

HOUSE BILL 1049

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By: **Delegates Hixson, Gutierrez, C. Howard, A. Miller, Pena–Melnik, Rosenberg,
and Turner**

Introduced and read first time: February 13, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Voter Registration Act of 2015**

3 FOR the purpose of requiring certain voter registration agencies to implement a fully
4 automated voter registration system on or before a certain date; requiring certain
5 voter registration agencies to submit certain reports to certain committees of the
6 General Assembly on or before certain dates that include certain information about
7 the work of the voter registration agencies to register voters; requiring public
8 institutions of higher education to implement a fully automated voter registration
9 system on or before a certain date; requiring public institutions of higher education
10 to submit certain reports to the Maryland Higher Education Commission on or before
11 certain dates that include certain information about the work of the public
12 institutions of higher education to register voters; requiring the Commission to
13 compile and summarize the information reported by public institutions of higher
14 education in certain reports to the Commission that the Commission then shall
15 submit to certain committees of the General Assembly on or before certain dates;
16 defining certain terms; and generally relating to registration of voters.

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 3–204
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2014 Supplement)

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

24 **Article – Election Law**

25 3–204.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The State Board shall designate public agencies and nongovernmental
2 agencies as voter registration agencies where qualified individuals may apply to register to
3 vote.

4 (2) The State Board shall designate the following offices as voter
5 registration agencies:

6 (i) all offices in the State that provide public assistance;

7 (ii) all offices in the State that provide State-funded programs
8 primarily engaged in providing services to individuals with disabilities; and

9 (iii) all public institutions of higher education in the State.

10 (3) The State Board and the Secretary of Defense shall jointly develop and
11 implement procedures for persons to apply to register to vote at recruitment offices of the
12 armed forces of the United States, which shall be deemed voter registration agencies.

13 (b) Except for a public institution of higher education in the State, which
14 institution shall comply with the requirements of subsection (c) of this section, each voter
15 registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

16 (1) distribute a voter registration application approved by the State Board
17 or the Federal Election Commission with each application for service or assistance it
18 renders and with each recertification, renewal, or change of address form relating to such
19 service or assistance;

20 (2) provide a document to prospective registrants that includes:

21 (i) the question, "If you are not registered to vote where you live
22 now, would you like to apply to register to vote here today?";

23 (ii) if the agency provides public assistance, the statement,
24 "Applying to register or declining to register to vote will not affect the amount of assistance
25 that you will be provided by this agency.";

26 (iii) boxes for the applicant to check to indicate whether the applicant
27 would like to register or declines to register to vote together with the statement (in close
28 proximity to the boxes and in prominent type), "If you do not check either box, you will be
29 considered to have decided not to register to vote at this time.";

30 (iv) the statement, "If you would like help in filling out the voter
31 registration application form, we will help you. The decision whether to seek or accept help
32 is yours. You may fill out the application form in private.";

33 (v) the statement, "If you believe that someone has interfered with
34 your right to register or to decline to register to vote, your right to privacy in deciding

1 whether to register or in applying to register to vote, or your right to choose your own
2 political party or other political preference, you may file a complaint with the State Board
3 of Elections.”; and

4 (vi) the address and toll free telephone number of the State Board;

5 (3) provide each applicant who does not decline to register to vote and who
6 accepts assistance the same degree of assistance with regard to completion of the
7 registration application as is provided by the office with regard to the completion of its own
8 applications, unless the applicant refuses such assistance; and

9 (4) accept the completed voter registration application for transmittal to
10 the appropriate election board.

11 (c) At the time that an individual enrolls, registers, or pays for course work
12 provided by a public institution of higher education in the State, the institution shall
13 provide the individual with an opportunity to request a voter registration application. If
14 the individual requests a voter registration application, the institution shall provide, or
15 cause to be provided, an application to the individual.

16 (d) An applicant may mail the voter registration application to the appropriate
17 State election official or return it to the voter registration agency for transmittal to the
18 appropriate election official.

19 (e) Within 5 days from the acceptance of a voter registration application, the voter
20 registration agency shall forward the application to the appropriate State election official.

21 (f) (1) An applicant registering to vote at a voter registration agency may
22 affirmatively consent to the use of an electronic copy of the individual’s signature that is on
23 file with the voter registration agency as the individual’s signature for the application being
24 submitted.

25 (2) If an applicant signs a voter registration application as provided in
26 paragraph (1) of this subsection, the voter registration agency shall transmit an electronic
27 copy of the applicant’s signature to the State Board within 5 days after the day on which
28 the agency accepted the application.

29 (g) If a voter registration agency is an office described in subsection (a)(2)(ii) of
30 this section, which provides services to an individual with a disability at the individual’s
31 home, the agency shall provide the services described in subsection (b) of this section at the
32 individual’s home.

