

HOUSE BILL 1007

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CF 6lr0561

By: **Delegates Luedtke, Hettleman, Hixson, Rosenberg, M. Washington, Moon, Reznik, Smith, A. Washington, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hill, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, McCray, McIntosh, A. Miller, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, B. Robinson, S. Robinson, Sanchez, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, Vaughn, Waldstreicher, Walker, C. Wilson, and P. Young**

Introduced and read first time: February 10, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Freedom to Vote Act**

3 FOR the purpose of requiring the Motor Vehicle Administration to implement an automatic
4 voter registration system on or before a certain date; requiring certain social service
5 agencies to implement an automatic voter registration system on or before a certain
6 date; requiring an automatic voter registration system to comply with certain
7 requirements; requiring the State Board of Elections to register individuals whose
8 voter registration information is transmitted to the State Board through an
9 automatic voter registration system; prohibiting an agent of an automatic voter
10 registration agency from taking certain actions; restricting the use of certain data
11 related to automatic voter registration; authorizing the State Board to adopt
12 regulations to implement automatic voter registration; requiring automatic voter
13 registration agencies to submit certain reports to certain committees of the General
14 Assembly on or before certain dates; providing that voter registration agencies that
15 are designated automatic voter registration agencies are not subject to certain
16 requirements; requiring voter registration agencies to ensure that certain
17 applications may not be completed until the applicant has indicated whether the
18 applicant wishes to register to vote; requiring a public institution of higher education
19 to implement an electronic voter registration system on or before a certain date;
20 requiring the State Board to register individuals whose voter registration
21 information is transmitted to the State Board through an electronic voter

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 registration system at a public institution of higher education; requiring the
2 Maryland Higher Education Commission to submit certain reports to certain
3 committees of the General Assembly on or before certain dates; requiring the State
4 Board to adopt specified regulations regarding participants in address
5 confidentiality programs; prohibiting a person acting under color of law from taking
6 certain actions based on an individual's declination to register to vote or voter
7 registration record; providing that an individual who unintentionally becomes
8 registered to vote shall be considered to have registered to vote with the official
9 authorization of the State Board and may not be considered to have violated certain
10 provisions of law because of the unintended registration; requiring an automatic
11 voter registration agency to provide electronic records relating to certain individuals
12 to the State Board on or before a certain date; requiring the electronic records to
13 include certain information; requiring the State Board to provide the electronic
14 records of eligible individuals who are not registered to vote or whose voter
15 registration record is out of date to the local board for the county where the individual
16 resides; requiring the local board to send by mail to each eligible individual who is
17 not registered to vote or whose voter registration record is out of date a notice that
18 includes certain information; requiring the State Board to promptly add to the
19 statewide voter registration list or update the voter registration record of each
20 eligible individual who does not decline to register to vote or update the individual's
21 voter registration record within a certain period of time after issuance of the notice;
22 requiring that an individual added to the statewide voter registration list who has
23 not affirmatively selected a political party affiliation be listed as not affiliated with
24 any political party; authorizing the State Board to adopt certain regulations;
25 requiring the State Board and each automatic voter registration agency to jointly
26 submit a certain report to certain committees of the General Assembly on or before
27 a certain date; requiring the State Board, in collaboration with each automatic voter
28 registration agency, to take appropriate measures to educate the public about
29 automatic voter registration; repealing certain provisions of law relating to voter
30 registration at the Motor Vehicle Administration; defining certain terms; and
31 generally relating to automatic voter registration.

32 BY adding to

33 Article – Election Law

34 Section 1–101(z–1) and 3–203

35 Annotated Code of Maryland

36 (2010 Replacement Volume and 2015 Supplement)

37 BY repealing and reenacting, without amendments,

38 Article – Election Law

39 Section 3–102

40 Annotated Code of Maryland

41 (2010 Replacement Volume and 2015 Supplement)

42 BY repealing

43 Article – Election Law

44 Section 3–203

1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2015 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Election Law
5 Section 3–204, 3–506, and 16–101
6 Annotated Code of Maryland
7 (2010 Replacement Volume and 2015 Supplement)

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

10 **Article – Election Law**

11 1–101.

12 **(Z–1) “ELIGIBLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO SATISFIES ALL**
13 **THE QUALIFICATIONS TO BE A REGISTERED VOTER UNDER § 3–102 OF THIS ARTICLE.**

14 3–102.

