

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 627

(Delegate Wilkins)

Ways and Means

Education, Energy, and the Environment

Election Law - Automatic Voter Registration - State Correctional Facilities

This bill designates the Department of Public Safety and Correctional Services (DPSCS) as an automatic voter registration agency and requires the department to implement an automatic voter registration system by January 1, 2025, to register individuals to vote or update their voter registration record when they are released from confinement at a State correctional facility, unless they decline or are not eligible. By January 1, 2026, and January 1 each subsequent year, DPSCS must submit a specified report relating to the voter registration process implemented by the department and the number of individuals who registered to vote or updated a voter registration record in the preceding calendar year. **The bill takes effect January 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$100,000 in FY 2025 only, as discussed below. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,000	0	0	0	0
Net Effect	(\$100,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Automatic Voter Registration Agencies

Under current law, an individual may apply to become a registered voter through a number of means, including during an applicable transaction at an automatic voter registration agency. The current automatic voter registration agencies are the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration.

Under the bill, DPSCS is added to the list of automatic voter registration agencies. The bill defines an “applicable transaction” at DPSCS to mean the release of an individual confined at a State correctional facility.

Implementation of an Automatic Voter Registration System

Under current law, the automatic voter registration agencies were required to implement an automatic voter registration system by July 1, 2019, with the exception of local departments of social services which were required to implement an automatic voter registration system by December 1, 2019.

Under the bill DPSCS must implement an automatic voter registration system by January 1, 2025.

Under current law and under the bill, “automatic voter registration system” means a system that, as an integral part of each applicable transaction at an automatic voter registration agency:

- informs an applicant (1) that the applicant must be registered to vote or have a voter registration record updated, if applicable, unless the applicant declines to register to vote or update a voter registration record or if the applicant is not eligible to register to vote; (2) of the qualifications to register to vote; (3) that the applicant should not register if the applicant does not meet all the qualifications; (4) of the penalties for the submission of a false application; and (5) that voter registration is voluntary and that neither registering nor declining to register to vote will in any way affect the availability of services or benefits;
- requires the electronic signature of the applicant, subject to penalties of perjury, by which the applicant attests that the information provided by the applicant is true and that the applicant meets all the qualifications to become a registered voter, including U. S. citizenship; and

- electronically transmits the voter registration information of each applicant who does not decline to register to vote or update a voter registration record directly to the State Board of Elections (SBE) (1) in a manner and format specified jointly by the automatic voter registration agency and SBE and (2) within five days of the applicable transaction.

Under current law and under the bill, an automatic voter registration system:

- may not require any information that duplicates the information required to complete an applicable transaction;
- must require only the minimum amount of information necessary for both an applicable transaction and a voter registration to (1) prevent duplicate voter registration and (2) enable election officials to review the eligibility of an applicant and to administer voter registration and other aspects of the election process; and
- must inform an applicant that if the applicant does not select a political party affiliation, the individual will be designated as not affiliated with a political party and will be unable to vote in a party primary election.

Under current law and under the bill, an agent of an automatic voter registration agency who is responsible for carrying out automatic voter registration requirements may not:

- seek to influence an applicant's political preference or party registration;
- display any political preference or party allegiance; or
- make any statement to an applicant or take any action the purpose or effect of which is to (1) discourage the applicant from registering to vote or (2) lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

Under current law and under the bill, SBE must ensure that each individual whose voter registration is transmitted to SBE through an automatic voter registration system is promptly registered to vote.

Reporting Requirement

Similar to other automatic voter registration agencies, DPSCS must submit a report by January 1 each year, beginning January 1, 2026, that describes (1) the number of individuals who completed an applicable transaction in the preceding calendar year and the number of those individuals who registered to vote or updated a voter registration record and (2) any efforts the agency plans to make to improve the efficiency and effectiveness of the voter registration process at the agency.

Existing Voter Registration Efforts at Correctional Facilities

Chapter 734 of 2021, among other things, (1) requires DPSCS to provide each individual who is released from a State or local correctional facility with a voter registration application and documentation with the individual's discharge papers that informs the individual that their voting rights have been restored and (2) requires SBE to adopt regulations establishing a program to inform individuals incarcerated in a correctional facility who have the right to vote of upcoming elections and how they may exercise the right to vote, with the program including specified opportunities before each election for those individuals to register to vote and to vote.

State Fiscal Effect: General fund expenditures increase by at least \$100,000 in fiscal 2025 only, reflecting the cost for contractual services to develop an automatic voter registration portal within DPSCS's case management system to allow for case managers to implement automatic voter registration for individuals released from confinement at a State correctional facility. DPSCS indicates that additional costs of \$312,000, for a contractual business analyst, are expected to be incurred to establish the automatic voter registration system; however, the Department of Legislative Services advises it is unclear whether this level of additional effort is needed since there are existing automatic voter registration systems and processes already established through other agencies' implementation of automatic voter registration systems that may allow DPSCS to establish a system at lesser cost.

SBE advises that it can implement the bill with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services; Maryland State Board of Elections; Department of Legislative Services

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