

# SENATE BILL 1048

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SB 938/17 – EHE

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CF HB 152

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By: **Senators Smith, Astle, Benson, Currie, Feldman, Ferguson, Guzzone, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Muse, Nathan–Pulliam, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Young, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Secure and Accessible Registration Act**

3 FOR the purpose of redesignating electronic voter registration agencies as automatic voter  
4 registration agencies; requiring automatic voter registration agencies to inform an  
5 applicant completing an applicable transaction that the applicant shall be registered  
6 to vote or shall have a voter registration record updated unless the applicant declines  
7 to register to vote or update a voter registration record or is determined not to be  
8 eligible to register to vote; requiring an applicant who registers to vote at an  
9 automatic voter registration agency to attest that the information provided by the  
10 applicant is true; requiring an automatic voter registration agency to transmit the  
11 voter registration information of each applicant who does not decline to register to  
12 vote or update a voter registration record directly to the State Board of Elections;  
13 requiring automatic voter registration agencies to implement automatic voter  
14 registration systems on or before certain dates; providing that certain voter  
15 registration information may be used only for certain purposes; requiring automatic  
16 voter registration agencies to submit certain reports to certain committees of the  
17 General Assembly on or before certain dates; requiring the Department of Human  
18 Services to provide a link from the Department’s electronic portal to the online voter  
19 registration system pending the implementation of an automatic voter registration  
20 system; requiring the State Board and the State Comptroller jointly to develop and  
21 implement procedures for individuals who file a Maryland resident individual  
22 income tax return electronically to be offered the opportunity to register to vote  
23 through a link to the online voter registration system; prohibiting a person acting  
24 under color of law from discriminating against an individual based on the  
25 individual’s declination to register to vote or voter registration information;  
26 providing that an individual who unintentionally becomes registered to vote at a  
27 voter registration agency shall be considered to have become registered to vote based  
28 on information provided to the State Board by an automatic voter registration agency

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and may not be considered to have violated certain provisions of law because of the  
2 unintended registration; providing for a delayed effective date; and generally  
3 relating to automatic voter registration.

4 BY repealing and reenacting, with amendments,  
5 Article – Election Law  
6 Section 3–203, 3–204.2, and 16–101  
7 Annotated Code of Maryland  
8 (2017 Replacement Volume and 2017 Supplement)

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

11 **Article – Election Law**

12 3–203.

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

14 (2) (i) “Applicable transaction” means:

15 1. at the Motor Vehicle Administration, an initial application  
16 for or renewal of a driver’s license or identification card, or a change of name or address on  
17 an existing driver’s license or identification card, or any other transaction in which the  
18 Motor Vehicle Administration obtains all of the information from an applicant that satisfies  
19 the requirements to register to vote;

20 2. at the Maryland Health Benefit Exchange, any application  
21 for or renewal of health insurance coverage;

22 3. at a local department of social services, an initial  
23 application for a State or federally funded public assistance program or an application for  
24 a recertification, renewal, or change of name or address relating to a State or federally  
25 funded public assistance program; or

26 4. at the Mobility Certification Office in the Maryland  
27 Transit Administration, an initial application for paratransit service or an application for  
28 recertification for paratransit service.

29 (ii) “Applicable transaction” includes any transaction described in  
30 subparagraph (i) of this paragraph that is completed online.

31 (3) [“Electronic] “AUTOMATIC voter registration agency” means:

32 (i) the Motor Vehicle Administration;

33 (ii) the Maryland Health Benefit Exchange;

1 (iii) local departments of social services; and

2 (iv) the Mobility Certification Office in the Maryland Transit  
3 Administration.

4 (4) [“Electronic] “AUTOMATIC voter registration system” means a system  
5 that, as an integral part of each applicable transaction at an [electronic] AUTOMATIC voter  
6 registration agency:

7 (i) [offers an applicant the opportunity to register to vote or update  
8 a voter registration record;

9 (ii)] informs an applicant:

10 **1. THAT THE APPLICANT SHALL BE REGISTERED TO**  
11 **VOTE OR SHALL HAVE A VOTER REGISTRATION RECORD UPDATED, IF APPLICABLE,**  
12 **UNLESS THE APPLICANT DECLINES TO REGISTER TO VOTE OR UPDATE A VOTER**  
13 **REGISTRATION RECORD OR IS DETERMINED NOT TO BE ELIGIBLE TO REGISTER TO**  
14 **VOTE;**