15 (a) (1) Except as provided in subsection (b) of this section, an individual may
16 become registered to vote if the individual:

17 (i) is a citizen of the United States;

18 (ii) is at least 16 years old;

19 (iii) is a resident of the State as of the day the individual seeks to
20 register; and

21 (iv) registers pursuant to this title.

22 (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual
23 under the age of 18 years:

24 (i) may vote in a primary election in which candidates are
25 nominated for a general or special election that will occur when the individual is at least
26 18 years old; and

27 (ii) may not vote in any other election.

28 (b) An individual is not qualified to be a registered voter if the individual:

29 (1) has been convicted of a felony and is actually serving a court–ordered
30 sentence of imprisonment, including any term of parole or probation, for the conviction;

1 (2) is under guardianship for mental disability and a court of competent
2 jurisdiction has specifically found by clear and convincing evidence that the individual
3 cannot communicate, with or without accommodations, a desire to participate in the voting
4 process; or

5 (3) has been convicted of buying or selling votes.

6 [3-203.

7 (a) The Motor Vehicle Administration shall provide the opportunity to apply to
8 register to vote or update a voter registration record to each individual who:

9 (1) applies for or renews a driver's license or identification card; or

10 (2) changes a name or address on an existing driver's license or
11 identification card.

12 (b) (1) The Motor Vehicle Administration shall inquire orally or in writing
13 whether the applicant wishes to register to vote or update a voter registration record during
14 the transactions specified under subsection (a) of this section.

15 (2) If the applicant chooses to register to vote or to update a voter
16 registration record:

17 (i) all applicable information received by the Motor Vehicle
18 Administration in the course of completing a transaction under subsection (a) of this section
19 shall be transferred to a voter registration application;

20 (ii) any additional necessary information shall be obtained by the
21 Motor Vehicle Administration and may not duplicate any information already obtained
22 while completing a transaction under subsection (a) of this section; and

23 (iii) a voter registration application with all of the applicant's voter
24 registration information shall be presented to the applicant to sign or affirm electronically.

25 (3) (i) An applicant may decline to register to vote, update the
26 applicant's voter registration record, or change the applicant's name or address by:

27 1. affirmatively indicating as such on the application; or

28 2. failing to sign the voter registration application.

29 (ii) The Motor Vehicle Administration shall maintain declination
30 information in a manner specified jointly by the Motor Vehicle Administration and the
31 State Board.

1 (4) Within 5 days of the receipt of an application under subsection (a) of
2 this section, the Motor Vehicle Administration shall forward to the State Board the voter
3 registration information in a manner and format specified jointly by the Motor Vehicle
4 Administration and the State Board.

5 (c) (1) (i) In consultation with the Motor Vehicle Administration, the State
6 Board shall prepare a voter registration application to be used for voter registration at the
7 Motor Vehicle Administration.

8 (ii) Except as provided in this section, the voter registration portion
9 of the application may not require information that duplicates information required in the
10 driver's license or identification card portion of the application.

11 (2) The voter registration portion of the application shall:

12 (i) contain the same information as the statewide voter registration
13 application prescribed in § 3-202(a) of this subtitle; and

14 (ii) require only the minimum amount of information necessary,
15 including the applicant's telephone number:

16 1. to prevent duplicate voter registration; and

17 2. to enable the appropriate election official to assess the
18 eligibility of an applicant and to administer voter registration and other aspects of the
19 election process.

20 (3) The application shall contain a box for the applicant to check, with the
21 statement, "I do not wish to register to vote at this time".

22 (d) The Motor Vehicle Administration shall follow the procedures established
23 jointly by the Motor Vehicle Administration and the State Board to process the voter
24 registration information received under this section.

25 (e) Information relating to the failure of an applicant for a driver's license or
26 identification card to register to vote may not be used for any purpose other than the
27 maintenance of registration statistics.]

