

Chapter 292

(Senate Bill 806)

AN ACT concerning

Election Law – Online Voter Registration

FOR the purpose of authorizing an individual to apply to become a registered voter through an online voter registration system; ~~requiring~~ authorizing the State Board of Elections to operate an online voter registration system that allows an individual to apply to register to vote and make certain changes in the individual's existing voter registration record; requiring an individual who applies to register to vote through the online voter registration system, or who makes certain changes in the individual's existing voter registration record through the online voter registration system, to follow certain procedures and provide certain information; requiring the Motor Vehicle Administration to transmit to the State Board an electronic copy of the signature of an individual who submits a voter registration application through the online voter registration system within a certain period of time; authorizing the State Board to take certain actions to ensure the accuracy and integrity of voter registration applications submitted through the online voter registration system; authorizing the State Board to adopt regulations as necessary to administer the online voter registration system; clarifying that notification of a change of party affiliation or a change to or from a decline may be made by certain methods, including through the online voter registration system; making conforming changes; requiring that not more than a certain amount of the funds in the Fair Campaign Financing Fund be transferred to the State Board of Elections for certain fiscal years for the purpose of implementing an online voter registration system; requiring that funds transferred from the Fair Campaign Financing Fund be used to pay certain costs that would otherwise be paid by local governments; requiring that any funds transferred from the Fair Campaign Financing Fund that are not used to implement an online voter registration system revert to the Fair Campaign Financing Fund; and generally relating to online voter registration.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–201 and 3–303

Annotated Code of Maryland

(2010 Replacement Volume)

BY adding to

Article – Election Law

Section 3–204.1

Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,

Chapter 487 of the Acts of the General Assembly of 2009, as amended by
Chapter 484 of the Acts of the General Assembly of 2010
Section 38(a) and (c)

BY adding to

Chapter 487 of the Acts of the General Assembly of 2009, as amended by
Chapter 484 of the Acts of the General Assembly of 2010
Section 38(l)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

3–201.

(a) An individual may apply to become a registered voter:

- (1) at a local board office or the State Board office;
- (2) at a registration site administered by a local board;
- (3) by mail;
- (4) when applying to the Motor Vehicle Administration for the issuance, renewal, or modification of a driver's license or identification card;

(5) when applying for services at a voter registration agency; [or]

(6) THROUGH THE STATE BOARD'S ONLINE VOTER REGISTRATION SYSTEM; OR

[(6)] (7) with the assistance of a volunteer authorized by the State or local board.

(b) An individual who is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election may be a volunteer under subsection **[(a)(6)](A)(7)** of this section.

3–204.1.

(A) THE STATE BOARD ~~SHALL~~ MAY OPERATE AN ONLINE VOTER REGISTRATION SYSTEM THAT ALLOWS AN INDIVIDUAL TO ELECTRONICALLY:

(1) APPLY TO BECOME A REGISTERED VOTER; OR

(2) CHANGE THE INDIVIDUAL'S NAME, ADDRESS, OR PARTY AFFILIATION IN THE INDIVIDUAL'S EXISTING VOTER REGISTRATION RECORD.

(B) TO APPLY TO REGISTER TO VOTE THROUGH THE ONLINE VOTER REGISTRATION SYSTEM, AN INDIVIDUAL SHALL:

(1) COMPLETE THE ELECTRONIC VOTER REGISTRATION APPLICATION;

(2) AFFIRMATIVELY ATTEST, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE INFORMATION CONTAINED IN THE VOTER REGISTRATION APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL OF THE QUALIFICATIONS TO BECOME A REGISTERED VOTER;

(3) PROVIDE ONE OF THE FOLLOWING:

(I) A MARYLAND DRIVER'S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER; OR

(II) IF THE INDIVIDUAL IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER; AND

(4) AFFIRMATIVELY CONSENT TO THE USE OF ONE OF THE FOLLOWING AS THE INDIVIDUAL'S SIGNATURE FOR THE APPLICATION BEING SUBMITTED:

(I) THE ELECTRONIC COPY OF THE INDIVIDUAL'S SIGNATURE THAT IS ON FILE WITH THE MOTOR VEHICLE ADMINISTRATION; OR

(II) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

(C) TO CHANGE AN INDIVIDUAL'S NAME, ADDRESS, OR PARTY AFFILIATION IN THE INDIVIDUAL'S EXISTING VOTER REGISTRATION RECORD, AN INDIVIDUAL SHALL:

(1) COMPLETE THE ELECTRONIC VOTER REGISTRATION APPLICATION;

(2) AFFIRMATIVELY ATTEST, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE INFORMATION CONTAINED IN THE VOTER REGISTRATION APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL OF THE QUALIFICATIONS TO BE A REGISTERED VOTER;

