
By: **Senators Jacobs and Harris**

Introduced and read first time: February 3, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Boater Voter**

3 FOR the purpose of designating the Department of Natural Resources or other
4 persons designated by the Department to issue certain licenses as voter
5 registration agencies; and generally relating to voter registration agencies.

6 BY repealing and reenacting, with amendments,
7 Article - Election Law
8 Section 3-204
9 Annotated Code of Maryland
10 (2003 Volume and 2004 Supplement)

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

13 **Article - Election Law**

14 3-204.

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

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

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

21 (ii) all offices in the State that provide State-funded programs
22 primarily engaged in providing services to individuals with disabilities; [and]

23 (iii) all public institutions of higher education in the State; AND

24 (IV) THE DEPARTMENT OF NATURAL RESOURCES OR ANY PERSON
25 DESIGNATED BY THE DEPARTMENT TO ISSUE A FISHING LICENSE UNDER TITLE 4 OF

1 THE NATURAL RESOURCES ARTICLE OR A HUNTING LICENSE UNDER TITLE 10 OF
2 THE NATURAL RESOURCES ARTICLE.

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

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

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

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

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

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

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

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

27 (v) the statement, "If you believe that someone has interfered with
28 your right to register or to decline to register to vote, your right to privacy in deciding
29 whether to register or in applying to register to vote, or your right to choose your own
30 political party or other political preference, you may file a complaint with the State
31 Board of Elections"; and

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

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

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

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

6 (d) An applicant may mail the voter registration application to the
7 appropriate State election official or return it to the voter registration agency for
8 transmittal to the appropriate election official.

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

12 (f) If a voter registration agency is an office described in subsection (a)(2)(ii) of
13 this section, which provides services to an individual with a disability at the
14 individual's home, the agency shall provide the services described in subsection (b) of
15 this section at the individual's home.

16 (g) (1) An individual who provides any service described in subsection (b) of
17 this section may not:

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

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

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

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

28 (3) Notwithstanding § 3-501 of this title and § 10-611 of the State
29 Government Article, the identity of a voter registration agency through which a
30 particular voter has registered may not be disclosed to the public.

31 (h) Regulations necessary to carry out the requirements of this section and §
32 3-203 of this subtitle, including provisions for training the employees of voter
33 registration agencies and the Motor Vehicle Administration, shall be adopted by the
34 State Board in cooperation with each agency.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2005.