28 **3-203.**

29 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
30 **INDICATED.**

31 (2) **"ADDRESS CONFIDENTIALITY PROGRAM" MEANS:**

1 **(I) THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS**
2 **OF DOMESTIC VIOLENCE UNDER TITLE 4, SUBTITLE 5, PART IV OF THE FAMILY LAW**
3 **ARTICLE; OR**

4 **(II) THE HUMAN TRAFFICKING ADDRESS CONFIDENTIALITY**
5 **PROGRAM UNDER TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.**

6 **(3) (I) “APPLICABLE TRANSACTION” MEANS:**

7 **1. AT THE MOTOR VEHICLE ADMINISTRATION, AN**
8 **INITIAL APPLICATION FOR OR RENEWAL OF A DRIVER’S LICENSE OR**
9 **IDENTIFICATION CARD, OR A CHANGE OF NAME OR ADDRESS ON AN EXISTING**
10 **DRIVER’S LICENSE OR IDENTIFICATION CARD; OR**

11 **2. AT A SOCIAL SERVICE AGENCY, AN INITIAL**
12 **APPLICATION FOR SERVICE OR ASSISTANCE OR AN APPLICATION FOR**
13 **RECERTIFICATION, RENEWAL, OR A CHANGE OF NAME OR ADDRESS RELATING TO**
14 **ANY SERVICE OR ASSISTANCE.**

15 **(II) “APPLICABLE TRANSACTION” INCLUDES ANY**
16 **TRANSACTION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS**
17 **COMPLETED ONLINE.**

18 **(4) “AUTOMATIC VOTER REGISTRATION AGENCY” MEANS:**

19 **(I) THE MOTOR VEHICLE ADMINISTRATION; OR**

20 **(II) A SOCIAL SERVICE AGENCY.**

21 **(5) “AUTOMATIC VOTER REGISTRATION SYSTEM” MEANS A SYSTEM**
22 **THAT AS AN INTEGRAL PART OF EACH APPLICABLE TRANSACTION AT AN AUTOMATIC**
23 **VOTER REGISTRATION AGENCY:**

24 **(I) INFORMS AN APPLICANT:**

25 **1. THAT THE APPLICANT SHALL BE REGISTERED TO**
26 **VOTE OR SHALL HAVE A VOTER REGISTRATION RECORD UPDATED, IF APPLICABLE,**
27 **UNLESS THE APPLICANT DECLINES TO REGISTER TO VOTE OR IS DETERMINED NOT**
28 **TO BE ELIGIBLE TO REGISTER TO VOTE;**

29 **2. A. OF THE QUALIFICATIONS TO REGISTER TO VOTE**
30 **UNDER § 3-102 OF THIS TITLE;**

1 **B. THAT THE APPLICANT SHOULD NOT REGISTER IF THE**
2 **APPLICANT DOES NOT MEET ALL OF THE QUALIFICATIONS; AND**

3 **C. OF THE CONSEQUENCES FOR FRAUDULENTLY**
4 **REGISTERING TO VOTE; AND**

5 **3. THAT VOTER REGISTRATION IS VOLUNTARY AND THAT**
6 **NEITHER REGISTERING NOR DECLINING TO REGISTER TO VOTE WILL IN ANY WAY**
7 **AFFECT THE AVAILABILITY OF SERVICES OR BENEFITS; AND**

8 **(II) ELECTRONICALLY TRANSMITS THE VOTER REGISTRATION**
9 **INFORMATION OF EACH APPLICANT WHO DOES NOT DECLINE TO REGISTER TO VOTE**
10 **DIRECTLY TO THE APPROPRIATE STATE ELECTION OFFICIAL.**

11 **(6) “LOCAL DEPARTMENT OF SOCIAL SERVICES” INCLUDES:**

12 **(I) THE LOCAL DEPARTMENTS OF SOCIAL SERVICES IN THE**
13 **DEPARTMENT OF HUMAN RESOURCES; AND**

14 **(II) THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH**
15 **AND HUMAN SERVICES.**

16 **(7) “SOCIAL SERVICE AGENCY” MEANS:**

17 **(I) THE LOCAL DEPARTMENTS OF SOCIAL SERVICES;**

18 **(II) THE MARYLAND HEALTH BENEFIT EXCHANGE;**

19 **(III) THE MOBILITY CERTIFICATION OFFICE IN THE MARYLAND**
20 **TRANSIT ADMINISTRATION; OR**

21 **(IV) THE DIVISION OF UNEMPLOYMENT INSURANCE IN THE**
22 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION.**

23 **(B) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL IMPLEMENT AN**
24 **AUTOMATIC VOTER REGISTRATION SYSTEM ON OR BEFORE JANUARY 1, 2017.**

25 **(2) A SOCIAL SERVICE AGENCY SHALL IMPLEMENT AN AUTOMATIC**
26 **VOTER REGISTRATION SYSTEM ON OR BEFORE JULY 1, 2017.**

