

SENATE BILL 938

G1

7lr3438
CF HB 741

By: **Senator Smith**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Automatic Voter Registration**

3 FOR the purpose of redesignating electronic voter registration agencies as automatic voter
4 registration agencies; requiring automatic voter registration agencies to inform an
5 applicant completing an applicable transaction that the applicant shall be registered
6 to vote or shall have a voter registration record updated unless the applicant declines
7 to register to vote or update a voter registration record or is determined not to be
8 eligible to register to vote; requiring an applicant who registers to vote at an
9 automatic voter registration agency to attest that the information provided by the
10 applicant is true; requiring an automatic voter registration agency to transmit the
11 voter registration information of each applicant who does not decline to register to
12 vote or update a voter registration record directly to the State Board of Elections;
13 requiring automatic voter registration agencies to implement automatic voter
14 registration systems on or before certain dates; providing that certain voter
15 registration information may be used only for certain purposes; requiring automatic
16 voter registration agencies to submit certain reports to certain committees of the
17 General Assembly on or before certain dates; requiring the Department of Human
18 Resources to provide a link from the Department's electronic portal to the online
19 voter registration system pending the implementation of an automatic voter
20 registration system; requiring the State Board and the State Comptroller jointly to
21 develop and implement procedures for individuals who file a Maryland resident
22 individual income tax return electronically to be offered the opportunity to register
23 to vote through a link to the online voter registration system; requiring the State
24 Board, the Motor Vehicle Administration, and the Maryland Health Benefit
25 Exchange jointly to develop and implement procedures to identify individuals who
26 are eligible to register to vote but are not registered to vote; requiring the State Board
27 to mail certain information concerning voter registration to certain individuals who
28 are eligible to register to vote but not registered to vote before each election;
29 prohibiting a person acting under color of law from discriminating against an
30 individual based on the individual's declination to register to vote or voter
31 registration information; providing that an individual who unintentionally becomes

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 registered to vote at a voter registration agency shall be considered to have become
2 registered to vote based on information provided to the State Board by an automatic
3 voter registration agency and may not be considered to have violated certain
4 provisions of law because of the unintended registration; providing for a delayed
5 effective date; and generally relating to automatic voter registration.

6 BY repealing and reenacting, with amendments,
7 Article – Election Law
8 Section 3–203, 3–204.2, and 16–101
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2016 Supplement)

11 BY adding to
12 Article – Election Law
13 Section 3–204.3
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2016 Supplement)

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

18 **Article – Election Law**

19 3–203.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) “Applicable transaction” means:

22 1. at the Motor Vehicle Administration, an initial application
23 for or renewal of a driver’s license or identification card, or a change of name or address on
24 an existing driver’s license or identification card, or any other transaction in which the
25 Motor Vehicle Administration obtains all of the information from an applicant that satisfies
26 the requirements to register to vote;

27 2. at the Maryland Health Benefit Exchange, any application
28 for or renewal of health insurance coverage;

29 3. at a local department of social services, an initial
30 application for a State or federally funded public assistance program or an application for
31 a recertification, renewal, or change of name or address relating to a State or federally
32 funded public assistance program; or

33 4. at the Mobility Certification Office in the Maryland
34 Transit Administration, an initial application for paratransit service or an application for
35 recertification for paratransit service.

1 (ii) “Applicable transaction” includes any transaction described in
2 subparagraph (i) of this paragraph that is completed online.

3 (3) [“Electronic] “AUTOMATIC voter registration agency” means:

4 (i) the Motor Vehicle Administration;

5 (ii) the Maryland Health Benefit Exchange;

6 (iii) local departments of social services; and

7 (iv) the Mobility Certification Office in the Maryland Transit
8 Administration.

9 (4) [“Electronic] “AUTOMATIC voter registration system” means a system
10 that, as an integral part of each applicable transaction at an [electronic] AUTOMATIC voter
11 registration agency:

12 (i) [offers an applicant the opportunity to register to vote or update
13 a voter registration record;

14 (ii)] informs an applicant:

15 **1. THAT THE APPLICANT SHALL BE REGISTERED TO**
16 **VOTE OR SHALL HAVE A VOTER REGISTRATION RECORD UPDATED, IF APPLICABLE,**
17 **UNLESS THE APPLICANT DECLINES TO REGISTER TO VOTE OR UPDATE A VOTER**
18 **REGISTRATION RECORD OR IS DETERMINED NOT TO BE ELIGIBLE TO REGISTER TO**
19 **VOTE;**

20 [1.] **2.** of the qualifications to register to vote under § 3–102 of
21 this title;

22 [2.] **3.** that the applicant should not register if the applicant
23 does not meet all the qualifications;

24 [3.] **4.** of the penalties for the submission of a false
25 application; and

26 [4.] **5.** that voter registration is voluntary and that neither
27 registering nor declining to register to vote will in any way affect the availability of services
28 or benefits;

29 [(iii)] **(II)** requires the electronic signature of the applicant, subject
30 to the penalties for perjury, by which the applicant attests that the information [contained
31 in the voter registration application] **PROVIDED BY THE APPLICANT** is true and that the

1 applicant meets all the qualifications to become a registered voter, including United States
2 citizenship; and

3 [(iv)] (III) electronically transmits the voter registration information
4 of [the] EACH applicant WHO DOES NOT DECLINE TO REGISTER TO VOTE OR UPDATE
5 A VOTER REGISTRATION RECORD directly to the State Board:

6 1. in a manner and format specified jointly by the [electronic]
7 AUTOMATIC voter registration agency and the State Board; and

8 2. within 5 days of the applicable transaction.

