

Department of Legislative Services
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 423

(Senator Pinsky, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Elective Franchise - Registration and Voting at Polling Place

This proposed constitutional amendment gives the General Assembly the power to provide by law a process to allow a qualified individual to register and vote at a polling place on Election Day or on a day designated for 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 budget of the State Board of Elections (SBE) irrespective of this bill.

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 irrespective of this bill.

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. An

exception to the closing of registration prior to an election is that, pursuant to Chapters 157 and 158 of 2013, during early voting an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration, then subsequently vote the appropriate ballot.

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 SBE, 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 (MVA) for issuance, renewal, or modification of a driver's license or identification card; or (5) through SBE's online voter registration system.

Chapter 287 of 2016 designates MVA, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration as electronic voter registration agencies and requires the agencies to implement electronic voter registration systems that offer applicants the opportunity to register to vote or update a voter registration record during an applicable transaction. The systems must be implemented by July 1, 2017, except for local departments of social services, which must implement a system by December 1, 2019.

At the polls on Election Day, 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, a small number of states – California, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Maine, Maryland (early voting only), Minnesota, Montana, New Hampshire, Vermont, Wisconsin, and Wyoming – and the District of Columbia either allow, or are soon to allow, for same-day registration.

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 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). However, it is assumed that the potential for such increased costs resulting from any proposed constitutional amendments will have been anticipated in the budget of SBE irrespective of this bill. 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 ballots. It is assumed, however, that the potential for such increased costs resulting from any proposed constitutional amendments will have been anticipated in local boards of elections' budgets irrespective of this bill.

Additional Information

Prior Introductions: SB 518 of 2013, a similar bill, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, HB 17, received a hearing in the House Ways and Means Committee, but no further action was taken. HB 732 of 2011, also a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken. Similar bills were introduced in the 2010 and 2009 sessions.

Cross File: HB 345 (Delegate Reznik, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Baltimore, Charles, and Frederick counties; National Conference of State Legislatures; Department of Legislative Services

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