27 **(C) AN AUTOMATIC VOTER REGISTRATION SYSTEM:**

1 **(1) MAY NOT REQUIRE ANY INFORMATION THAT DUPLICATES THE**
2 **INFORMATION REQUIRED TO COMPLETE AN APPLICABLE TRANSACTION;**

3 **(2) SHALL REQUIRE ONLY THE MINIMUM AMOUNT OF INFORMATION**
4 **NECESSARY FOR BOTH AN APPLICABLE TRANSACTION AND VOTER REGISTRATION:**

5 **(I) TO PREVENT DUPLICATE VOTER REGISTRATION; AND**

6 **(II) TO ENABLE ELECTION OFFICIALS TO ASSESS THE**
7 **ELIGIBILITY OF AN APPLICANT AND TO ADMINISTER VOTER REGISTRATION AND**
8 **OTHER ASPECTS OF THE ELECTION PROCESS; AND**

9 **(3) SHALL INFORM AN APPLICANT:**

10 **(I) THAT IF THE APPLICANT DOES NOT SELECT A POLITICAL**
11 **PARTY AFFILIATION, THE INDIVIDUAL WILL BE DESIGNATED AS NOT AFFILIATED**
12 **WITH A POLITICAL PARTY AND WILL BE UNABLE TO VOTE IN A PARTY PRIMARY**
13 **ELECTION;**

14 **(II) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD**
15 **WILL BE SUBJECT TO PUBLIC DISCLOSURE FOR PURPOSES RELATED TO THE**
16 **ELECTORAL PROCESS UNLESS:**

17 **1. THE INDIVIDUAL IS A PARTICIPANT IN AN ADDRESS**
18 **CONFIDENTIALITY PROGRAM; OR**

19 **2. REGULATIONS ADOPTED BY THE STATE BOARD**
20 **AUTHORIZE THE INDIVIDUAL TO APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE**
21 **ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS; AND**

22 **(III) OF THE MANNER IN WHICH THE INDIVIDUAL MAY APPLY TO**
23 **KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED**
24 **SAFETY OR PRIVACY REASONS, AS PRESCRIBED BY THE STATE BOARD BY**
25 **REGULATION.**

26 **(D) THE STATE BOARD SHALL ENSURE THAT EACH ELIGIBLE INDIVIDUAL**
27 **WHO HAS NOT DECLINED TO REGISTER TO VOTE AND WHOSE VOTER REGISTRATION**
28 **INFORMATION IS TRANSMITTED TO THE STATE BOARD THROUGH AN AUTOMATIC**
29 **VOTER REGISTRATION SYSTEM IS PROMPTLY REGISTERED TO VOTE.**

30 **(E) AN AGENT OF AN AUTOMATIC VOTER REGISTRATION AGENCY WHO IS**
31 **RESPONSIBLE FOR CARRYING OUT THE REQUIREMENTS OF THIS SECTION MAY NOT:**

1 **(1) SEEK TO INFLUENCE AN APPLICANT'S POLITICAL PREFERENCE**
2 **OR PARTY REGISTRATION;**

3 **(2) DISPLAY ANY POLITICAL PREFERENCE OR PARTY ALLEGIANCE;**
4 **OR**

5 **(3) MAKE ANY STATEMENT TO AN APPLICANT OR TAKE ANY ACTION**
6 **THE PURPOSE OR EFFECT OF WHICH IS TO:**

7 **(I) DISCOURAGE THE APPLICANT FROM REGISTERING TO**
8 **VOTE;**

9 **(II) ENCOURAGE THE APPLICANT TO REGISTER TO VOTE; OR**

10 **(III) LEAD THE APPLICANT TO BELIEVE THAT A DECISION TO**
11 **REGISTER OR NOT TO REGISTER HAS ANY BEARING ON THE AVAILABILITY OF**
12 **SERVICES OR BENEFITS.**

13 **(F) INFORMATION RELATING TO THE DECISION OF AN APPLICANT AT AN**
14 **AUTOMATIC VOTER REGISTRATION AGENCY TO DECLINE TO REGISTER TO VOTE MAY**
15 **NOT BE USED FOR ANY PURPOSE OTHER THAN THE MAINTENANCE OF**
16 **REGISTRATION STATISTICS.**

17 **(G) NOTWITHSTANDING § 3-501 OF THIS TITLE AND § 4-401 OF THE**
18 **GENERAL PROVISIONS ARTICLE, THE IDENTITY OF AN AUTOMATIC VOTER**
19 **REGISTRATION AGENCY THROUGH WHICH A PARTICULAR VOTER HAS REGISTERED**
20 **MAY NOT BE DISCLOSED TO THE PUBLIC.**

