costs may total at least \$500,000; however, the local boards of elections are expected to be responsible for a portion of the cost. Significant voter outreach costs will likely be incurred annually through FY 2017 (through the 2016 elections) but then subsequently diminish. General fund expenditures may also increase in FY 2014 and future years to the extent additional provisional ballots are determined to be needed. The bill's criminal penalty provisions are not expected to materially affect State finances.

Local Effect: Local government expenditures may increase due to costs associated with voter outreach, additional election judges, retraining of election judges for the 2014 primary election, additional provisional ballots, and mailing of additional voter notification cards and specimen ballots. The bill's criminal penalty provisions are not expected to materially affect local government finances. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The allowable forms of identification under the bill are:

- a current government-issued photo identification;
- a utility bill, bank statement, government check, paycheck, or any other government document that shows the voter's name and address and is dated within three months before the election;
- a voter notification card; or
- the specimen ballot mailed to the voter by a local board of elections.

Current Law: For each individual who seeks to vote, an election judge has to:

- locate the voter's name in the election register or inactive list;
- establish the voter's identity by requesting that the voter state their month and day of birth and comparing the response to the information in the election register;
- verify the address of the voter's residence, unless the voter's personal information has been deemed confidential by the local board, in which case an alternative verification method, established by the State Board of Elections (SBE), must be conducted; and
- have the voter sign a voting authority card.

Upon completion of those procedures, a voter is entitled to vote a regular ballot. If a voter's name is not found on the election register or the inactive voter list, the voter is referred to vote a provisional ballot.

Background: See the attached **Appendix – Voter ID in Other States** for information on voter identification laws in other states.

State Expenditures: General fund expenditures are expected to increase significantly in fiscal 2014 to conduct voter outreach regarding the voter identification requirement prior to the 2014 gubernatorial primary election. Costs of voter outreach in fiscal 2014 may total at least \$500,000. It is expected that local boards of elections will be responsible for part of the cost of a voter outreach campaign, but how the cost will be shared by the State and local boards is uncertain. Significant voter outreach costs will likely also be incurred in fiscal 2015 through 2017 for outreach prior to the gubernatorial general election and 2016 presidential elections, but will subsequently diminish as voters become more accustomed to the requirement.

The State shares ballot printing costs with the counties and to the extent additional provisional ballots are determined to be needed to account for an increase in provisional voters due to the identification requirement, State costs could increase. *For illustrative purposes*, if it is assumed that the number of provisional ballots will need to increase by 50%, State costs increase by approximately \$41,300 based on a per ballot cost of \$0.35, split between SBE and the local boards of elections, and the approximate number of provisional ballots ordered for the 2012 primary election.

Efforts to redevelop election judge procedures, training materials, and polling place signs, and to train local board staff, are assumed to be absorbable within existing resources.

Local Fiscal Effect: Expenditures may increase for local boards of elections for the 2014 gubernatorial primary election and future elections to account for costs such as voter outreach, training and compensation of election judges, additional provisional ballots and provisional ballot canvassing costs, and costs to send out additional voter notification cards and/or specimen ballots (allowable forms of identification).

In a medium-sized county, costs for training and compensation of additional election judges needed to accommodate the new voter identification process and maintain efficiency could be approximately \$15,000, while in certain larger counties, election judge costs could increase by over \$100,000. For the 2014 gubernatorial primary election, at least some local boards of elections may also incur costs to retrain election judges if training has occurred before this bill is enacted. In larger jurisdictions, however, retraining may not be feasible.

Prince George's County, which currently sends out one specimen ballot per household rather than to each registered voter, may incur additional costs of approximately \$200,000 to send out additional specimen ballots to voters.

As mentioned above under State Expenditures, *for illustrative purposes*, increased costs for provisional ballots for the counties as a whole could total \$41,300, accounting for the counties' share of the cost and assuming the number of provisional ballots needed increases by 50%.

Two jurisdictions contacted, Carroll and St. Mary's counties, do not anticipate increased costs due to a voter identification requirement.

Additional Information

Prior Introductions: HB 137 of 2013 and HB 113 of 2012 each received a hearing in the House Ways and Means Committee, but no further action was taken on either bill. SB 412 of 2012 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. In addition, similar bills were introduced in the 2005 through 2010 sessions.

Cross File: None.

Information Source(s): State Board of Elections; Carroll, Frederick, Harford, Montgomery, and St. Mary's counties; Department of Legislative Services

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mc/hlb

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Appendix – Voter ID in Other States

Thirty-four states have enacted voter identification (or voter ID) laws that require some form of identifying documentation to be produced by each voter. The National Conference of State Legislatures indicates that there are two key distinctions between the various state laws: (1) whether or not a *photo* ID is required; and (2) whether a law is “strict” or not. “Strict” voter ID laws allow a person who does not have identification to vote a provisional ballot, but in order for the provisional ballot to be counted, the voter must return to election officials within a short period of time after the election to show identification. “Nonstrict” voter ID laws allow for some other method for a voter’s ballot to be counted if the voter does not have identification, without having to later produce identification to election officials. **Exhibit 1** shows a breakdown of the requirements in the 34 states.

Exhibit 1 States with Voter Identification Laws

<u>Photo ID Required or Requested</u>		<u>Nonphoto ID Accepted</u>	
<u>Strict*</u>	<u>Nonstrict</u>	<u>Strict</u>	<u>Nonstrict</u>
<i>Arkansas</i>	<i>Alabama</i>	Arizona	Alaska
Georgia	Florida	Ohio	Colorado
Indiana	Hawaii		Connecticut
<i>Kansas</i>	Idaho		Delaware
<i>Mississippi</i>	Louisiana		Kentucky
<i>North Carolina</i>	Michigan		Missouri
<i>Pennsylvania</i>	<i>New Hampshire</i>		Montana
<i>Tennessee</i>	<i>Rhode Island</i>		North Dakota
<i>Texas</i>	<i>South Carolina</i>		Oklahoma
<i>Virginia</i>	South Dakota		Utah
<i>Wisconsin</i>			Washington

*There is ongoing litigation in multiple states regarding strict photo ID requirements, which could affect whether the requirements are in place in those states for elections in 2014. North Carolina’s law does not take effect until 2016.

States listed in italics – These states have enacted new or more stringent voter ID laws within the last three years (2011-2013).

Source: National Conference of State Legislatures; Department of Legislative Services
