

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 539

(Delegate Parrott, *et al.*)

Ways and Means

Election Law - Voter Registration and Absentee Voting - Proof of Citizenship

This bill requires that a person submit satisfactory proof of U.S. citizenship in order to register to vote and specifies various forms of satisfactory proof of U.S. citizenship. The requirement does not apply to a U.S. citizen who is registered to vote as of June 30, 2017, or an individual who changes the individual's name, address, or party affiliation in an existing voter registration record. The bill also authorizes an election director to remove a voter from the statewide voter registration list if the election director verifies that the voter is not a U.S. citizen. With the exception of a voter who submits proof of citizenship when registering to vote, a voter requesting an absentee ballot must also submit satisfactory proof of U.S. citizenship.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$27,800 in FY 2017, due to Motor Vehicle Administration (MVA) printing and programming costs. TTF expenditures may increase in FY 2018 and future years for additional staffing resources, but the extent of any increase has not been quantified. Revenues are not affected.

| (in dollars) | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 |
|----------------|------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| SF Expenditure | 27,800 | - | - | - | - |
| Net Effect | (\$27,800) | \$0 | \$0 | \$0 | \$0 |

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government personnel and other expenditures related to processing voter registration and absentee ballot applications may increase. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Satisfactory proof of U.S. citizenship includes:

- a copy of a driver's license or an identification card that indicates the applicant has submitted proof of citizenship;
- a copy of a birth certificate that verifies citizenship;
- a copy of the pages of a U.S. passport identifying the applicant and the applicant's passport number;
- a copy of U.S. naturalization documents or the number of a certificate of naturalization, provided that the number is verified with U.S. Citizenship and Immigration Services if only the number is submitted;
- other documents or methods of proof under the federal Immigration Reform and Control Act of 1986;
- a Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number; or
- any other form of proof approved by the State Board of Elections (SBE) through regulation.

The proof of citizenship, both in the case of registering to vote and requesting an absentee ballot (for those who did not submit proof when registering to vote), may be submitted in person, by mail, or by any other method required by SBE through regulation at the time the application is submitted or any reasonable time thereafter as required by SBE through regulation. A voter registration application or an absentee ballot application (for those who did not submit proof when registering to vote) that is not accompanied by proof of citizenship is accepted, but the applicant may not be registered or an absentee ballot may not be issued to the applicant until satisfactory proof of citizenship is submitted.

A voter registration application must include a statement that proof of citizenship is required in order to register to vote.

Current Law:

Voter Registration

Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is

eligible to vote. The General Assembly is authorized to regulate or prohibit the right to vote of a person convicted of a serious crime or under care or guardianship for mental disability. The constitution requires individuals to be registered in order to vote.

Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register.

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 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.

Absentee Ballot Application

An absentee ballot may be requested in writing (there is a State application that can be used) or online through the SBE website. An online application requires certain identification information to be provided.

Background: A limited number of states have laws requiring proof of U.S. citizenship in order to register to vote, including Arizona and Kansas.

State Fiscal Effect: TTF expenditures increase by \$27,800 in fiscal 2017 for one-time revision and reprinting of MVA forms and for programming changes. Costs are incurred in fiscal 2017 to implement changes prior to the bill's effective date of July 1, 2017. TTF expenditures may increase in fiscal 2018 and future years for additional MVA staffing resources to manage collection and securing of proof of citizenship documents provided by persons registering to vote. The extent of any increase, however, has not been quantified. This estimate does not account for potential programming or other costs incurred by other agencies offering voter registration services, including the other electronic voter registration agencies.

SBE finances are not expected to be materially affected, assuming that electronic proof of citizenship documentation submission will not be incorporated into the online voter registration system, and instead a voter who registers through the system will be placed in pending status until the documentation is mailed in.

Local Fiscal Effect: Local government expenditures may increase due to additional personnel or other costs associated with processing of voter registration and absentee ballot applications and communicating with the public about the proof of citizenship requirement. Frederick County, for example, indicates its costs may increase by \$42,600 in fiscal 2018, and by similar amounts in future years, for an additional clerical position and mailing costs. Smaller jurisdictions, on the other hand, may only have minimal increases in expenditures or be able to implement the bill with existing resources.

Additional Information

Prior Introductions: HB 1390 of 2016 received a hearing in the House Ways and Means Committee but was subsequently withdrawn. HB 1076 of 2015 received an unfavorable report from the House Ways and Means Committee.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Charles, Frederick, and Montgomery counties; Arizona Secretary of State; Kansas Secretary of State; Department of Legislative Services

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