21 **(H) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO**
22 **IMPLEMENT THIS SECTION.**

23 **(I) (1) EACH AUTOMATIC VOTER REGISTRATION AGENCY SHALL:**

24 **(I) ON OR BEFORE JANUARY 1, 2017, SUBMIT A REPORT, IN**
25 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE**
26 **SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND**
27 **THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:**

28 **1. THE EFFORTS OF THE AUTOMATIC VOTER**
29 **REGISTRATION AGENCY TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;**

30 **2. THE STATUS OF IMPLEMENTATION OF AN AUTOMATIC**
31 **VOTER REGISTRATION SYSTEM;**

1 **3. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN**
2 **APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE**
3 **AUTOMATIC VOTER REGISTRATION AGENCY AND THE NUMBER OF THOSE**
4 **INDIVIDUALS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION**
5 **RECORD; AND**

6 **4. ANY OTHER EFFORTS THE AUTOMATIC VOTER**
7 **REGISTRATION AGENCY PLANS TO MAKE TO INCREASE THE NUMBER OF**
8 **INDIVIDUALS WHO REGISTER TO VOTE THROUGH THE AGENCY; AND**

9 **(II) ON OR BEFORE JANUARY 1, 2018, AND JANUARY 1 OF EACH**
10 **SUBSEQUENT YEAR, SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE**
11 **STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND**
12 **ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS**
13 **AND MEANS THAT DESCRIBES:**

14 **1. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN**
15 **APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE**
16 **AUTOMATIC VOTER REGISTRATION AGENCY AND THE NUMBER OF THOSE**
17 **INDIVIDUALS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION**
18 **RECORD; AND**

19 **2. ANY EFFORTS THE AUTOMATIC VOTER REGISTRATION**
20 **AGENCY PLANS TO MAKE TO INCREASE THE NUMBER OF INDIVIDUALS WHO**
21 **REGISTER TO VOTE THROUGH THE AGENCY.**

22 **(2) THE DEPARTMENT OF HUMAN RESOURCES SHALL SUBMIT THE**
23 **REPORTS REQUIRED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION AS**
24 **SINGLE DOCUMENTS ON BEHALF OF ALL THE LOCAL DEPARTMENTS OF SOCIAL**
25 **SERVICES.**

26 3-204.

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

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

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

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

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

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

7 **(A-1) A VOTER REGISTRATION AGENCY THAT IS DESIGNATED AN AUTOMATIC**
8 **VOTER REGISTRATION AGENCY UNDER § 3-203 OF THIS SUBTITLE:**

9 **(1) SHALL CONDUCT VOTER REGISTRATION IN THE MANNER**
10 **SPECIFIED IN § 3-203 OF THIS SUBTITLE; AND**

11 **(2) IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION.**

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

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

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

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

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

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

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

32 (v) the statement, "If you believe that someone has interfered with
33 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) ENSURE THAT EACH APPLICATION DESCRIBED IN ITEM (1) OF
 10 THIS SUBSECTION MAY NOT BE COMPLETED UNTIL THE APPLICANT HAS INDICATED
 11 WHETHER THE APPLICANT WISHES TO REGISTER TO VOTE; AND

12 (5) accept the completed voter registration application for transmittal to
 13 the appropriate election board.

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

19 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
 20 MEANINGS INDICATED.

21 (II) “COMMISSION” MEANS THE MARYLAND HIGHER
 22 EDUCATION COMMISSION.

23 (III) “ELECTRONIC VOTER REGISTRATION SYSTEM” MEANS A
 24 SYSTEM THAT:

25 1. A STUDENT MAY USE TO REGISTER TO VOTE OR
 26 UPDATE A VOTER REGISTRATION RECORD BY ELECTRONICALLY SUBMITTING ALL
 27 THE INFORMATION REQUIRED TO REGISTER TO VOTE OR UPDATE THE STUDENT’S
 28 VOTER REGISTRATION RECORD THROUGH THE ONLINE PORTAL USED TO REGISTER
 29 FOR COURSE WORK; AND

30 2. ELECTRONICALLY TRANSMITS THE VOTER
 31 REGISTRATION INFORMATION OF THE STUDENT DIRECTLY TO THE APPROPRIATE
 32 STATE ELECTION OFFICIAL.

