

# SENATE BILL 19

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(PRE-FILED)

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By: **Senator Ramirez**

Requested: September 21, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Automatic Voter Registration**

3 FOR the purpose of requiring the Motor Vehicle Administration and certain social service  
4 agencies to provide electronic records of certain individuals to the State Board of  
5 Elections; requiring the electronic records to include certain information relating to  
6 each individual; requiring the State Board to determine whether each individual  
7 whose electronic record it receives is eligible to be registered to vote; requiring the  
8 State Board to provide the electronic record of each individual who is eligible to be  
9 registered to vote to the local board of elections for the county where the individual  
10 resides; requiring the local board to send a notice that contains certain information  
11 to each individual who is eligible to be registered to vote; requiring a local board to  
12 add to the statewide voter registration list the name of each individual who is eligible  
13 to be registered to vote and who does not decline to register within a specified period  
14 of time; requiring that an individual added to the statewide voter registration list be  
15 listed as not affiliated with any political party if the individual has not selected a  
16 political party affiliation; authorizing the State Board to adopt regulations to  
17 implement this Act; requiring a public institution of higher education to provide each  
18 student with the opportunity to register to vote through an automatic voter  
19 registration system; repealing certain requirements that the Administration, certain  
20 social service agencies, and public institutions of higher education conduct voter  
21 registration activities in a certain manner; making conforming changes; defining  
22 certain terms; and generally relating to universal voter registration.

23 BY repealing and reenacting, without amendments,  
24 Article – Election Law  
25 Section 3–102 and 3–301(c)(2)  
26 Annotated Code of Maryland  
27 (2010 Replacement Volume and 2015 Supplement)

28 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law  
2 Section 3–201, 3–202(a)(4), 3–204(a), 3–302, and 3–303  
3 Annotated Code of Maryland  
4 (2010 Replacement Volume and 2015 Supplement)

5 BY repealing  
6 Article – Election Law  
7 Section 3–203 and 3–204(c)  
8 Annotated Code of Maryland  
9 (2010 Replacement Volume and 2015 Supplement)

10 BY adding to  
11 Article – Election Law  
12 Section 3–203 and 3–204(c)  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2015 Supplement)

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

17 **Article – Election Law**

18 3–102.

19 (a) (1) Except as provided in subsection (b) of this section, an individual may  
20 become registered to vote if the individual:

21 (i) is a citizen of the United States;

22 (ii) is at least 16 years old;

23 (iii) is a resident of the State as of the day the individual seeks to  
24 register; and

25 (iv) registers pursuant to this title.

26 (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual  
27 under the age of 18 years:

28 (i) may vote in a primary election in which candidates are  
29 nominated for a general or special election that will occur when the individual is at least  
30 18 years old; and

31 (ii) may not vote in any other election.

32 (b) An individual is not qualified to be a registered voter if the individual:

1 (1) has been convicted of a felony and is actually serving a court-ordered  
2 sentence of imprisonment, including any term of parole or probation, for the conviction;

3 (2) is under guardianship for mental disability and a court of competent  
4 jurisdiction has specifically found by clear and convincing evidence that the individual  
5 cannot communicate, with or without accommodations, a desire to participate in the voting  
6 process; or

7 (3) has been convicted of buying or selling votes.

8 3-201.

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

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

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

12 (3) by mail;

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

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

16 [(6)] (5) through the State Board's online voter registration system; or

17 [(7)] (6) with the assistance of a volunteer authorized by the State or local  
18 board.

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

22 3-202.

23 (a) (4) (i) A statewide voter registration application shall be produced  
24 exclusively by the State Board.

25 (ii) No other registration form may be used for registration purposes  
26 except:

27 1. a voter registration application produced by a local board  
28 with the approval of the State Board;

29 2. as provided in subsection (b) of this section;

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1 3. [as provided in § 3–203(b) of this subtitle;  
2 4.] any other form prescribed by federal law for voter  
3 registration; or

4 [5.] 4. a federal write-in absentee ballot if used by a voter  
5 authorized to vote a federal write-in absentee ballot under federal law.

6 [3–203.

7 (a) The Motor Vehicle Administration shall provide the opportunity to apply to  
8 register to vote or update a voter registration record to each individual who:

9 (1) applies for or renews a driver's license or identification card; or

10 (2) changes a name or address on an existing driver's license or  
11 identification card.

12 (b) (1) The Motor Vehicle Administration shall inquire orally or in writing  
13 whether the applicant wishes to register to vote or update a voter registration record during  
14 the transactions specified under subsection (a) of this section.

