

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 716 (Delegate Impallaria)
Ways and Means

Election Law - Voting by Felons at Polling Places - Prohibition

This bill prohibits an individual who is a felon from voting at a polling place. An individual who is a felon may vote only by absentee ballot. A person who violates the prohibition is subject to monetary and/or incarceration penalties. 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 registered sex offenders knowingly entering on school or child 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.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$57,900 in FY 2016 for programming and printing costs. The bill's penalty provision is not expected to materially affect State finances.

Local Effect: Local government expenditures increase in FY 2017 and possibly in FY 2018 by a significant amount due to software development costs and may also increase due to personnel and mailing costs. The bill's penalty provision is 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: An individual convicted of a felony is not qualified to be a registered voter if the individual is currently serving a court-ordered sentence of imprisonment for the conviction. Registered voters, however, generally have the choice of voting in person or by absentee ballot.

A person who is convicted of a violation of a provision of Title 9, Subtitle 3 (“Absentee Voting”) of the Election Law Article (within which the bill’s prohibition against a felon voting at a polling place is established) is subject to a fine of up to \$1,000 and/or imprisonment for up to two years.

Under the Criminal Procedure Article, registered sex 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 child care home, child care home, or child care institution, or a home where specified informal child care is or will be provided, 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: TTF expenditures increase by \$57,900 in fiscal 2016 for programming and printing costs. The Motor Vehicle Administration will need to modify the voter registration portions of its customer transaction systems and paper forms that include voter registration content. Expenditures are incurred in fiscal 2016 in order for the changes to be in place by the bill’s July 1, 2016 effective date. The bill’s penalty provision is not expected to materially affect State finances.

Local Fiscal Effect: Local government expenditures increase in fiscal 2017 and possibly fiscal 2018 by a significant amount 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.

The State Board of Elections (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.

Software development may be delayed until after the 2016 presidential elections, 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. Mailing costs may be incurred by local boards of elections to notify affected voters and mail additional absentee ballots.

The bill's penalty provision is not expected to materially affect local government finances.

Additional Information

Prior Introductions: HB 385 of 2011 received a hearing in the House Ways and Means Committee, but no further action was taken. HB 656 of 2010 received a hearing in the House Ways and Means Committee but was subsequently withdrawn.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State Commission on Criminal Sentencing Policy; Department of Public Safety and Correctional Services; State's Attorneys' Association; Baltimore, Dorchester, Garrett, and Montgomery counties; Department of Legislative Services

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