(3) PROVIDE ONE OF THE FOLLOWING:

(I) A MARYLAND DRIVER'S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER;

(II) A MARYLAND VOTER IDENTIFICATION NUMBER ON THE INDIVIDUAL'S VOTER NOTIFICATION CARD; OR

(III) IF THE INDIVIDUAL IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER; AND

(4) AFFIRMATIVELY CONSENT TO THE USE OF ONE OF THE FOLLOWING AS THE INDIVIDUAL'S SIGNATURE FOR THE APPLICATION BEING SUBMITTED:

(I) THE ELECTRONIC COPY OF THE INDIVIDUAL'S SIGNATURE THAT IS ON FILE WITH THE MOTOR VEHICLE ADMINISTRATION;

(II) THE ELECTRONIC COPY OF THE INDIVIDUAL'S SIGNATURE THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST; OR

(III) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

(D) THE MOTOR VEHICLE ADMINISTRATION SHALL TRANSMIT AN ELECTRONIC COPY OF AN INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD SIGNATURE TO THE STATE BOARD WITHIN 5 DAYS OF BEING NOTIFIED BY THE STATE BOARD THAT THE INDIVIDUAL SUBMITTED A VOTER REGISTRATION APPLICATION THROUGH THE ONLINE VOTER REGISTRATION SYSTEM.

(E) THE STATE BOARD MAY:

(1) TAKE ANY ADDITIONAL MEASURES IT DEEMS NECESSARY TO ENSURE THE INTEGRITY AND ACCURACY OF VOTER REGISTRATION APPLICATIONS SUBMITTED THROUGH THE ONLINE VOTER REGISTRATION SYSTEM; AND

(2) ADOPT ANY REGULATIONS NECESSARY TO ADMINISTER THE ONLINE VOTER REGISTRATION SYSTEM.

3-303.

(a) [A local board, at the signed request of a registered voter, shall change that voter's party affiliation, or change the voter to or from a decline, at any time that registration is open.] **NOTIFICATION OF A CHANGE OF PARTY AFFILIATION OR A CHANGE TO OR FROM A DECLINE MAY BE MADE:**

(1) BY INFORMATION PROVIDED ON A VOTER REGISTRATION APPLICATION BY THE SAME METHODS PROVIDED FOR REGISTRATION UNDER SUBTITLE 2 OF THIS TITLE;

(2) BY WRITTEN NOTICE, SIGNED BY THE VOTER AND SENT BY MAIL OR OTHERWISE DELIVERED TO THE LOCAL BOARD IN THE COUNTY WHERE THE VOTER'S CURRENT VOTER REGISTRATION ADDRESS IS LOCATED OR TO WHICH THE VOTER HAS MOVED;

(3) BY MAKING APPLICATION IN PERSON AT THE OFFICE OF THE LOCAL BOARD IN THE COUNTY WHERE THE VOTER'S CURRENT VOTER REGISTRATION ADDRESS IS LOCATED OR TO WHICH THE VOTER HAS MOVED;

(4) BY INFORMATION ON A VOTER AUTHORITY CARD OR OTHER APPROPRIATE FORM FILLED OUT IN A POLLING PLACE; OR

(5) BY CHANGING A NAME OR ADDRESS WITH THE MOTOR VEHICLE ADMINISTRATION.

(B) PARTY AFFILIATION CHANGES OR CHANGES TO OR FROM A DECLINE:

(1) SHALL BE PROCESSED AT ANY TIME THAT REGISTRATION IS OPEN; AND

(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MAY NOT BE PROCESSED WHEN REGISTRATION IS CLOSED.

[(b)] (C) If a local board receives a request for a party affiliation change after the close of registration, the local board shall make the change and it shall become effective for the next election provided:

(1) there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by the State Board, that the request was mailed on or before the close of registration for that election; or

(2) the request was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board on or before the close of registration for that election.

Chapter 487 of the Acts of 2009, as amended by Chapter 484 of the Acts of 2010

SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15-103 of the Election Law Article cannot operate as originally contemplated.

(c) A transfer under this section may not reduce the balance in the Fund below \$1,000,000.

(L) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2012 AND FISCAL YEAR 2013, A CUMULATIVE SUM IN THE AMOUNT OF NOT MORE THAN \$250,000 OF THE BALANCE IN THE FUND SHALL BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE VOTER REGISTRATION SYSTEM.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FUNDS TRANSFERRED UNDER THIS SUBSECTION SHALL BE USED TO PAY COSTS ASSOCIATED WITH IMPLEMENTATION OF AN ONLINE VOTER REGISTRATION SYSTEM THAT WOULD OTHERWISE BE PAID BY LOCAL GOVERNMENTS.

(3) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER THIS SUBSECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN ONLINE VOTER REGISTRATION SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, May 10, 2011.