15 (2) If the applicant chooses to register to vote or to update a voter  
16 registration record:

17 (i) all applicable information received by the Motor Vehicle  
18 Administration in the course of completing a transaction under subsection (a) of this section  
19 shall be transferred to a voter registration application;

20 (ii) any additional necessary information shall be obtained by the  
21 Motor Vehicle Administration and may not duplicate any information already obtained  
22 while completing a transaction under subsection (a) of this section; and

23 (iii) a voter registration application with all of the applicant's voter  
24 registration information shall be presented to the applicant to sign or affirm electronically.

25 (3) (i) An applicant may decline to register to vote, update the  
26 applicant's voter registration record, or change the applicant's name or address by:

27 1. affirmatively indicating as such on the application; or

28 2. failing to sign the voter registration application.

29 (ii) The Motor Vehicle Administration shall maintain declination  
30 information in a manner specified jointly by the Motor Vehicle Administration and the  
31 State Board.

1           (4)     Within 5 days of the receipt of an application under subsection (a) of  
2 this section, the Motor Vehicle Administration shall forward to the State Board the voter  
3 registration information in a manner and format specified jointly by the Motor Vehicle  
4 Administration and the State Board.

5           (c)     (1)     (i)     In consultation with the Motor Vehicle Administration, the State  
6 Board shall prepare a voter registration application to be used for voter registration at the  
7 Motor Vehicle Administration.

8                     (ii)     Except as provided in this section, the voter registration portion  
9 of the application may not require information that duplicates information required in the  
10 driver's license or identification card portion of the application.

11           (2)     The voter registration portion of the application shall:

12                     (i)     contain the same information as the statewide voter registration  
13 application prescribed in § 3-202(a) of this subtitle; and

14                     (ii)     require only the minimum amount of information necessary,  
15 including the applicant's telephone number:

16                             1.     to prevent duplicate voter registration; and

17                             2.     to enable the appropriate election official to assess the  
18 eligibility of an applicant and to administer voter registration and other aspects of the  
19 election process.

20           (3)     The application shall contain a box for the applicant to check, with the  
21 statement, "I do not wish to register to vote at this time".

22           (d)     The Motor Vehicle Administration shall follow the procedures established  
23 jointly by the Motor Vehicle Administration and the State Board to process the voter  
24 registration information received under this section.

25           (e)     Information relating to the failure of an applicant for a driver's license or  
26 identification card to register to vote may not be used for any purpose other than the  
27 maintenance of registration statistics.]

28     **3-203.**

29           (A)     (1)     **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
30 **INDICATED.**

31                     (2)     **"ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO SATISFIES**  
32 **ALL THE QUALIFICATIONS TO BE A REGISTERED VOTER UNDER § 3-102 OF THIS**  
33 **TITLE.**

1           **(3) “LOCAL DEPARTMENT OF SOCIAL SERVICES” INCLUDES THE:**

2                   **(I) LOCAL DEPARTMENTS OF SOCIAL SERVICES IN THE**  
3 **DEPARTMENT OF HUMAN RESOURCES; AND**

4                   **(II) MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND**  
5 **HUMAN SERVICES.**

6           **(4) “SOCIAL SERVICE AGENCY” MEANS:**

7                   **(I) THE LOCAL DEPARTMENTS OF SOCIAL SERVICES;**

8                   **(II) THE OFFICE OF MOBILITY CERTIFICATION IN THE**  
9 **MARYLAND TRANSIT ADMINISTRATION; AND**

10                   **(III) THE MARYLAND HEALTH BENEFIT EXCHANGE.**

11           **(B) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE TO THE**  
12 **STATE BOARD AN ELECTRONIC RECORD OF EACH INDIVIDUAL WHO:**

13                   **(I) HOLDS A DRIVER’S LICENSE OR IDENTIFICATION CARD;**

14                   **(II) IS AT LEAST 16 YEARS OF AGE; AND**

15                   **(III) IS A CITIZEN OF THE UNITED STATES.**

16           **(2) A SOCIAL SERVICES AGENCY SHALL PROVIDE TO THE STATE**  
17 **BOARD AN ELECTRONIC RECORD OF EACH INDIVIDUAL WHO:**

18                   **(I) RECEIVES SERVICE OR ASSISTANCE FROM THE SOCIAL**  
19 **SERVICES AGENCY;**

20                   **(II) IS AT LEAST 16 YEARS OF AGE; AND**

21                   **(III) IS A CITIZEN OF THE UNITED STATES.**

22           **(C) THE ELECTRONIC RECORD OF AN INDIVIDUAL THAT IS PROVIDED TO**  
23 **THE STATE BOARD UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:**

