

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 838 (Senator Ready, *et al.*)
Education, Health, and Environmental Affairs

Election Law – Polling Places – Proof of Identity

This bill establishes a requirement that a voter present one of various forms of identification in order to vote a regular ballot and that an election judge read a voter's name aloud. A voter who is unable to provide identification or indicates a change of residence 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 significantly in FY 2022 through 2025 for voter outreach. Costs may total at least \$500,000 each year; however, local boards of elections are expected to be responsible for a portion of the cost. Voter outreach costs diminish beyond FY 2025. 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 equipment, 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

Bill Summary: The allowable forms of identification under the bill are:

- a current government-issued photo identification;
- a utility bill, bank statement, government check, paycheck, or any other government document that shows the voter's name and address and is dated within three months before the election;
- a voter notification card; or
- the specimen ballot mailed to the voter by a local board of elections.

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.

State Expenditures: General fund expenditures are expected to increase significantly in fiscal 2022 to conduct voter outreach regarding the voter identification requirement prior to the 2022 gubernatorial primary election. Costs of voter outreach in fiscal 2022 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 2023 through 2025 for outreach prior to the gubernatorial general election and 2024 presidential 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.

Local Fiscal Effect: Expenditures are expected to increase for local boards of elections for the 2022 gubernatorial primary election and future elections to account for costs such

as voter outreach, training and compensation of additional election judges, additional election judge equipment, and/or additional provisional ballot materials and canvassing (personnel) costs. Based on information provided by a small number of counties, costs may vary from relatively minimal costs in some counties to more significant costs in others, depending on a county's approach to implementation of the bill's requirement.

Washington County, for past legislation requiring identification to be presented when voting in person, estimated that it would incur costs of \$233,000 in the first year, and costs of approximately \$150,000 in future years. The estimate accounted for (1) a part-time employee to handle processing, after an election, of provisional ballots voted by voters without identification, and to handle ongoing voter education efforts (\$45,000); (2) a pre-election mailing to voters (\$70,000); (3) compensation and training for two additional election judges at each polling place, a greeter judge and check-in judge, to alleviate any effect the identification requirement might have on voter wait times (\$22,500); (4) voter education media advertisements (\$5,000); and (5) one additional pollbook and pollbook printer at each polling place for the additional check-in judge (a one-time cost of \$90,500). Worcester County also indicated a need for additional election judges (\$14,000), pollbooks and pollbook printers (a one-time cost of \$38,000), and clerical assistance (\$800) (to assist with verifying identification of provisional voters after the election – those who did not have identification when voting in person).

Additional Information

Prior Introductions: HB 1094 of 2014 received a hearing in the House Ways and Means Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): State Board of Elections; Charles, Frederick, Washington, and Worcester counties; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2021
rh/hlb

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