

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 750 (Senator Folden)
 Education, Energy, and the Environment

Election Law - Voting - Proof of Identity

This bill alters the manner in which an election judge must establish the identity of an in-person voter so that the voter is required to (1) present a current government-issued photo identification that includes a signature and (2) provide a written signature in the presence of the election judge to match the signature on the identification presented. A voter who is unable to provide the required identification 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.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$270,000 in FY 2024 and by at least \$250,000 in FY 2025 through FY 2027. Costs diminish beyond FY 2027. The bill’s criminal penalty provisions are not expected to materially affect local government finances.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	270,000	250,000	250,000	250,000	-
Net Effect	(\$270,000)	(\$250,000)	(\$250,000)	(\$250,000)	(-)

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

Local Effect: Local government expenditures increase by at least \$5.5 million, collectively, in FY 2024 through 2027, and by at least \$5.25 million in future years, as discussed below. The bill’s criminal penalty provisions are not expected to materially affect local government finances. **This bill imposes 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 (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.

State Fiscal Effect: General fund expenditures are expected to increase by at least \$270,000 in fiscal 2024, reflecting the costs to (1) revise SBE's online video election judge training materials (\$20,000) and (2) conduct additional statewide voter outreach prior to the 2024 presidential primary election regarding the voter identification and written signature requirements (\$250,000). SBE indicates that costs of additional voter outreach in fiscal 2024 are expected to total at least \$500,000. In accordance with the State's current cost-sharing with the local boards of elections, these additional statewide voter outreach costs are assumed to be split evenly between SBE and the local boards of elections. Similar voter outreach costs are expected to be incurred in fiscal 2025 through 2027 for outreach prior to the 2024 presidential general election and 2026 gubernatorial elections but will subsequently diminish as voters become more accustomed to the requirement.

General fund expenditures further increase for additional pollbooks and pollbook printers to the extent local boards of elections need them, to mitigate additional time added to the voting process by the voter identification requirement. It is assumed that the costs of the additional pollbooks are shared by the State and the local boards of elections in accordance with current cost-sharing. The number of additional pollbooks and pollbook printers needed statewide cannot be reliably estimated at this time; however, for illustrative purposes, if an additional pollbook and pollbook printer is needed at 25% of election day polling places and at each early voting center, SBE costs increase by approximately \$300,000 in fiscal 2024 only.

Local Fiscal Effect: Expenditures are expected to increase for local boards of elections by at least \$5.5 million, collectively, for the 2024 presidential primary election and future

elections, accounting for voter outreach (\$250,000) and signature verification training costs for election judges (\$5.25 million). As previously noted, local boards of elections are assumed to be responsible for one-half of the amount of the costs of additional statewide voter outreach (at least \$250,000 in fiscal 2024 through 2027). Because the bill refers to a voter providing a written signature to match the signature on the identification, this analysis assumes that whether the election judge refers a voter to provisional ballot voting will depend in part on a determination by the election judge of whether the written signature matches the signature on the identification. The estimate for the costs of signature verification training for election judges is based on information provided by the local boards on the number of election judges in each county and assumes the amount of training needed is comparable to training that would be needed for absentee ballot signature verification. The estimate assumes that signature verification training is needed annually, prior to each primary and general election.

Local government expenditures may further increase beginning in fiscal 2024 based on each county's approach to implementation of the bill's requirements. It is anticipated that local boards may need to acquire additional pollbooks and hire additional election judges to mitigate additional time added to the voting process. Under the illustrative example above, under State Fiscal Effect, local boards costs also increase by approximately \$300,000 in fiscal 2024 only, for the local boards' share of the costs for an additional pollbook and pollbook printer at 25% of election day polling places and at each early voting center, and by approximately \$115,000 annually for the wholly local cost of training and compensation of additional election judges to operate the additional pollbooks.

The bill does not include specific procedures for (1) a voter to provide a written signature; (2) the comparison of the written signature with the signature on the identification card; or (3) any retention and storage of the written signature. Accordingly, aside from the costs for signature verification training for election judges, the estimate does not account for any other costs that might be incurred, for technology or otherwise, to receive and store voters' written signatures.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1216 (Delegate Miller, *et al.*) - Ways and Means.

Information Source(s): Baltimore City; Anne Arundel, Baltimore, Calvert, Carroll, and Prince George's counties; Maryland State Board of Elections; Department of Legislative Services

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