9 (5) “Local department of social services” means:

10 (i) the local departments of social services in the Department of
11 Human Resources; and

12 (ii) the Montgomery County Department of Health and Human
13 Services.

14 (b) (1) Except as provided in paragraph (2) of this subsection, an [electronic]
15 AUTOMATIC voter registration agency shall implement an [electronic] AUTOMATIC voter
16 registration system on or before [July 1, 2017] **JANUARY 1, 2018**.

17 (2) A local department of social services shall implement an [electronic]
18 AUTOMATIC voter registration system on or before December 1, 2019.

19 (c) An [electronic] AUTOMATIC voter registration system:

20 (1) may not require any information that duplicates the information
21 required to complete an applicable transaction;

22 (2) shall require only the minimum amount of information necessary for
23 both an applicable transaction and a voter registration to:

24 (i) prevent duplicate voter registration; and

25 (ii) enable election officials to review the eligibility of an applicant
26 and to administer voter registration and other aspects of the election process; and

27 (3) shall inform an applicant that if the applicant does not select a political
28 party affiliation, the individual will be designated as not affiliated with a political party
29 and will be unable to vote in a party primary election.

30 (d) An agent of an [electronic] AUTOMATIC voter registration agency who is
31 responsible for carrying out the requirements of this section may not:

1 (1) seek to influence an applicant's political preference or party
2 registration;

3 (2) display any political preference or party allegiance; or

4 (3) make any statement to an applicant or take any action the purpose or
5 effect of which is to:

6 (i) discourage the applicant from registering to vote; or

7 (ii) lead the applicant to believe that a decision to register or not to
8 register has any bearing on the availability of services or benefits.

9 (e) The State Board shall ensure that each individual whose voter registration
10 information is transmitted to the State Board through an [electronic] AUTOMATIC voter
11 registration system is promptly registered to vote.

12 (f) **[Information] VOTER REGISTRATION INFORMATION OR INFORMATION**
13 relating to the decision of an applicant at an [electronic] AUTOMATIC voter registration
14 agency to decline to register to vote may not be used for any purpose other than the
15 maintenance of registration statistics, **ELECTION ADMINISTRATION, OR PROSECUTION**
16 **OF CRIMINAL VIOLATIONS OF THE ELECTION LAW.**

17 (g) Notwithstanding § 3-501 of this title and § 4-401 of the General Provisions
18 Article, the identity of an [electronic] AUTOMATIC voter registration agency through which
19 a particular voter has registered may not be disclosed to the public.

20 (h) The State Board may adopt regulations as necessary to implement this
21 section.

22 (i) (1) Each [electronic] AUTOMATIC voter registration agency shall:

23 (i) on or before January 1, [2017] **2018**, submit a report, in
24 accordance with § 2-1246 of the State Government Article, to the Senate Education,
25 Health, and Environmental Affairs Committee and the House Committee on Ways and
26 Means that describes:

27 1. the efforts of the [electronic] AUTOMATIC voter
28 registration agency to register voters in the preceding calendar year; and

29 2. [the status of] the implementation of an [electronic]
30 AUTOMATIC voter registration system; and

31 (ii) on or before January 1, [2018] **2019**, and January 1 each
32 subsequent year, submit a report, in accordance with § 2-1246 of the State Government

1 Article, to the Senate Education, Health, and Environmental Affairs Committee and the
2 House Committee on Ways and Means that describes:

3 1. the number of individuals who completed an applicable
4 transaction in the preceding calendar year at the [electronic] AUTOMATIC voter
5 registration agency and the number of those individuals who registered to vote or updated
6 a voter registration record; and

7 2. any efforts the [electronic] AUTOMATIC voter registration
8 agency plans to make to improve the efficiency and effectiveness of the voter registration
9 process at the agency.

10 (2) The Department of Human Resources shall consolidate and submit the
11 reports required under paragraph (1)(i) and (ii) of this subsection as a single document on
12 behalf of all the local departments of social services.

13 3-204.2.

14 (a) The State Board and the Department of Natural Resources shall jointly
15 develop and implement procedures for individuals who apply for the issuance or renewal of
16 a license, permit, or certificate online to be offered the opportunity to register to vote
17 through a link to the online voter registration system.

18 (b) The State Board and the Department of Labor, Licensing, and Regulation
19 shall jointly develop and implement procedures for individuals who use the Maryland
20 Workforce Exchange Web site to be offered the opportunity to register to vote through a
21 link to the online voter registration system.

22 (c) The State Board and the Department of Veterans Affairs shall jointly develop
23 and implement procedures for individuals who use the Department of Veterans Affairs Web
24 site or who are contacted by the Department's outreach and advocacy program to be offered
25 the opportunity to register to vote through a link to the online voter registration system.