15 [1.] **2.** of the qualifications to register to vote under § 3–102 of  
16 this title;

17 [2.] **3.** that the applicant should not register if the applicant  
18 does not meet all the qualifications;

19 [3.] **4.** of the penalties for the submission of a false  
20 application; and

21 [4.] **5.** that voter registration is voluntary and that neither  
22 registering nor declining to register to vote will in any way affect the availability of services  
23 or benefits;

24 [(iii)] **(II)** requires the electronic signature of the applicant, subject  
25 to the penalties for perjury, by which the applicant attests that the information [contained  
26 in the voter registration application] **PROVIDED BY THE APPLICANT** is true and that the  
27 applicant meets all the qualifications to become a registered voter, including United States  
28 citizenship; and

29 [(iv)] **(III)** electronically transmits the voter registration information  
30 of [the] **EACH** applicant **WHO DOES NOT DECLINE TO REGISTER TO VOTE OR UPDATE**  
31 **A VOTER REGISTRATION RECORD** directly to the State Board:

1                   1.     in a manner and format specified jointly by the [electronic]  
2 **AUTOMATIC** voter registration agency and the State Board; and

3                   2.     within 5 days of the applicable transaction.

4           (5)    “Local department of social services” means:

5                   (i)    the local departments of social services in the Department of  
6 Human Services; and

7                   (ii)   the Montgomery County Department of Health and Human  
8 Services.

9           (b)   (1)   Except as provided in paragraph (2) of this subsection, an [electronic]  
10 **AUTOMATIC** voter registration agency shall implement an [electronic] **AUTOMATIC** voter  
11 registration system on or before July 1, [2017] **2019**.

12                   (2)   A local department of social services shall implement an [electronic]  
13 **AUTOMATIC** voter registration system on or before December 1, 2019.

14           (c)    An [electronic] **AUTOMATIC** voter registration system:

15                   (1)    may not require any information that duplicates the information  
16 required to complete an applicable transaction;

17                   (2)    shall require only the minimum amount of information necessary for  
18 both an applicable transaction and a voter registration to:

19                   (i)    prevent duplicate voter registration; and

20                   (ii)   enable election officials to review the eligibility of an applicant  
21 and to administer voter registration and other aspects of the election process; and

22                   (3)    shall inform an applicant that if the applicant does not select a political  
23 party affiliation, the individual will be designated as not affiliated with a political party  
24 and will be unable to vote in a party primary election.

25           (d)    An agent of an [electronic] **AUTOMATIC** voter registration agency who is  
26 responsible for carrying out the requirements of this section may not:

27                   (1)    seek to influence an applicant’s political preference or party  
28 registration;

29                   (2)    display any political preference or party allegiance; or

1           (3)     make any statement to an applicant or take any action the purpose or  
2 effect of which is to:

3                   (i)     discourage the applicant from registering to vote; or

4                   (ii)    lead the applicant to believe that a decision to register or not to  
5 register has any bearing on the availability of services or benefits.

6           (e)     The State Board shall ensure that each individual whose voter registration  
7 information is transmitted to the State Board through an [electronic] **AUTOMATIC** voter  
8 registration system is promptly registered to vote.

9           (f)     [Information] **VOTER REGISTRATION INFORMATION OR INFORMATION**  
10 relating to the decision of an applicant at an [electronic] **AUTOMATIC** voter registration  
11 agency to decline to register to vote may not be used for any purpose other than the  
12 maintenance of registration statistics, **ELECTION ADMINISTRATION, OR PROSECUTION**  
13 **OF CRIMINAL VIOLATIONS OF THE ELECTION LAW.**

14           (g)     Notwithstanding § 3–501 of this title and § 4–401 of the General Provisions  
15 Article, the identity of an [electronic] **AUTOMATIC** voter registration agency through which  
16 a particular voter has registered may not be disclosed to the public.

17           (h)     The State Board may adopt regulations as necessary to implement this  
18 section.

