

HOUSE BILL 740

G1

(11r2284)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Cardin and Rosenberg**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Online Voter Registration**

3 FOR the purpose of authorizing an individual to apply to become a registered voter
4 through an online voter registration system; ~~requiring~~ authorizing the State
5 Board of Elections to operate an online voter registration system that allows an
6 individual to apply to register to vote and make certain changes in the
7 individual's existing voter registration record; requiring an individual who
8 applies to register to vote through the online voter registration system, or who
9 makes certain changes in the individual's existing voter registration record
10 through the online voter registration system, to follow certain procedures and
11 provide certain information; requiring the Motor Vehicle Administration to
12 transmit to the State Board an electronic copy of the signature of an individual
13 who submits a voter registration application through the online voter
14 registration system within a certain period of time; authorizing the State Board
15 to take certain actions to ensure the accuracy and integrity of voter registration

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 applications submitted through the online voter registration system;
 2 authorizing the State Board to adopt regulations as necessary to administer the
 3 online voter registration system; clarifying that notification of a change of party
 4 affiliation or a change to or from a decline may be made by certain methods,
 5 including through the online voter registration system; making conforming
 6 changes; requiring that not more than a certain amount of the funds in the Fair
 7 Campaign Financing Fund be transferred to the State Board of Elections for
 8 certain fiscal years for the purpose of implementing an online voter registration
 9 system; requiring that funds transferred from the Fair Campaign Financing
 10 Fund be used to pay certain costs that would otherwise be paid by local
 11 governments; requiring that any funds transferred from the Fair Campaign
 12 Financing Fund that are not used to implement an online voter registration
 13 system revert to the Fair Campaign Financing Fund; and generally relating to
 14 online voter registration.

15 BY repealing and reenacting, with amendments,
 16 Article – Election Law
 17 Section 3–201 and 3–303
 18 Annotated Code of Maryland
 19 (2010 Replacement Volume)

20 BY adding to
 21 Article – Election Law
 22 Section 3–204.1
 23 Annotated Code of Maryland
 24 (2010 Replacement Volume)

25 BY repealing and reenacting, without amendments,
 26 Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter
 27 484 of the Acts of the General Assembly of 2010
 28 Section 38(a) and (c)

29 BY adding to
 30 Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter
 31 484 of the Acts of the General Assembly of 2010
 32 Section 38(l)

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

35 **Article – Election Law**

36 3–201.

37 (a) An individual may apply to become a registered voter:

38 (1) at a local board office or the State Board office;

1 (2) at a registration site administered by a local board;

2 (3) by mail;

3 (4) when applying to the Motor Vehicle Administration for the
4 issuance, renewal, or modification of a driver's license or identification card;

5 (5) when applying for services at a voter registration agency; [or]

6 **(6) THROUGH THE STATE BOARD'S ONLINE VOTER**
7 **REGISTRATION SYSTEM; OR**

8 **[(6)] (7)** with the assistance of a volunteer authorized by the State or
9 local board.

10 (b) An individual who is at least 18 years old or will be 18 years old on or
11 before the day of the next succeeding general or special election may be a volunteer
12 under subsection **[(a)(6)](A)(7)** of this section.

13 **3-204.1.**

14 **(A) THE STATE BOARD ~~SHALL~~ MAY OPERATE AN ONLINE VOTER**
15 **REGISTRATION SYSTEM THAT ALLOWS AN INDIVIDUAL TO ELECTRONICALLY:**

16 **(1) APPLY TO BECOME A REGISTERED VOTER; OR**

17 **(2) CHANGE THE INDIVIDUAL'S NAME, ADDRESS, OR PARTY**
18 **AFFILIATION IN THE INDIVIDUAL'S EXISTING VOTER REGISTRATION RECORD.**

19 **(B) TO APPLY TO REGISTER TO VOTE THROUGH THE ONLINE VOTER**
20 **REGISTRATION SYSTEM, AN INDIVIDUAL SHALL:**

21 **(1) COMPLETE THE ELECTRONIC VOTER REGISTRATION**
22 **APPLICATION;**

23 **(2) AFFIRMATIVELY ATTEST, SUBJECT TO THE PENALTIES OF**
24 **PERJURY, THAT THE INFORMATION CONTAINED IN THE VOTER REGISTRATION**
25 **APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL OF THE**
26 **QUALIFICATIONS TO BECOME A REGISTERED VOTER;**

