

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 212
Ways and Means

(Delegate Afzali, *et al.*)

Education, Health, and Environmental Affairs

Election Law - Statewide Voter Registration List - Removal of Deceased Voters

This bill requires the State Administrator of Elections to make arrangements to receive reports of U.S. Social Security Administration information regarding Maryland residents reported deceased. The bill also specifies procedural requirements for removal of registered voters included in such reports from the statewide voter registration list, including mailing of a notice to the registered voter that provides an opportunity for the registered voter or a representative to object to the removal and show cause why the voter should not be removed.

The bill takes effect June 1, 2014.

Fiscal Summary

State Effect: The bill is not expected to affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the State Administrator of Elections to make arrangements with the U.S. Social Security Administration, or an entity that receives information from the Social Security Administration and is approved by the State Administrator, to receive reports of names and addresses, if available, of all Maryland residents at least age 16 who are reported deceased. The information is then transmitted to the appropriate local board of elections and a notice must be mailed by the election

director of a local board to the address on the statewide voter registration list of a registered voter that is reported deceased, providing an opportunity for the registered voter or a representative to object to removal from the statewide voter registration list and to show cause why the voter should not be removed.

If a registered voter or a representative, within two weeks, objects and shows cause why the removal should not proceed, the election director may terminate the removal process and retain the registered voter on the statewide voter registration list or refer the matter to the local board for a hearing to determine the registered voter's status. If the registered voter or a representative does not object and show cause why the removal should not proceed, the registration is canceled and the registered voter is removed from the statewide voter registration list.

Current Law: The Department of Health and Mental Hygiene (DHMH) must report to the State Administrator of Elections the names and addresses (if known) of all individuals at least 16 years old reported deceased in the State. This information is transmitted to the appropriate local boards of elections and, pursuant to SBE regulations, can be relied on to remove deceased individuals from the statewide voter registration list. A local election director may also remove a deceased voter from the statewide voter registration list when a local board of elections becomes aware of an obituary or other reliable report other than from DHMH of the death of a registered voter. However, a notice must be mailed to the address shown on the statewide voter registration list to verify that the voter is in fact deceased and the individual may not be removed from the voter registration list until verification has been received.

Background: The State Board of Elections (SBE) currently receives reports of deceased individuals from the Social Security Administration through the Electronic Registration Information Center (ERIC). ERIC is a partnership of seven states and the District of Columbia, formed in 2012 with the assistance of The Pew Charitable Trusts, which "uses advanced technology to compare information on eligible voters from official data submitted by member states, such as voter registration rolls and motor vehicle records, as well as U.S. Postal Service addresses and Social Security death records." Information identifying voters whose records may no longer be up to date is forwarded to the participating states to process in accordance with the state's voter registration list maintenance procedures.

Currently, when local boards of elections in Maryland receive Social Security Administration death record information through ERIC, a confirmation mailing is sent to the voter in order to verify the voter's death before removing the individual from the statewide voter registration list. Death records from DHMH are sent to SBE monthly and, pursuant to SBE regulations, can be relied on by the local boards of election to

remove the individuals from the voter registration list without sending a confirmation mailing and receiving verification.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Department of Health and Mental Hygiene; Charles, Frederick, and Montgomery counties; The Pew Charitable Trusts; Department of Legislative Services

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