

Chapter 173

(House Bill 344)

AN ACT concerning

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

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

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

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

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

Article – Election Law

3–202.

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

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

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

(iii) provide the applicant with the opportunity to cancel a current registration.

(2) The following information shall be made available to each applicant who is completing a statewide voter registration application:

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

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

- (i) notarization or other formal authentication; or
- (ii) any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

(4) IN THE SECTION OF THE STATEWIDE VOTER REGISTRATION APPLICATION THAT ASKS THE VOTER WHETHER THE VOTER WANTS TO AFFILIATE WITH A POLITICAL PARTY, THE APPLICATION SHALL LIST THE RECOGNIZED POLITICAL PARTIES IN THE STATE AND INCLUDE THE FOLLOWING STATEMENT: “YOU MUST REGISTER WITH A POLITICAL PARTY IF YOU WANT TO TAKE PART IN THAT POLITICAL PARTY’S PRIMARY ELECTION, CAUCUS, OR CONVENTION. CHECK ONE BOX ONLY.”

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

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

1. a voter registration application produced by a local board with the approval of the State Board;
2. as provided in subsection (b) of this section;
3. as provided in § 3–203(b) of this subtitle;

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

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

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

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

3-203.

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

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

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

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

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

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

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

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

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

1. affirmatively indicating as such on the application; or

2. failing to sign the voter registration application.

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

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

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

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

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

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

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

1. to prevent duplicate voter registration; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 26, 2016.