27 **(3) PROVIDE ONE OF THE FOLLOWING:**

28 **(I) A MARYLAND DRIVER'S LICENSE NUMBER OR**
29 **MARYLAND IDENTIFICATION CARD NUMBER; OR**

1 (II) IF THE INDIVIDUAL IS AN ABSENT UNIFORMED
2 SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL
3 UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT
4 HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A
5 SOCIAL SECURITY NUMBER; AND

6 (4) AFFIRMATIVELY CONSENT TO THE USE OF ONE OF THE
7 FOLLOWING AS THE INDIVIDUAL'S SIGNATURE FOR THE APPLICATION BEING
8 SUBMITTED:

9 (I) THE ELECTRONIC COPY OF THE INDIVIDUAL'S
10 SIGNATURE THAT IS ON FILE WITH THE MOTOR VEHICLE ADMINISTRATION; OR

11 (II) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

12 (C) TO CHANGE AN INDIVIDUAL'S NAME, ADDRESS, OR PARTY
13 AFFILIATION IN THE INDIVIDUAL'S EXISTING VOTER REGISTRATION RECORD, AN
14 INDIVIDUAL SHALL:

15 (1) COMPLETE THE ELECTRONIC VOTER REGISTRATION
16 APPLICATION;

17 (2) AFFIRMATIVELY ATTEST, SUBJECT TO THE PENALTIES OF
18 PERJURY, THAT THE INFORMATION CONTAINED IN THE VOTER REGISTRATION
19 APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL OF THE
20 QUALIFICATIONS TO BE A REGISTERED VOTER;

21 (3) PROVIDE ONE OF THE FOLLOWING:

22 (I) A MARYLAND DRIVER'S LICENSE NUMBER OR
23 MARYLAND IDENTIFICATION CARD NUMBER;

24 (II) A MARYLAND VOTER IDENTIFICATION NUMBER ON THE
25 INDIVIDUAL'S VOTER NOTIFICATION CARD; OR

26 (III) IF THE INDIVIDUAL IS AN ABSENT UNIFORMED
27 SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL
28 UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT
29 HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A
30 SOCIAL SECURITY NUMBER; AND

1 **(4) AFFIRMATIVELY CONSENT TO THE USE OF ONE OF THE**
2 **FOLLOWING AS THE INDIVIDUAL'S SIGNATURE FOR THE APPLICATION BEING**
3 **SUBMITTED:**

4 **(I) THE ELECTRONIC COPY OF THE INDIVIDUAL'S**
5 **SIGNATURE THAT IS ON FILE WITH THE MOTOR VEHICLE ADMINISTRATION;**

6 **(II) THE ELECTRONIC COPY OF THE INDIVIDUAL'S**
7 **SIGNATURE THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST; OR**

8 **(III) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.**

9 **(D) THE MOTOR VEHICLE ADMINISTRATION SHALL TRANSMIT AN**
10 **ELECTRONIC COPY OF AN INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION**
11 **CARD SIGNATURE TO THE STATE BOARD WITHIN 5 DAYS OF BEING NOTIFIED BY**
12 **THE STATE BOARD THAT THE INDIVIDUAL SUBMITTED A VOTER REGISTRATION**
13 **APPLICATION THROUGH THE ONLINE VOTER REGISTRATION SYSTEM.**

14 **(E) THE STATE BOARD MAY:**

15 **(1) TAKE ANY ADDITIONAL MEASURES IT DEEMS NECESSARY TO**
16 **ENSURE THE INTEGRITY AND ACCURACY OF VOTER REGISTRATION**
17 **APPLICATIONS SUBMITTED THROUGH THE ONLINE VOTER REGISTRATION**
18 **SYSTEM; AND**

19 **(2) ADOPT ANY REGULATIONS NECESSARY TO ADMINISTER THE**
20 **ONLINE VOTER REGISTRATION SYSTEM.**

21 3-303.