24                   **(1) THE LEGAL NAME AND RESIDENCE ADDRESS OF THE INDIVIDUAL;**

25                   **(2) THE ELECTRONIC SIGNATURE OF THE INDIVIDUAL; AND**

1           **(3) ANY OTHER INFORMATION REQUIRED BY THE STATE BOARD.**

2           **(D) THE STATE BOARD, THE MOTOR VEHICLE ADMINISTRATION, AND**  
3 **EACH SOCIAL SERVICES AGENCY SHALL JOINTLY ESTABLISH A SCHEDULE UNDER**  
4 **WHICH THE MOTOR VEHICLE ADMINISTRATION AND EACH SOCIAL SERVICES**  
5 **AGENCY SHALL PERIODICALLY TRANSFER TO THE STATE BOARD THE ELECTRONIC**  
6 **RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

7           **(E) THE STATE BOARD SHALL DETERMINE WHETHER EACH INDIVIDUAL**  
8 **WHOSE ELECTRONIC RECORD THE STATE BOARD RECEIVES UNDER SUBSECTION (B)**  
9 **OF THIS SECTION IS AN ELIGIBLE INDIVIDUAL.**

10          **(F) THE STATE BOARD SHALL PROVIDE THE ELECTRONIC RECORD OF EACH**  
11 **ELIGIBLE INDIVIDUAL TO THE LOCAL BOARD FOR THE COUNTY WHERE THE**  
12 **INDIVIDUAL RESIDES.**

13          **(G) THE LOCAL BOARD SHALL SEND A NOTICE BY MAIL TO EACH ELIGIBLE**  
14 **INDIVIDUAL THAT CONTAINS THE FOLLOWING INFORMATION:**

15               **(1) THAT THE INDIVIDUAL WILL BE REGISTERED TO VOTE UNLESS**  
16 **THE INDIVIDUAL DECLINES TO REGISTER TO VOTE WITHIN 21 DAYS AFTER THE**  
17 **ISSUANCE OF THE NOTICE;**

18               **(2) THAT A DECLINATION TO REGISTER TO VOTE MUST BE IN WRITING**  
19 **AND SENT TO THE LOCAL BOARD IN THE MANNER PRESCRIBED BY THE STATE**  
20 **BOARD BY REGULATION;**

21               **(3) THAT THE INDIVIDUAL MAY SELECT A POLITICAL PARTY**  
22 **AFFILIATION IN THE MANNER PRESCRIBED BY THE STATE BOARD BY REGULATION;**  
23 **AND**

24               **(4) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD WILL BE**  
25 **SUBJECT TO PUBLIC DISCLOSURE FOR PURPOSES RELATED TO THE ELECTORAL**  
26 **PROCESS UNLESS REGULATIONS ADOPTED BY THE STATE BOARD AUTHORIZE THE**  
27 **INDIVIDUAL TO APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS,**  
28 **TELEPHONE NUMBER, AND E-MAIL ADDRESS CONFIDENTIAL FOR SPECIFIED**  
29 **SAFETY OR PRIVACY REASONS.**

30          **(H) THE LOCAL BOARD SHALL PROMPTLY ADD TO THE STATEWIDE VOTER**  
31 **REGISTRATION LIST THE NAME OF EACH ELIGIBLE INDIVIDUAL WHO:**

1           **(1) DOES NOT DECLINE TO REGISTER TO VOTE WITHIN 21 DAYS AFTER**  
2 **ISSUANCE OF THE NOTICE REQUIRED UNDER SUBSECTION (G) OF THIS SECTION;**  
3 **AND**

4           **(2) IS NOT CURRENTLY REGISTERED TO VOTE.**

5           **(I) A LOCAL BOARD MAY NOT ADD AN ELIGIBLE INDIVIDUAL TO THE**  
6 **STATEWIDE VOTER REGISTRATION LIST UNDER SUBSECTION (H) OF THIS SECTION:**

7           **(1) UNLESS AT LEAST 21 DAYS HAS ELAPSED AFTER ISSUANCE OF THE**  
8 **NOTICE REQUIRED UNDER SUBSECTION (G) OF THIS SECTION; OR**

9           **(2) DURING THE PERIOD THAT REGISTRATION IS CLOSED UNDER §**  
10 **3-302 OF THIS TITLE.**

11           **(J) AN ELIGIBLE INDIVIDUAL WHO IS ADDED TO THE STATEWIDE VOTER**  
12 **REGISTRATION LIST UNDER SUBSECTION (H) OF THIS SECTION SHALL BE LISTED AS**  
13 **NOT AFFILIATED WITH ANY POLITICAL PARTY IF THE INDIVIDUAL HAS NOT**  
14 **AFFIRMATIVELY SELECTED A POLITICAL PARTY AFFILIATION.**

15           **(K) AFTER ADDING AN ELIGIBLE INDIVIDUAL TO THE STATEWIDE VOTER**  
16 **REGISTRATION LIST UNDER SUBSECTION (H) OF THIS SECTION, THE LOCAL BOARD**  
17 **SHALL SEND TO THE INDIVIDUAL THE VOTER NOTIFICATION CARD SPECIFIED**  
18 **UNDER § 3-301(C)(2) OF THIS TITLE.**

19           **(L) THE STATE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS**  
20 **SECTION.**

21 3-204.