19           (i)     (1)    Each [electronic] **AUTOMATIC** voter registration agency shall:

20                   (i)     on or before [January] **JULY 1, [2017] 2019**, submit a report, in  
21 accordance with § 2–1246 of the State Government Article, to the Senate Education,  
22 Health, and Environmental Affairs Committee and the House Committee on Ways and  
23 Means that describes:

24                           1.    the efforts of the [electronic] **AUTOMATIC** voter  
25 registration agency to register voters in the preceding calendar year; and

26                           2.    [the status of] the implementation of an [electronic]  
27 **AUTOMATIC** voter registration system; and

28                   (ii)    on or before January 1, [2018] **2020**, and January 1 each  
29 subsequent year, submit a report, in accordance with § 2–1246 of the State Government  
30 Article, to the Senate Education, Health, and Environmental Affairs Committee and the  
31 House Committee on Ways and Means that describes:

32                           1.    the number of individuals who completed an applicable  
33 transaction in the preceding calendar year at the [electronic] **AUTOMATIC** voter

1 registration agency and the number of those individuals who registered to vote or updated  
2 a voter registration record; and

3                   2.       any efforts the [electronic] **AUTOMATIC** voter registration  
4 agency plans to make to improve the efficiency and effectiveness of the voter registration  
5 process at the agency.

6                   (2)       The Department of Human Services shall consolidate and submit the  
7 reports required under paragraph (1)(i) and (ii) of this subsection as a single document on  
8 behalf of all the local departments of social services.

9 3–204.2.

10           (a)       The State Board and the Department of Natural Resources shall jointly  
11 develop and implement procedures for individuals who apply for the issuance or renewal of  
12 a license, permit, or certificate online to be offered the opportunity to register to vote  
13 through a link to the online voter registration system.

14           (b)       The State Board and the Department of Labor, Licensing, and Regulation  
15 shall jointly develop and implement procedures for individuals who use the Maryland  
16 Workforce Exchange Web site to be offered the opportunity to register to vote through a  
17 link to the online voter registration system.

18           (c)       The State Board and the Department of Veterans Affairs shall jointly develop  
19 and implement procedures for individuals who use the Department of Veterans Affairs Web  
20 site or who are contacted by the Department’s outreach and advocacy program to be offered  
21 the opportunity to register to vote through a link to the online voter registration system.

22           (d)       (1)       (i)       In this subsection the following words have the meanings  
23 indicated.

24                               (ii)       “Applicable transaction” means an online application for a State  
25 or federally funded public assistance program or an online application for a recertification,  
26 renewal, or change of name or address relating to a State or federally funded public  
27 assistance program.

28                               (iii)       “Department” means the Department of Human Services.

29                               (iv)       “Electronic portal” means the Department’s online system,  
30 known as MyDHR, through which an individual may complete an applicable transaction.

31                   (2)       [The] **PENDING THE IMPLEMENTATION OF AN AUTOMATIC VOTER**  
32 **REGISTRATION SYSTEM UNDER § 3–203 OF THIS SUBTITLE**, THE State Board and the  
33 Department shall jointly develop and implement procedures for individuals who use the  
34 Department’s electronic portal to complete an applicable transaction to be offered the  
35 opportunity to register to vote through a link to the online voter registration system.

1           **(E) THE STATE BOARD AND THE STATE COMPTROLLER SHALL JOINTLY**  
2 **DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO FILE A MARYLAND**  
3 **RESIDENT INDIVIDUAL INCOME TAX RETURN ELECTRONICALLY TO BE OFFERED THE**  
4 **OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER**  
5 **REGISTRATION SYSTEM.**

6 16–101.

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

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

10              (2) register to vote more than once;

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

12              (4) secure registration through any unlawful means;

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

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

18              (7) falsify any name on a registration;

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

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

22           **(b) A PERSON ACTING UNDER COLOR OF LAW MAY NOT DISCRIMINATE**  
23 **AGAINST AN INDIVIDUAL BASED ON THE INDIVIDUAL’S DECLINATION TO REGISTER**  
24 **TO VOTE OR VOTER REGISTRATION INFORMATION.**

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

27           **[(c)] (D)** A person who violates this section is subject to § 5–106(b) of the Courts  
28 Article.

29           **(E) A PERSON WHO UNINTENTIONALLY BECOMES REGISTERED TO VOTE**  
30 **UNDER § 3–203 OF THIS ARTICLE:**

1                   **(1) SHALL BE CONSIDERED TO HAVE BECOME REGISTERED TO VOTE**  
2 **BASED ON INFORMATION PROVIDED TO THE STATE BOARD BY AN AUTOMATIC**  
3 **VOTER REGISTRATION AGENCY; AND**

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

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
7 1, 2019.