22 **(a) [A local board, at the signed request of a registered voter, shall change**
23 **that voter's party affiliation, or change the voter to or from a decline, at any time that**
24 **registration is open.] NOTIFICATION OF A CHANGE OF PARTY AFFILIATION OR A**
25 **CHANGE TO OR FROM A DECLINE MAY BE MADE:**

26 **(1) BY INFORMATION PROVIDED ON A VOTER REGISTRATION**
27 **APPLICATION BY THE SAME METHODS PROVIDED FOR REGISTRATION UNDER**
28 **SUBTITLE 2 OF THIS TITLE;**

29 **(2) BY WRITTEN NOTICE, SIGNED BY THE VOTER AND SENT BY**
30 **MAIL OR OTHERWISE DELIVERED TO THE LOCAL BOARD IN THE COUNTY WHERE**
31 **THE VOTER'S CURRENT VOTER REGISTRATION ADDRESS IS LOCATED OR TO**
32 **WHICH THE VOTER HAS MOVED;**

1 **(3) BY MAKING APPLICATION IN PERSON AT THE OFFICE OF THE**
 2 **LOCAL BOARD IN THE COUNTY WHERE THE VOTER'S CURRENT VOTER**
 3 **REGISTRATION ADDRESS IS LOCATED OR TO WHICH THE VOTER HAS MOVED;**

4 **(4) BY INFORMATION ON A VOTER AUTHORITY CARD OR OTHER**
 5 **APPROPRIATE FORM FILLED OUT IN A POLLING PLACE; OR**

6 **(5) BY CHANGING A NAME OR ADDRESS WITH THE MOTOR**
 7 **VEHICLE ADMINISTRATION.**

8 **(B) PARTY AFFILIATION CHANGES OR CHANGES TO OR FROM A**
 9 **DECLINE:**

10 **(1) SHALL BE PROCESSED AT ANY TIME THAT REGISTRATION IS**
 11 **OPEN; AND**

12 **(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
 13 **MAY NOT BE PROCESSED WHEN REGISTRATION IS CLOSED.**

14 **[(b)] (C)** If a local board receives a request for a party affiliation change
 15 after the close of registration, the local board shall make the change and it shall
 16 become effective for the next election provided:

17 (1) there is sufficient evidence, as determined by the local boards
 18 pursuant to regulations adopted by the State Board, that the request was mailed on or
 19 before the close of registration for that election; or

20 (2) the request was submitted by the voter to the Motor Vehicle
 21 Administration, a voter registration agency, another local board, or the State Board on
 22 or before the close of registration for that election.

23 **Chapter 487 of the Acts of 2009, as amended by Chapter 484 of the Acts of 2010**

24 **SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any**
 25 **other provision of law:**

26 **(a) The General Assembly finds that the Fair Campaign Financing Fund**
 27 **established under § 15-103 of the Election Law Article cannot operate as originally**
 28 **contemplated.**

29 **(c) A transfer under this section may not reduce the balance in the Fund**
 30 **below \$1,000,000.**

31 **(L) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL**
 32 **YEAR 2012 AND FISCAL YEAR 2013, A CUMULATIVE SUM IN THE AMOUNT OF NOT**

1 MORE THAN \$250,000 OF THE BALANCE IN THE FUND SHALL BE TRANSFERRED
2 TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN
3 ONLINE VOTER REGISTRATION SYSTEM.

4 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FUNDS
5 TRANSFERRED UNDER THIS SUBSECTION SHALL BE USED TO PAY COSTS
6 ASSOCIATED WITH IMPLEMENTATION OF AN ONLINE VOTER REGISTRATION
7 SYSTEM THAT WOULD OTHERWISE BE PAID BY LOCAL GOVERNMENTS.

8 (3) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN
9 FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER THIS
10 SUBSECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN
11 ONLINE VOTER REGISTRATION SYSTEM MAY NOT BE RETAINED BY THE STATE
12 BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING
13 FUND.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.