33 (h) (1) An individual who provides any service described in subsection (b) of
34 this section may not:

35 (i) seek to influence an applicant’s political preference or party
36 registration;

1 (ii) display any political preference or party allegiance; or

2 (iii) make any statement to an applicant or take any action the
3 purpose or effect of which is to lead the applicant to believe that a decision to register or
4 not to register has any bearing on the availability of services or benefits.

5 (2) No information relating to a declination to register to vote in connection
6 with an application made at an office designated as a voter registration agency may be used
7 for any purpose other than the maintenance of voter registration statistics.

8 (3) Notwithstanding § 3–501 of this title and § 4–401 of the General
9 Provisions Article, the identity of a voter registration agency through which a particular
10 voter has registered may not be disclosed to the public.

11 (i) Regulations necessary to carry out the requirements of this section and §
12 3–203 of this subtitle, including provisions for training the employees of voter registration
13 agencies and the Motor Vehicle Administration, shall be adopted by the State Board in
14 cooperation with each agency.

15 **(J) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
16 **MEANINGS INDICATED.**

17 **(II) “APPLICABLE TRANSACTION” MEANS AN INITIAL**
18 **APPLICATION FOR SERVICE OR ASSISTANCE AT A VOTER REGISTRATION AGENCY OR**
19 **AN APPLICATION FOR RECERTIFICATION, RENEWAL, OR A CHANGE OF ADDRESS**
20 **RELATING TO ANY SERVICE OR ASSISTANCE AT A VOTER REGISTRATION AGENCY.**

21 **(III) “FULLY AUTOMATED VOTER REGISTRATION SYSTEM”**
22 **MEANS A SYSTEM THAT AS PART OF AN APPLICABLE TRANSACTION AT A VOTER**
23 **REGISTRATION AGENCY:**

24 **1. PROVIDES AN APPLICANT WITH THE OPPORTUNITY TO**
25 **REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD BY**
26 **ELECTRONICALLY SUBMITTING ALL THE INFORMATION REQUIRED TO REGISTER TO**
27 **VOTE OR UPDATE THE APPLICANT’S VOTER REGISTRATION RECORD DURING THE**
28 **TRANSACTION; AND**

29 **2. TRANSMITS THE VOTER REGISTRATION**
30 **INFORMATION OF THE APPLICANT DIRECTLY TO ELECTION OFFICIALS.**

31 **(IV) “LOCAL DEPARTMENT OF SOCIAL SERVICES” INCLUDES**
32 **THE:**

1 1. LOCAL DEPARTMENTS OF SOCIAL SERVICES IN THE
2 DEPARTMENT OF HUMAN RESOURCES; AND

3 2. MONTGOMERY COUNTY DEPARTMENT OF HEALTH
4 AND HUMAN SERVICES.

5 (2) THIS SUBSECTION APPLIES TO THE FOLLOWING VOTER
6 REGISTRATION AGENCIES:

7 (I) LOCAL DEPARTMENTS OF SOCIAL SERVICES;

8 (II) THE OFFICE OF MOBILITY CERTIFICATION IN THE
9 MARYLAND TRANSIT ADMINISTRATION; AND

10 (III) THE MARYLAND HEALTH BENEFIT EXCHANGE.

11 (3) A VOTER REGISTRATION AGENCY SUBJECT TO THIS SUBSECTION
12 SHALL:

13 (I) IMPLEMENT A FULLY AUTOMATED VOTER REGISTRATION
14 SYSTEM ON OR BEFORE JULY 1, 2016;

15 (II) ON OR BEFORE JANUARY 15, 2016, SUBMIT A REPORT, IN
16 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
17 SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND
18 THE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:

19 1. THE EFFORTS OF THE VOTER REGISTRATION AGENCY
20 TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;

21 2. THE STATUS OF IMPLEMENTATION OF A FULLY
22 AUTOMATED VOTER REGISTRATION SYSTEM;

23 3. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN
24 APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE VOTER
25 REGISTRATION AGENCY AND THE NUMBER OF THOSE INDIVIDUALS WHO
26 SUCCESSFULLY REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION
27 RECORD; AND

28 4. ANY OTHER EFFORTS THE VOTER REGISTRATION
29 AGENCY PLANS TO MAKE TO INCREASE THE NUMBER OF INDIVIDUALS WHO
30 REGISTER TO VOTE AT THE AGENCY; AND

1 (III) ON OR BEFORE JANUARY 15, 2017, AND JANUARY 15 OF
2 EACH SUBSEQUENT YEAR, SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF
3 THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND
4 ENVIRONMENTAL AFFAIRS COMMITTEE AND THE COMMITTEE ON WAYS AND
5 MEANS A REPORT THAT DESCRIBES:

6 1. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN
7 APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE VOTER
8 REGISTRATION AGENCY AND THE NUMBER OF THOSE INDIVIDUALS WHO
9 SUCCESSFULLY REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION
10 RECORD; AND

11 2. ANY EFFORTS THE VOTER REGISTRATION AGENCY
12 PLANS TO MAKE TO INCREASE THE NUMBER OF INDIVIDUALS WHO REGISTER TO
13 VOTE AT THE AGENCY.