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

3 (2) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
4 IMPLEMENT AN ELECTRONIC VOTER REGISTRATION SYSTEM ON OR BEFORE JULY 1,
5 2017.

6 (3) THE STATE BOARD SHALL ENSURE THAT EACH ELIGIBLE
7 INDIVIDUAL WHOSE VOTER REGISTRATION INFORMATION IS TRANSMITTED TO THE
8 STATE BOARD THROUGH AN ELECTRONIC VOTER REGISTRATION SYSTEM AT A
9 PUBLIC INSTITUTION OF HIGHER EDUCATION IS PROMPTLY REGISTERED TO VOTE.

10 (4) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

11 (I) ON OR BEFORE JANUARY 1, 2017, SUBMIT A REPORT TO THE
12 COMMISSION THAT DESCRIBES:

13 1. THE EFFORTS OF THE PUBLIC INSTITUTION OF
14 HIGHER EDUCATION TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;

15 2. THE STATUS OF IMPLEMENTATION OF AN
16 ELECTRONIC VOTER REGISTRATION SYSTEM;

17 3. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF
18 THE STATE AND REGISTERED FOR COURSE WORK IN THE PRECEDING CALENDAR
19 YEAR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE NUMBER OF
20 THOSE STUDENTS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION
21 RECORD; AND

22 4. ANY OTHER EFFORTS THE PUBLIC INSTITUTION OF
23 HIGHER EDUCATION PLANS TO MAKE TO INCREASE THE NUMBER OF INDIVIDUALS
24 WHO REGISTER TO VOTE THROUGH THE INSTITUTION; AND

25 (II) ON OR BEFORE JANUARY 1, 2018, AND JANUARY 1 OF EACH
26 SUBSEQUENT YEAR, SUBMIT A REPORT TO THE COMMISSION THAT DESCRIBES:

27 1. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF
28 THE STATE AND REGISTERED FOR COURSE WORK IN THE PRECEDING CALENDAR
29 YEAR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE NUMBER OF
30 THOSE STUDENTS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION
31 RECORD; AND

1 **2. ANY EFFORTS THE PUBLIC INSTITUTION OF HIGHER**
2 **EDUCATION PLANS TO MAKE TO INCREASE THE NUMBER OF INDIVIDUALS WHO**
3 **REGISTER TO VOTE THROUGH THE INSTITUTION.**

4 **(5) THE COMMISSION SHALL COMPILE AND SUMMARIZE THE**
5 **INFORMATION REPORTED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION:**

6 **(I) UNDER PARAGRAPH (4)(I) OF THIS SUBSECTION IN A SINGLE**
7 **REPORT THAT THE COMMISSION SHALL SUBMIT ON OR BEFORE JANUARY 15, 2017,**
8 **TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS**
9 **COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE**
10 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE; AND**

11 **(II) UNDER PARAGRAPH (4)(II) OF THIS SUBSECTION IN A**
12 **SINGLE REPORT THAT THE COMMISSION SHALL SUBMIT ON OR BEFORE JANUARY**
13 **15, 2018, AND JANUARY 15 OF EACH SUBSEQUENT YEAR TO THE SENATE**
14 **EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE**
15 **HOUSE COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE WITH § 2-1246 OF THE**
16 **STATE GOVERNMENT ARTICLE.**

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

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

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

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

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

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

1 (i) seek to influence an applicant's political preference or party
2 registration;

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

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

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

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

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

17 3-506.

18 (a) **IN THIS SECTION, "ADDRESS CONFIDENTIALITY PROGRAM" HAS THE**
19 **MEANING STATED IN § 3-203 OF THIS TITLE.**

20 **(B)** (1) A copy of a list of registered voters shall be provided to a Maryland
21 registered voter on receipt of:

22 (i) a written application; and

23 (ii) a statement, signed under oath, that the list is not intended to be
24 used for:

25 1. commercial solicitation; or

26 2. any other purpose not related to the electoral process.

27 (2) In consultation with the local boards, the State Board shall adopt
28 regulations that specify:

29 (i) the time for a list to be provided under this subsection;

30 (ii) the authorization to be required for providing a list;

31 (iii) the fee to be paid for providing a list;

1 (iv) the information to be included on a list;

2 (v) THAT THE RESIDENCE ADDRESS OF AN INDIVIDUAL WHO IS
3 A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM MAY NOT BE
4 DISCLOSED;

5 (vi) THAT A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY
6 PROGRAM IS NOT REQUIRED TO APPLY TO THE STATE BOARD TO KEEP THE
7 INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL;

8 [(v)] (vii) the format of the information; and

9 [(vi)] (viii) the medium or media on which the information is to be
10 provided.

