

# SENATE BILL 170

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CF HB 344

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By: **Senators Kagan and Hershey**

Introduced and read first time: January 18, 2016

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 23, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Voter Registration – Affiliation With Political Party and Participation in**  
3 **Primary Election, Caucus, or Convention**

4 FOR the purpose of requiring certain voter registration applications used in the State to  
5 include a certain statement concerning registration with a political party and the  
6 effect of the failure of the voter to affiliate with a political party on the voter's right  
7 to participate in primary elections, caucuses, or conventions for a political party;  
8 providing that certain voter registration applications may continue to be used after  
9 the effective date of this Act; and generally relating to voter registration applications.

10 BY repealing and reenacting, with amendments,  
11 Article – Election Law  
12 Section 3–202  
13 Annotated Code of Maryland  
14 (2010 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Election Law  
17 Section 3–203 and 3–303  
18 Annotated Code of Maryland  
19 (2010 Replacement Volume and 2015 Supplement)

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

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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.



1 **Article – Election Law**

2 3–202.

3 (a) (1) The statewide voter registration application shall:

4 (i) require the signature of the applicant, subject to the penalties of  
5 perjury, by which the applicant swears or affirms that the information contained in the  
6 registration application is true and that the applicant meets all of the qualifications to  
7 become a registered voter;

8 (ii) state the penalties for the submission of a false application; and

9 (iii) provide the applicant with the opportunity to cancel a current  
10 registration.11 (2) The following information shall be made available to each applicant  
12 who is completing a statewide voter registration application:

13 (i) the qualifications to become a registered voter;

14 (ii) if an individual declines to register, this fact will remain  
15 confidential and be used only for voter registration purposes;16 (iii) if an individual registers to vote, the office at which the  
17 application is submitted will remain confidential and will be used only for voter registration  
18 purposes; and19 (iv) notification to the applicant that submission of the form to an  
20 individual other than an official, employee, or agent of a local board does not assure that  
21 the form will be filed or filed in a timely manner.

22 (3) The statewide voter registration application may not require:

23 (i) notarization or other formal authentication; or

24 (ii) any additional information, other than the information  
25 necessary to enable election officials to determine the eligibility of the applicant and to  
26 administer voter registration and other parts of the election process.27 **(4) IN THE SECTION OF THE STATEWIDE VOTER REGISTRATION**  
28 **APPLICATION THAT ASKS THE VOTER WHETHER THE VOTER WANTS TO AFFILIATE**  
29 **WITH A POLITICAL PARTY, THE APPLICATION SHALL LIST THE RECOGNIZED**  
30 **POLITICAL PARTIES IN THE STATE AND INCLUDE THE FOLLOWING STATEMENT:**  
31 **“YOU MUST REGISTER WITH A POLITICAL PARTY IF YOU WANT TO TAKE PART IN**

1 THAT POLITICAL PARTY'S PRIMARY ELECTION, CAUCUS, OR CONVENTION. CHECK  
2 ONE BOX ONLY.".

3 [(4)] (5) (i) A statewide voter registration application shall be  
4 produced exclusively by the State Board.

5 (ii) No other registration form may be used for registration purposes  
6 except:

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

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

10 3. as provided in § 3-203(b) of this subtitle;

11 4. any other form prescribed by federal law for voter  
12 registration; or

13 5. a federal write-in absentee ballot if used by a voter  
14 authorized to vote a federal write-in absentee ballot under federal law.

15 (b) The voter registration application form prescribed pursuant to the National  
16 Voter Registration Act of 1993 shall **SATISFY THE REQUIREMENTS PRESCRIBED UNDER**  
17 **SUBSECTION (A) OF THIS SECTION AND** be accepted by the appropriate election official  
18 for purposes of voter registration.

19 (c) The application described in this section may be used by a registered voter to  
20 change the voter's name, address, or party affiliation.

21 3-203.

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

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

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

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

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

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

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

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

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

- 11 1. affirmatively indicating as such on the application; or
- 12 2. failing to sign the voter registration application.

13 (ii) The Motor Vehicle Administration shall maintain declination  
14 information in a manner specified jointly by the Motor Vehicle Administration and the  
15 State Board.

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

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

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

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

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

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

- 31 1. to prevent duplicate voter registration; and

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

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

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

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

12 3-303.

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

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

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

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

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

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

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

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

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

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That a statewide voter registration  
8 application produced by the State Board of Elections under § 3-202(a) of the Election Law  
9 Article or a voter registration application form produced pursuant to the National Voter  
10 Registration Act of 1993 under § 3-202(b) of the Election Law Article ~~and~~ and for use for voter  
11 registration in the State prior to the effective date of this Act, but that is submitted to an  
12 appropriate election official for purposes of voter registration after the effective date of this  
13 Act, shall be accepted by the appropriate election official for purposes of voter registration.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
15 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.