

HOUSE BILL 152

G1
HB 741/17 – W&M

8lr0343
CF 8lr2171

By: **Delegates Luedtke, Turner, D. Barnes, Ali, Anderson, Angel, Atterbeary, Barron, Barve, Beidle, Branch, Brooks, Carr, Clippinger, Conaway, Cullison, Dumais, Ebersole, Fennell, Fraser–Hidalgo, Frick, Frush, Gaines, Gibson, Gilchrist, Glenn, Gutierrez, Haynes, Healey, Hettleman, Hill, Hixson, Jameson, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, J. Lewis, R. Lewis, Lierman, Lisanti, McIntosh, A. Miller, Moon, Morales, Morhaim, Mosby, Patterson, Pena–Melnik, Pendergrass, Platt, Queen, Reznik, Robinson, Rosenberg, Sample–Hughes, Sanchez, Stein, Sydnor, Tarlau, Valentino–Smith, Waldstreicher, A. Washington, M. Washington, Wilkins, K. Young, and P. Young**

Introduced and read first time: January 17, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Secure and Accessible Registration Act**

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 Services to provide a link from the Department’s electronic portal to the online voter
19 registration system pending the implementation of an automatic voter registration
20 system; requiring the State Board and the State Comptroller jointly to develop and
21 implement procedures for individuals who file a Maryland resident individual
22 income tax return electronically to be offered the opportunity to register to vote

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 through a link to the online voter registration system; requiring the State Board, the
 2 Motor Vehicle Administration, and the Maryland Health Benefit Exchange jointly to
 3 develop and implement procedures to identify individuals who are eligible to register
 4 to vote but are not registered to vote; requiring the State Board to mail certain
 5 information concerning voter registration to certain individuals who are eligible to
 6 register to vote but not registered to vote before each election; prohibiting a person
 7 acting under color of law from discriminating against an individual based on the
 8 individual's declination to register to vote or voter registration information;
 9 providing that an individual who unintentionally becomes registered to vote at a
 10 voter registration agency shall be considered to have become registered to vote based
 11 on information provided to the State Board by an automatic voter registration agency
 12 and may not be considered to have violated certain provisions of law because of the
 13 unintended registration; providing for a delayed effective date; and generally
 14 relating to automatic voter registration.

15 BY repealing and reenacting, with amendments,
 16 Article – Election Law
 17 Section 3–203, 3–204.2, and 16–101
 18 Annotated Code of Maryland
 19 (2017 Replacement Volume and 2017 Supplement)

20 BY adding to
 21 Article – Election Law
 22 Section 3–204.3
 23 Annotated Code of Maryland
 24 (2017 Replacement Volume and 2017 Supplement)

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

27 **Article – Election Law**

28 3–203.

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

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

31 1. at the Motor Vehicle Administration, an initial application
 32 for or renewal of a driver's license or identification card, or a change of name or address on
 33 an existing driver's license or identification card, or any other transaction in which the
 34 Motor Vehicle Administration obtains all of the information from an applicant that satisfies
 35 the requirements to register to vote;

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

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

5 4. at the Mobility Certification Office in the Maryland
6 Transit Administration, an initial application for paratransit service or an application for
7 recertification for paratransit service.

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

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

11 (i) the Motor Vehicle Administration;

12 (ii) the Maryland Health Benefit Exchange;

13 (iii) local departments of social services; and

14 (iv) the Mobility Certification Office in the Maryland Transit
15 Administration.

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

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

21 (ii)] informs an applicant:

22 **1. THAT THE APPLICANT SHALL BE REGISTERED TO**
23 **VOTE OR SHALL HAVE A VOTER REGISTRATION RECORD UPDATED, IF APPLICABLE,**
24 **UNLESS THE APPLICANT DECLINES TO REGISTER TO VOTE OR UPDATE A VOTER**
25 **REGISTRATION RECORD OR IS DETERMINED NOT TO BE ELIGIBLE TO REGISTER TO**
26 **VOTE;**

27 **[1.] 2. of the qualifications to register to vote under § 3–102 of**
28 **this title;**

29 **[2.] 3. that the applicant should not register if the applicant**
30 **does not meet all the qualifications;**

31 **[3.] 4. of the penalties for the submission of a false**
32 **application; and**

1 [4.] 5. that voter registration is voluntary and that neither
2 registering nor declining to register to vote will in any way affect the availability of services
3 or benefits;

4 [(iii)] (II) requires the electronic signature of the applicant, subject
5 to the penalties for perjury, by which the applicant attests that the information [contained
6 in the voter registration application] **PROVIDED BY THE APPLICANT** is true and that the
7 applicant meets all the qualifications to become a registered voter, including United States
8 citizenship; and

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

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

14 2. within 5 days of the applicable transaction.