26 (d) (1) (i) In this subsection the following words have the meanings
27 indicated.

28 (ii) "Applicable transaction" means an online application for a State
29 or federally funded public assistance program or an online application for a recertification,
30 renewal, or change of name or address relating to a State or federally funded public
31 assistance program.

32 (iii) "Department" means the Department of Human Resources.

33 (iv) "Electronic portal" means the Department's online system,
34 known as MyDHR, through which an individual may complete an applicable transaction.

1 (2) [The] **PENDING THE IMPLEMENTATION OF AN AUTOMATIC VOTER**
2 **REGISTRATION SYSTEM UNDER § 3-203 OF THIS SUBTITLE, THE** State Board and the
3 Department shall jointly develop and implement procedures for individuals who use the
4 Department's electronic portal to complete an applicable transaction to be offered the
5 opportunity to register to vote through a link to the online voter registration system.

6 **(E) THE STATE BOARD AND THE STATE COMPTROLLER SHALL JOINTLY**
7 **DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO FILE A MARYLAND**
8 **RESIDENT INDIVIDUAL INCOME TAX RETURN ELECTRONICALLY TO BE OFFERED THE**
9 **OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER**
10 **REGISTRATION SYSTEM.**

11 **3-204.3.**

12 **(A) (1) THE STATE BOARD AND THE MOTOR VEHICLE ADMINISTRATION**
13 **SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES TO IDENTIFY INDIVIDUALS**
14 **WHO:**

15 **(I) HOLD A DRIVER'S LICENSE OR IDENTIFICATION CARD;**

16 **(II) ARE ELIGIBLE TO REGISTER TO VOTE; AND**

17 **(III) ARE NOT REGISTERED TO VOTE.**

18 **(2) THE STATE BOARD AND THE MARYLAND HEALTH BENEFIT**
19 **EXCHANGE SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES TO IDENTIFY**
20 **INDIVIDUALS WHO:**

21 **(I) APPLIED FOR HEALTH INSURANCE COVERAGE THROUGH**
22 **THE EXCHANGE;**

23 **(II) ARE ELIGIBLE TO REGISTER TO VOTE; AND**

24 **(III) ARE NOT REGISTERED TO VOTE.**

25 **(B) BEFORE THE CLOSE OF REGISTRATION BEFORE EACH ELECTION, THE**
26 **STATE BOARD SHALL MAIL A NOTICE TO EACH INDIVIDUAL IDENTIFIED UNDER**
27 **SUBSECTION (A) OF THIS SECTION THAT INCLUDES THE FOLLOWING:**

28 **(1) A PAPER VOTER REGISTRATION FORM AND INSTRUCTIONS ON**
29 **HOW TO COMPLETE AND RETURN THE FORM;**

30 **(2) INSTRUCTIONS ON HOW TO ACCESS THE ONLINE VOTER**
31 **REGISTRATION SYSTEM; AND**

1 **(3) INFORMATION ON HOW TO REGISTER TO VOTE AT EARLY VOTING**
2 **CENTERS.**

3 16–101.

4 (a) A person may not willfully and knowingly:

5 (1) impersonate a voter or other person in order to register or attempt to
6 register in the name of the voter or other person;

7 (2) register to vote more than once;

8 (3) falsify residence in an attempt to register in the wrong location;

9 (4) secure registration through any unlawful means;

10 (5) cause by unlawful means the name of a qualified voter to be stricken
11 from the statewide voter registration list;

12 (6) prevent, hinder, or delay a person having a lawful right to register from
13 registering, through the use of force, threat, menace, intimidation, bribery, reward, or offer
14 of reward;

15 (7) falsify any name on a registration;

16 (8) misrepresent any fact relating to registration; or

17 (9) induce or attempt to induce a person to violate any prohibition in items
18 (1) through (8) of this subsection.

19 (b) **A PERSON ACTING UNDER COLOR OF LAW MAY NOT DISCRIMINATE**
20 **AGAINST AN INDIVIDUAL BASED ON THE INDIVIDUAL’S DECLINATION TO REGISTER**
21 **TO VOTE OR VOTER REGISTRATION INFORMATION.**

22 (c) A person who violates this section is guilty of a misdemeanor and subject to a
23 fine of not more than \$1,000 or imprisonment for not more than 5 years or both.

24 [(c)] (d) A person who violates this section is subject to § 5–106(b) of the Courts
25 Article.

26 (e) **A PERSON WHO UNINTENTIONALLY BECOMES REGISTERED TO VOTE**
27 **UNDER § 3–203 OF THIS ARTICLE:**

1 **(1) SHALL BE CONSIDERED TO HAVE BECOME REGISTERED TO VOTE**
2 **BASED ON INFORMATION PROVIDED TO THE STATE BOARD BY AN AUTOMATIC**
3 **VOTER REGISTRATION AGENCY; AND**

4 **(2) MAY NOT BE CONSIDERED TO HAVE VIOLATED THIS SECTION**
5 **BECAUSE OF THE UNINTENDED REGISTRATION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 January 1, 2018.