14 (4) THE DEPARTMENT OF HUMAN RESOURCES SHALL SUBMIT THE
15 REPORTS REQUIRED UNDER PARAGRAPH (3)(II) AND (III) OF THIS SUBSECTION AS
16 SINGLE DOCUMENTS ON BEHALF OF ALL THE LOCAL DEPARTMENTS OF SOCIAL
17 SERVICES.

18 (K) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
19 MEANINGS INDICATED.

20 (II) "COMMISSION" MEANS THE MARYLAND HIGHER
21 EDUCATION COMMISSION.

22 (III) "FULLY AUTOMATED VOTER REGISTRATION SYSTEM"
23 MEANS A SYSTEM THAT AS PART OF THE PROCESS OF REGISTERING FOR COURSE
24 WORK:

25 1. PROVIDES A STUDENT WITH THE OPPORTUNITY TO
26 REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD BY
27 ELECTRONICALLY SUBMITTING ALL THE INFORMATION REQUIRED TO REGISTER TO
28 VOTE OR UPDATE THE STUDENT'S VOTER REGISTRATION RECORD DURING THE
29 PROCESS OF REGISTERING FOR COURSE WORK; AND

30 2. TRANSMITS THE VOTER REGISTRATION
31 INFORMATION OF THE STUDENT DIRECTLY TO ELECTION OFFICIALS.

32 (IV) "INSTITUTION OF HIGHER EDUCATION" HAS THE MEANING
33 STATED IN § 10-101(H) OF THE EDUCATION ARTICLE.

1 **(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:**

2 **(I) IMPLEMENT A FULLY AUTOMATED VOTER REGISTRATION**
3 **SYSTEM ON OR BEFORE JULY 1, 2016;**

4 **(II) ON OR BEFORE JANUARY 1, 2016, SUBMIT A REPORT TO THE**
5 **COMMISSION THAT DESCRIBES:**

6 **1. THE EFFORTS OF THE PUBLIC INSTITUTION OF**
7 **HIGHER EDUCATION TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;**

8 **2. THE STATUS OF IMPLEMENTATION OF A FULLY**
9 **AUTOMATED VOTER REGISTRATION SYSTEM;**

10 **3. THE NUMBER OF STUDENTS WHO REGISTERED FOR**
11 **COURSE WORK IN THE PRECEDING CALENDAR YEAR AT THE PUBLIC INSTITUTION OF**
12 **HIGHER EDUCATION AND THE NUMBER OF THOSE STUDENTS WHO SUCCESSFULLY**
13 **REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION RECORD; AND**

14 **4. ANY OTHER EFFORTS THE PUBLIC INSTITUTION OF**
15 **HIGHER EDUCATION PLANS TO MAKE TO INCREASE THE NUMBER OF INDIVIDUALS**
16 **WHO REGISTER TO VOTE AT THE INSTITUTION; AND**

17 **(III) ON OR BEFORE JANUARY 1, 2017, AND JANUARY 1 OF EACH**
18 **SUBSEQUENT YEAR, SUBMIT A REPORT TO THE COMMISSION THAT DESCRIBES:**

19 **1. THE NUMBER OF STUDENTS WHO REGISTERED FOR**
20 **COURSE WORK IN THE PRECEDING CALENDAR YEAR AT THE PUBLIC INSTITUTION OF**
21 **HIGHER EDUCATION AND THE NUMBER OF THOSE STUDENTS WHO SUCCESSFULLY**
22 **REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION RECORD; AND**

23 **2. ANY EFFORTS THE PUBLIC INSTITUTION OF HIGHER**
24 **EDUCATION PLANS TO MAKE TO INCREASE THE NUMBER OF INDIVIDUALS WHO**
25 **REGISTER TO VOTE AT THE INSTITUTION.**

26 **(3) THE COMMISSION SHALL COMPILE AND SUMMARIZE THE**
27 **INFORMATION REPORTED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION:**

28 **(I) UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION IN A**
29 **SINGLE REPORT THAT THE COMMISSION SHALL SUBMIT, ON OR BEFORE JANUARY**
30 **15, 2016, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS**
31 **COMMITTEE AND THE COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE WITH §**
32 **2-1246 OF THE STATE GOVERNMENT ARTICLE; AND**

1 **(II) UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION IN A**
2 **SINGLE REPORT THAT THE COMMISSION SHALL SUBMIT, ON OR BEFORE JANUARY**
3 **15, 2017, AND JANUARY 15 OF EACH SUBSEQUENT YEAR, TO THE SENATE**
4 **EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE**
5 **COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
6 **GOVERNMENT ARTICLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2015.