

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1017
Ways and Means

(Delegate Parrott, *et al.*)

Election Law - Qualification of Voters - Proof of Identity

This bill establishes a requirement that a voter present a current government-issued photo identification in order to vote a regular ballot. A voter who does not have the required identification or indicates a change of residence must vote a provisional ballot. The bill allows a resident who is at least age 18, does not have a driver's license, and produces specified documentation to obtain an identification card from the Motor Vehicle Administration (MVA), for use as a voter identification card, at no charge. 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.

Fiscal Summary

State Effect: General fund expenditures increase significantly in FY 2016 through 2019 for voter outreach. Costs may total at least \$500,000; however, local boards of elections are expected to be responsible for a portion of the cost. Voter outreach costs diminish beyond FY 2019. Transportation Trust Fund (TTF) identification card revenues may decrease significantly. 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, and additional provisional 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: None.

Analysis

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, 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 2016 to conduct voter outreach regarding the voter identification requirement prior to the 2016 presidential primary election. Costs of voter outreach in fiscal 2016 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 2017 through 2019 for outreach prior to the presidential general election and 2018 gubernatorial elections but will subsequently diminish as voters become more accustomed to the requirement.

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.

State Revenues: Special fund revenues are expected to decrease due to a loss of identification card fees paid to TTF, assuming individuals at least age 18 applying for an identification card assert that they are applying for the card for voter identification purposes. MVA charges a \$24 fee for an identification card and \$20 for a duplicate/corrected card. Based on fiscal 2014 statistics, *for illustrative purposes only*, assuming approximately 77,822 identification cards and 22,836 duplicate/corrected identification cards would otherwise be issued for a fee, TTF revenues decrease by up to

\$1.7 million in fiscal 2016, accounting for the bill's October 1, 2015 effective date. Annualized revenue decreases could total \$2.3 million.

Local Fiscal Effect: Expenditures may increase for local boards of elections for the 2016 presidential primary election and future elections to account for costs such as voter outreach, training and compensation of additional election judges, and additional provisional ballot materials and canvassing (personnel) costs.

As shown in the **Appendix – Election Administration/Costs in Maryland**, election judge and temporary staff and overtime costs made up roughly 24% (\$9.4 million) of the collective local boards of elections' budgets for fiscal 2014. While the extent of the overall increase in expenditures for local boards of elections resulting from this bill cannot be reliably estimated, *for illustrative purposes only*, a 5% increase over local boards of elections' election judge and temporary staff/overtime costs in fiscal 2014 results in a \$470,000 collective increase in costs, spread across the local boards.

Additional Information

Prior Introductions: HB 288 of 2011 received a hearing in the House Ways and Means Committee, but no further action was taken. SB 711 of 2010 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 2009 sessions.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Baltimore City; Frederick, Kent, and Worcester counties; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2015
md/hlb

Analysis by: Scott D. Kennedy

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

Appendix – Voter ID in Other States

Thirty-three states have voter identification (or voter ID) laws that require some form of identifying documentation to be produced by each voter. Voter ID laws can be differentiated by (1) whether they require photo ID or allow forms of nonphoto ID to be provided and (2) whether another method of establishing one’s identity or eligibility to vote is allowed as an alternative to providing identifying documentation (not counting limited policy exceptions to ID requirements, such as for indigence or a religious objection to being photographed). **Exhibit 1** shows a breakdown of the requirements in the 33 states. Laws allowing for an alternative method of establishing one’s identity or eligibility are identified below as “nonstrict.”

Exhibit 1 States with Voter Identification Laws January 2015

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

*The laws in North Carolina and Wisconsin were not in effect in 2014, due to a delayed effective date and litigation, respectively. Pennsylvania has been left off the list since its strict photo ID law was struck down in court in May 2014 and the Governor announced that the decision would not be appealed.

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

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

Appendix – Election Administration/Costs in Maryland

Election Schedule

- Most State- and county-level offices are voted on during the gubernatorial elections, with a smaller number of offices, including Baltimore City offices (beginning in 2016), voted on during the presidential elections.

Four-year election cycle (for statewide elections)

Year 1 (2015)	Year 2 (2016)		Year 3 (2017)	Year 4 (2018)	
	Presidential Elections			Gubernatorial Elections	
	Primary (April)	General (November)		Primary (June)	General (November)

- Elections for offices in municipalities other than Baltimore City are held at various times during the year and with varying frequency.

Election Administration

State Board of Elections

Local (County and Balt. City)
Boards of Elections

- | | |
|---|--|
| <ul style="list-style-type: none"> • Policy making • Management and coordination of statewide elections-related systems (<i>e.g.</i>, voting system, voter registration system) • Supervision and support of local boards of elections | <ul style="list-style-type: none"> • Voter registration • Hiring and training election judges (poll workers) • Mailing specimen (sample) ballots • Processing absentee ballot applications • Voting equipment testing • Early voting centers and polling places (establishment, staffing, supervising, supporting) • Canvassing (vote counting) |
|---|--|

Annual Election Costs*

FY 2014	State Board of Elections	\$11.2 million
<i>(based on budgeted amounts)</i>	Local Boards of Elections	\$39.4 million
	Total	\$50.6 million

*The timing of elections results in one primary or general election occurring in each fiscal year.
(see second page for more detail on FY 2014 costs)

Exhibit 1
Fiscal 2014 Election Administration Costs

State Board Costs
<ul style="list-style-type: none">● Total – \$11.2 million<ul style="list-style-type: none">● Regular personnel and nonelection-related office operations costs – \$3.4 million● State share of touchscreen voting system operations and maintenance costs – \$1.7 million● State share of final financing payment for touchscreen voting system – \$1.7 million● Other election-related costs – \$1.8 million● Planning for new voting system – \$1.15 million● Studies required under Chapters 157/158 of 2013 – \$0.25 million● Federal grant funding used for costs associated with online voter registration, the voter registration interface with the Motor Vehicle Administration, a call center, online absentee ballot delivery, and voter accessibility projects – \$1.2 million
Local Boards' Costs (collective totals for 24 local boards)
<ul style="list-style-type: none">● Total – \$39.4 million<ul style="list-style-type: none">● Regular personnel and nonelection-related office operations costs – \$15.5 million● Costs billed by the State board to the local boards (primarily the local share of voting system financing and operations and maintenance costs and voter registration system costs) – \$9.0 million● Voter mailings (voter notification cards and sample ballots) – \$1.4 million● Temporary office staff/overtime – \$3.4 million● Election judges – \$6.0 million● Early voting center/polling place rental/maintenance costs – \$0.2 million● Other costs – \$3.9 million
Overall Total – \$50.6 million

Note: Aside from the \$1.2 million in federal grant funding, the State board expenditures are almost entirely general fund expenditures.

Source: Department of Legislative Services; State Board of Elections; Local Boards of Elections