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

16 (i) the local departments of social services in the Department of
17 Human Services; and

18 (ii) the Montgomery County Department of Health and Human
19 Services.

20 (b) (1) Except as provided in paragraph (2) of this subsection, an [electronic]
21 **AUTOMATIC** voter registration agency shall implement an [electronic] **AUTOMATIC** voter
22 registration system on or before July 1, [2017] **2019**.

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

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

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

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

30 (i) prevent duplicate voter registration; and

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) on or before **[January] JULY 1, [2017] 2019**, submit a report, in
31 accordance with § 2–1246 of the State Government Article, to the Senate Education,
32 Health, and Environmental Affairs Committee and the House Committee on Ways and
33 Means that describes:

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

3 2. [the status of] the implementation of an [electronic]
4 **AUTOMATIC** voter registration system; and

5 (ii) on or before January 1, [2018] **2020**, and January 1 each
6 subsequent year, submit a report, in accordance with § 2-1246 of the State Government
7 Article, to the Senate Education, Health, and Environmental Affairs Committee and the
8 House Committee on Ways and Means that describes:

9 1. the number of individuals who completed an applicable
10 transaction in the preceding calendar year at the [electronic] **AUTOMATIC** voter
11 registration agency and the number of those individuals who registered to vote or updated
12 a voter registration record; and

13 2. any efforts the [electronic] **AUTOMATIC** voter registration
14 agency plans to make to improve the efficiency and effectiveness of the voter registration
15 process at the agency.

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

19 3-204.2.

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

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

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

32 (d) (1) (i) In this subsection the following words have the meanings
33 indicated.

1 (ii) “Applicable transaction” means an online application for a State
2 or federally funded public assistance program or an online application for a recertification,
3 renewal, or change of name or address relating to a State or federally funded public
4 assistance program.

5 (iii) “Department” means the Department of Human Services.

6 (iv) “Electronic portal” means the Department’s online system,
7 known as MyDHR, through which an individual may complete an applicable transaction.

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

13 **(E) THE STATE BOARD AND THE STATE COMPTROLLER SHALL JOINTLY**
14 **DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO FILE A MARYLAND**
15 **RESIDENT INDIVIDUAL INCOME TAX RETURN ELECTRONICALLY TO BE OFFERED THE**
16 **OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER**
17 **REGISTRATION SYSTEM.**

18 **3-204.3.**

19 **(A) (1) THE STATE BOARD AND THE MOTOR VEHICLE ADMINISTRATION**
20 **SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES TO IDENTIFY INDIVIDUALS**
21 **WHO:**

22 **(I) HOLD A DRIVER’S LICENSE OR AN IDENTIFICATION CARD;**

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

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

25 **(2) THE STATE BOARD AND THE MARYLAND HEALTH BENEFIT**
26 **EXCHANGE SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES TO IDENTIFY**
27 **INDIVIDUALS WHO:**

28 **(I) APPLIED FOR HEALTH INSURANCE COVERAGE THROUGH**
29 **THE EXCHANGE;**

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

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

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

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

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

8 **(3) INFORMATION ON HOW TO REGISTER TO VOTE AT EARLY VOTING**
9 **CENTERS.**

10 16–101.

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

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

14 (2) register to vote more than once;

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

16 (4) secure registration through any unlawful means;

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

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

22 (7) falsify any name on a registration;

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

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

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

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

3 ~~[(c)]~~ **(D)** A person who violates this section is subject to § 5–106(b) of the Courts
4 Article.

5 **(E) A PERSON WHO UNINTENTIONALLY BECOMES REGISTERED TO VOTE**
6 **UNDER § 3–203 OF THIS ARTICLE:**

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2019.