

**Department of Legislative Services**  
 Maryland General Assembly  
 2011 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 561  
 Ways and Means

(Delegates Cardin and Rosenberg)

Education, Health, and Environmental Affairs

**Election Law - Voter Registration - Exchange of Information**

This bill authorizes the State Board of Elections (SBE) to enter into agreements with other states to exchange any data that the State Administrator of Elections determines is relevant to maintaining accurate voter registration lists. State agencies are required to provide any data to SBE that the State Administrator determines is necessary to maintain an accurate statewide voter registration list. SBE and the Motor Vehicle Administration (MVA) must jointly submit a report concerning actions taken and plans made to implement a fully automated voter registration system at MVA.

The bill takes effect June 1, 2011.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$30,000 in FY 2012 for a high capacity storage server and file transfer server application. If, following the enactment of this bill, SBE chooses to participate in an agreement among states to establish and maintain a proposed data center to exchange voter registration-related data, the annual cost to participate is expected to be \$100,000.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	30,000	0	0	0	0
Net Effect	(\$30,000)	\$0	\$0	\$0	\$0

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

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The bill authorizes SBE to enter into agreements with other states to exchange any data that the State Administrator of Elections determines is relevant to maintaining accurate voter registration lists. Data that is not subject to public disclosure under State laws governing access to public records may be exchanged with other persons as the State Administrator determines is necessary for the sole purpose of maintaining accurate voter registration lists. A person who receives data that is not subject to public disclosure may not use or redisclose the data except for the purpose of maintaining accurate voter registration lists.

The bill also requires State agencies to provide any data to SBE that the State Administrator determines is necessary to maintain an accurate statewide voter registration list. With the exception of the exchange of data with other states for the purpose of maintaining accurate voter registration lists, SBE may not disclose the data except as provided under State laws governing access to public records.

Finally, the bill requires SBE and MVA to jointly submit a report to the House Ways and Means Committee; Senate Education, Health, and Environmental Affairs Committee; House Appropriations Committee; and the Senate Budget and Taxation Committee by October 1, 2011, concerning actions taken and plans made to implement a fully automated voter registration system at MVA.

A “fully automated voter registration system” is defined as a system that eliminates the use of paper voter registration forms by requiring each applicant who wishes to register to vote or update a voter registration record during a driver’s license or identification card transaction or other transaction to electronically submit all the information required to register or update the applicant’s registration at the time of the transaction and transmits the information electronically directly to elections officials.

The report must include (1) a detailed timeline for complete implementation of a fully automated voter registration system at MVA; (2) a detailed estimate of the fiscal impact of implementing such a system; and (3) any other issues relating to the implementation of such a system that SBE and MVA consider relevant.

**Current Law:** The statewide voter registration list is the official voter registration list for the State. The list must contain the name and other information from every legally registered voter in the State; allow each local board to obtain immediate electronic access to the information contained in the list; be coordinated with other agency databases in the State; be used to produce precinct registers for use in polling places on election day; and include voter history information on a current basis for a period covering at least the five preceding years.

The State Administrator must define, maintain, and administer the statewide voter registration list and, with the local boards, ensure the currency and accuracy of each individual voter's registration record. The State Administrator must also instruct the local boards on processing voter registration applications and name and address changes; entering voter registration information into the statewide voter registration list; and removing information about voters who are no longer eligible to be registered voters. In addition, the State Administrator must, subject to relevant federal law and to SBE regulations, establish and conduct a program to identify voters who have changed their addresses.

The Department of Health and Mental Hygiene, clerks of the circuit courts, and administrative clerks for each District Court are currently required to report information to SBE on deceased persons, persons convicted of a felony, and persons whose names have been changed by court decree or order.

An individual may apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by the SBE, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); or (4) when applying to MVA for issuance, renewal, or modification of a driver's license or identification card.

## **Background:**

### *Modernizing Voter Registration Systems*

The Pew Center on the States, a division of the nonprofit Pew Charitable Trusts, indicates in a November 2010 report ("*Upgrading Democracy: Improving America's Elections by Modernizing States' Voter Registration Systems*") that state voter registration systems "have been unable to keep up with technological advances or with America's rapidly changing – and increasingly transient – society," reducing the accuracy and integrity of the system and increasing maintenance costs. As evidence for the need for changes, the report cites an estimate that 2.2 million voters were unable to cast ballots during the 2008 general election due to problems with their voter registrations.

The Pew Center on the States has proposed a modernized approach to administration of voter registration systems involving (1) comparison and data matching of voter registration lists with a range of data sources to update and verify the lists and (2) establishing means for voters to submit information online to limit manual data entry by election personnel and associated costs and potential for error.

As part of this approach, an independent data center is proposed that would be jointly operated and controlled by states and would allow for states to submit voter lists, motor vehicle data, and any other data sources that would be standardized, collated, and matched. Information would then be returned to election officials regarding data matching that has resulted in a high probability that new information has been gathered on a registered or eligible voter. It would then be up to election officials' discretion to take any action based on the information. State-of-the-art matching and security protocols would be employed and necessary contractual and legal protections would be incorporated in the bylaws and governance structure of the center to ensure the data would not be disclosed or used for purposes not related to voter registration.

Maryland is currently among a number of states working collaboratively on establishing an agreement to create such a center.

#### *MVA Fully Automated Voter Registration System*

MVA is in the process of working with SBE on program requirements for implementation of a fully automated voter registration system.

**State Fiscal Effect:** General fund expenditures are expected to increase by \$30,000 in fiscal 2012 for a one-time purchase of a high capacity storage server and a Secure File Transfer Protocol server application, which will allow for a high volume of records to be received from other State agencies and allow for data to be transferred to a data center such as that proposed by the Pew Center on the States. SBE expects to be able to accommodate the receipt of records from other agencies in the format in which they are maintained by the agencies and does not expect that the agencies will incur costs to provide the records.

If Maryland chooses to participate in an agreement among states to establish and maintain a data center, the annual cost of participation is expected to be \$100,000 per year.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 765 (Senator Young, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** State Board of Elections, Department of Public Safety and Correctional Services, Maryland Department of Transportation, Pew Center on the States, Department of Legislative Services

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