

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 800 (Chairman, Ways and Means Committee)
(By Request – Departmental – Elections, State Board of)
Ways and Means Education, Health, and Environmental Affairs

Election Law - Voter Registration

This emergency bill makes changes to State voter registration laws relating to absentee ballots, conduct of voter registration volunteers and individuals assisting another individual to register to vote, voter registration status, and administrative complaints.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

Local Effect: None. The bill would not materially affect local government finances.

Small Business Effect: The State Board of Elections (SBE) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill allows a federal write-in absentee ballot to be used for voter registration purposes if a voter is authorized to vote a federal write-in absentee ballot under federal law.

A voter registration volunteer or any individual assisting another individual to register to vote may not: • copy or collect information contained on a voter registration application that is protected from public disclosure, including a person's Maryland driver's license number, Maryland identification number, or Social Security number; • use any voter

registration information for a purpose inconsistent with the availability of copies of the voter registration list to registered voters to be used only for a purpose related to the electoral process; or • to receive any form of compensation based on the number of voter registration applications collected.

A local election director may remove a voter from the statewide voter registration list if the local board determines, pursuant to the administrative complaint process, that the voter is not qualified to be registered. A voter on the inactive voter list must be restored to active status upon completing and signing an absentee ballot application.

A local board may file an administrative complaint under procedures established by SBE if the local board has reason to believe that a registration has been erroneously added to or omitted from the statewide voter registration list by reason other than clerical error. Any final determination in the administrative complaint process regarding an individual's eligibility to remain registered to vote as well as an individual's eligibility to register to vote, is subject to judicial review.

Current Law: No registration form other than a statewide voter registration application produced by SBE may be used for voter registration purposes, except: • an application produced by a local board with approval of SBE; • an application form prescribed pursuant to the National Voter Registration Act of 1993; • an application used by the Motor Vehicle Administration for voter registration; or • any other form prescribed by federal law for voter registration.

An individual may register to vote directly with a local board office or the SBE office, by mail, when applying for issuance, renewal, or modification of a driver's license or identification card at the Motor Vehicle Administration, when applying for services at a voter registration agency, or with the assistance of a volunteer authorized by SBE or a local board. The statewide voter registration application may not require any additional information other than the information necessary to enable election officials to determine eligibility of an applicant and to administer the voter registration and election process. Copies of the voter registration list are available to registered voters upon submission of a written application and a statement signed under oath that the list is not intended to be used for commercial solicitation or any other purpose not related to the electoral process. A person who knowingly allows a voter registration list under the person's control to be used for commercial solicitation or any other purpose not related to the electoral process is guilty of a misdemeanor.

A local election director may remove a voter from the statewide voter registration list only at the request of the voter, upon a determination that the voter is no longer eligible or is deceased, or upon a determination that the voter has moved outside the State.

A voter is required to be restored to active status on the statewide voter registration list upon completing and signing: • a voter registration application; • a petition governed by the Election Law Article; • a certificate of candidacy; • or a written affirmation of residence completed on election day to entitle the voter to vote either at the election district or precinct for the voter's current residence or previous residence, as determined by SBE.

An individual who feels aggrieved by any action of a local board regarding voter registration may file a complaint according to procedures established by SBE. A final determination regarding an individual's eligibility to register to vote is subject to judicial review.

Federal Write-in Absentee Ballot

A federal write-in absentee ballot (FWAB) is available to be used in a general election to vote for federal offices (though in some states it may be used for other than general elections and to vote for other than federal offices) by an eligible voter when the voter has made a timely application for, but does not receive, a state absentee ballot.

FWAB may be used by a member of a uniformed service (Army, Navy, Air Force, Marine Corps, and Coast Guard; the commissioned corps of the Public Health Service; and the commissioned corps of the National Oceanic and Atmospheric Administration) on active duty who, by reason of active duty, is absent from their place of residence where they are qualified to vote. A spouse or dependent of a member of a uniformed service may also use FWAB, if absent from the place of residence where they are qualified to vote. FWAB is similarly available to members of the Merchant Marine and their spouses and dependents.

FWAB may also be used by a person who resides outside of the United States, but is qualified to vote in the last place in which they were domiciled prior to leaving, or would be qualified to vote in the last place in which they were domiciled if not for their current residence.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Cecil County; Montgomery County; Prince George's County; Harford County; Maryland State Board of Elections; Federal Voting Assistance Program, U.S. Department of Defense; Department of Legislative Services

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