11 [(b)] (c) (1) The State Administrator or a designee shall provide a copy of the
12 statewide voter registration list and voter registration records to a jury commissioner on
13 request and without charge by means agreed to with the Administrative Office of the
14 Courts.

15 (2) On application of the Attorney General, a circuit court may compel
16 compliance with paragraph (1) of this subsection.

17 [(c)] (d) A person who knowingly allows a list of registered voters, under the
18 person's control, to be used for any purpose not related to the electoral process is guilty of
19 a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.

20 16-101.

21 (a) A person may not willfully and knowingly:

22 (1) impersonate a voter or other person in order to register or attempt to
23 register in the name of the voter or other person;

24 (2) register to vote more than once;

25 (3) falsify residence in an attempt to register in the wrong location;

26 (4) secure registration through any unlawful means;

27 (5) cause by unlawful means the name of a qualified voter to be stricken
28 from the statewide voter registration list;

1 (6) prevent, hinder, or delay a person having a lawful right to register from
2 registering, through the use of force, threat, menace, intimidation, bribery, reward, or offer
3 of reward;

4 (7) falsify any name on a registration;

5 (8) misrepresent any fact relating to registration; or

6 (9) induce or attempt to induce a person to violate any prohibition in items
7 (1) through (8) of this subsection.

8 (b) **A PERSON ACTING UNDER COLOR OF LAW MAY NOT WILLFULLY AND**
9 **KNOWINGLY:**

10 **(1) DISCRIMINATE AGAINST AN INDIVIDUAL BASED ON THE**
11 **INDIVIDUAL'S DECLINATION TO REGISTER TO VOTE OR VOTER REGISTRATION**
12 **RECORD;**

13 **(2) USE AN INDIVIDUAL'S DECLINATION TO REGISTER TO VOTE FOR**
14 **ANY PURPOSE OTHER THAN THE MAINTENANCE OF VOTER REGISTRATION**
15 **STATISTICS; OR**

16 **(3) USE AN INDIVIDUAL'S VOTER REGISTRATION RECORD FOR ANY**
17 **PURPOSE OTHER THAN ELECTION ADMINISTRATION OR PROSECUTION OF CRIMINAL**
18 **VIOLATIONS OF ELECTION LAW.**

19 (C) A person who violates this section is guilty of a misdemeanor and subject to a
20 fine of not more than \$1,000 or imprisonment for not more than 5 years or both.

21 [(c)] (D) A person who violates this section is subject to § 5-106(b) of the Courts
22 Article.

23 (E) **AN INDIVIDUAL WHO UNINTENTIONALLY BECOMES REGISTERED TO**
24 **VOTE:**

25 **(1) SHALL BE CONSIDERED TO HAVE REGISTERED TO VOTE WITH THE**
26 **OFFICIAL AUTHORIZATION OF THE STATE BOARD; AND**

27 **(2) MAY NOT BE CONSIDERED TO HAVE VIOLATED THIS SECTION**
28 **BECAUSE OF THE UNINTENDED REGISTRATION.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That:

30 (a) (1) In this section the following words have the meanings indicated.

1 (2) “Address confidentiality program” has the meaning stated in § 3–203 of
2 the Election Law Article, as enacted by this Act.

3 (3) “Automatic voter registration agency” has the meaning stated in §
4 3–203 of the Election Law Article, as enacted by this Act.

5 (4) “Eligible individual” has the meaning stated in § 1–101 of the Election
6 Law Article, as enacted by this Act.

7 (5) “Local board” means a county board of elections.

8 (6) “Out of date” means a voter registration record in which the voter’s
9 name or address is inconsistent with the individual’s record on file with an automatic voter
10 registration agency if the agency’s record has a later date than the voter registration record.

11 (7) “State Board” means the State Board of Elections.

12 (b) (1) On or before July 1, 2017, an automatic voter registration agency shall
13 provide to the State Board an electronic record of each individual who:

14 (i) holds a driver’s license or identification card;

15 (ii) is at least 16 years old; and

16 (iii) has electronically stored copies of documentation on file at the
17 agency that demonstrate that the individual is a citizen of the United States.