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

25           (2) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
26 **SUBSECTION, THE** State Board shall designate the following offices as voter registration  
27 agencies:

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

29                   (ii) all offices in the State that provide State-funded programs  
30 primarily engaged in providing services to individuals with disabilities; and

31                   (iii) all public institutions of higher education in the State.



1                   **(3) A SOCIAL SERVICES AGENCY SUBJECT TO § 3-203 OF THIS**  
2 **SUBTITLE:**

3                   **(I) MAY NOT BE DESIGNATED A VOTER REGISTRATION AGENCY;**  
4 **AND**

5                   **(II) IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION.**

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

10                   **[(c)** At the time that an individual enrolls, registers, or pays for course work  
11 provided by a public institution of higher education in the State, the institution shall  
12 provide the individual with an opportunity to request a voter registration application. If  
13 the individual requests a voter registration application, the institution shall provide, or  
14 cause to be provided, an application to the individual.]

15                   **(c) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**  
16 **MEANINGS INDICATED.**

17                   **(II) “AUTOMATIC VOTER REGISTRATION SYSTEM” MEANS A**  
18 **SYSTEM THAT:**

19                                   **1. A STUDENT MAY USE TO REGISTER TO VOTE OR**  
20 **UPDATE A VOTER REGISTRATION RECORD BY ELECTRONICALLY SUBMITTING ALL**  
21 **THE INFORMATION REQUIRED TO REGISTER TO VOTE OR UPDATE THE STUDENT’S**  
22 **VOTER REGISTRATION RECORD THROUGH THE ONLINE PORTAL USED TO REGISTER**  
23 **FOR COURSE WORK; AND**

24                                   **2. TRANSMITS THE VOTER REGISTRATION**  
25 **INFORMATION OF THE STUDENT DIRECTLY TO ELECTION OFFICIALS.**

26                                   **(III) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING**  
27 **STATED IN § 10-101 OF THE EDUCATION ARTICLE.**

28                   **(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE**  
29 **EACH STUDENT WITH THE OPPORTUNITY TO REGISTER TO VOTE THROUGH AN**  
30 **AUTOMATIC VOTER REGISTRATION SYSTEM.**

31 3-301.

1 (c) (2) (i) A voter notification card sent to a qualified applicant may serve  
2 as a voter acknowledgment notice.

3 (ii) 1. The voter notification card shall contain the name and  
4 address of the voter, the date of issue, and the district or ward and precinct of the voter.

5 2. The card is evidence that the individual to whom it is  
6 issued is a registered voter on the date appearing on the card.

7 3. The election director shall issue a replacement card on  
8 request of the voter and a new card when a relevant change is made in the voter's  
9 registration record if the voter continues to reside in the county.

10 3-302.

11 (a) Except as provided under § 3-305 of this subtitle, registration is closed  
12 beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that  
13 election.

14 (b) A voter registration application received when registration is closed shall be  
15 accepted and retained by a local board, but the registration of the applicant does not become  
16 effective until registration reopens.

17 (c) A voter registration application that is received by the local board after the  
18 close of registration shall be considered timely received for the next election provided:

19 (1) there is sufficient evidence, as determined by the local board pursuant  
20 to regulations adopted by the State Board, that the application was mailed on or before  
21 registration was closed for that election; or

22 (2) the application was submitted by the voter to [the Motor Vehicle  
23 Administration,] a voter registration agency, another local board, or the State Board prior  
24 to the close of registration.

25 3-303.

26 (a) Notification of a change of party affiliation or a change to or from a decline  
27 may be made:

28 (1) by information provided on a voter registration application by the same  
29 methods provided for registration under Subtitle 2 of this title;

30 (2) by written notice, signed by the voter and sent by mail or otherwise  
31 delivered to the local board in the county where the voter's current voter registration  
32 address is located or to which the voter has moved;

1           (3)    by making application in person at the office of the local board in the  
2 county where the voter's current voter registration address is located or to which the voter  
3 has moved; **OR**

4           (4)    by information on a voter authority card or other appropriate form filled  
5 out in a polling place[; or

6           (5)    by changing a name or address with the Motor Vehicle Administration].

7       (b)    Party affiliation changes or changes to or from a decline:

8           (1)    shall be processed at any time that registration is open; and

9           (2)    except as provided in subsection (c) of this section, may not be processed  
10 when registration is closed.

11       (c)    If a local board receives a request for a party affiliation change after the close  
12 of registration, the local board shall make the change and it shall become effective for the  
13 next election provided:

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

17           (2)    the request was submitted by the voter to [the Motor Vehicle  
18 Administration,] a voter registration agency, another local board, or the State Board on or  
19 before the close of registration for that election.

20       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2016.