18 (2) This subsection may not be construed to require an automatic voter
19 registration agency to obtain documents demonstrating citizenship from any existing client
20 of the agency who has not already provided documents demonstrating citizenship in the
21 ordinary course of transacting business with the agency.

22 (c) The electronic record of an individual that is provided to the State Board
23 under subsection (b) of this section shall include:

24 (1) the legal name and residence address of the individual;

25 (2) the electronic signature of the individual; and

26 (3) any other information required by the State Board for purposes of voter
27 registration.

28 (d) The State Board shall determine whether each individual whose electronic
29 record the State Board receives under subsection (b) of this section is an eligible individual.

1 (e) The State Board shall provide the electronic record of each eligible individual
2 who is not registered to vote or whose voter registration record is out of date to the local
3 board for the county where the individual resides.

4 (f) (1) The local board shall send by mail to each eligible individual who is not
5 registered to vote a notice that contains the following information:

6 (i) the qualifications to be a registered voter under § 3-102 of the
7 Election Law Article;

8 (ii) that the individual will be registered to vote unless the individual
9 declines to register to vote within 90 days after the issuance of the notice;

10 (iii) the manner in which the individual may decline to register to
11 vote, as prescribed by the State Board by regulation;

12 (iv) the manner in which the individual may select a political party
13 affiliation, as prescribed by the State Board by regulation;

14 (v) that if the individual does not select a political party affiliation,
15 the individual will be designated as not affiliated with a political party and will be unable
16 to vote in a party primary election;

17 (vi) that the individual's voter registration record will be subject to
18 public disclosure for purposes related to the electoral process unless:

19 1. the individual is a participant in an address
20 confidentiality program; or

21 2. regulations adopted by the State Board authorize the
22 individual to apply to keep the individual's residence address confidential for specified
23 safety or privacy reasons; and

24 (vii) the manner in which the individual may apply to keep the
25 individual's residence address confidential for specified safety or privacy reasons, as
26 prescribed by the State Board by regulation.

27 (2) The local board shall send by mail to each eligible individual whose
28 voter registration record is out of date a notice that contains the following information:

29 (i) that the individual's voter registration record will be updated
30 unless the individual declines to update the individual's voter registration record within 90
31 days of the issuance of the notice; and

32 (ii) the manner in which the individual may decline to update the
33 individual's voter registration record, as prescribed by the State Board by regulation.

1 (3) Subject to the requirements of this subsection, the State Board shall
2 prescribe the form and content of the notices required under this subsection.

3 (g) (1) The local board shall promptly add to the statewide voter registration
4 list the name of each eligible individual who does not decline to register to vote within 90
5 days after issuance of the notice required under subsection (f) of this section.

6 (2) The local board shall promptly update the voter registration record of
7 each eligible individual who does not decline to update the individual's voter registration
8 record within 90 days after issuance of the notice required under subsection (f) of this
9 section.

10 (h) A local board may not add an eligible individual to the statewide voter
11 registration list or update an eligible individual's voter registration record under subsection
12 (g) of this section unless at least 90 days have elapsed after issuance of the notice required
13 under subsection (f) of this section.

14 (i) An individual who is added to the statewide voter registration list under
15 subsection (g) of this section shall be listed as not affiliated with any political party if the
16 individual has not affirmatively selected a political party affiliation.

17 (j) After adding an individual to the statewide voter registration list or updating
18 an individual's voter registration record under subsection (g) of this section, the local board
19 shall send to the individual the voter notification card specified under § 3–301(c)(2) of the
20 Election Law Article.

21 (k) The State Board may adopt regulations to implement this section.

22 (l) The State Board and each automatic voter registration agency shall jointly
23 submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate
24 Education, Health, and Environmental Affairs Committee and the House Committee on
25 Ways and Means on or before January 1, 2018, that describes:

26 (1) the actions taken to implement this section;

27 (2) the number of individuals sent a notice under subsection (f) of this
28 section; and

29 (3) the number of individuals sent a notice under subsection (f) of this
30 section who:

31 (i) were registered to vote;

32 (ii) had an out-of-date voter registration record updated; and

33 (iii) opted out of voter registration or updating a voter registration
34 record.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Elections,
2 in collaboration with each automatic voter registration agency designated under § 3–203 of
3 the Election Law Article, as enacted by this Act, shall take appropriate measures to educate
4 the public about automatic voter registration under this Act.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2016.