

# SENATE BILL 1048

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SB 938/17 – EHE

8lr2171  
CF HB 152

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By: **Senators Smith, Astle, Benson, Currie, Feldman, Ferguson, Guzzone, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Muse, Nathan–Pulliam, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Young, ~~and Zucker~~ Zucker, Conway, Kasemeyer, Middleton, and Oaks**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 14, 2018

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

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; requiring the State Board, if it  
15 receives notice from a certain individual, to correct a certain voter registration error  
16 in accordance with a certain provision of law; providing that certain voter  
17 registration information may be used only for certain purposes; requiring automatic  
18 voter registration agencies to submit certain reports to certain committees of the  
19 General Assembly on or before certain dates; requiring the Department of Human  
20 Services to provide a link from the Department's electronic portal to the online voter  
21 registration system pending the implementation of an automatic voter registration  
22 system; requiring the State Board and the State Comptroller jointly to develop and

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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 implement procedures for individuals who file a Maryland resident individual  
 2 income tax return electronically to be offered the opportunity to register to vote  
 3 through a link to the online voter registration system; altering the definition of  
 4 “clerical error” for the purpose of certain provisions of law governing the correction  
 5 of errors in voter registration records to include an inadvertent mistake in a voter  
 6 registration record made by an automatic voter registration agency; prohibiting a  
 7 person acting under color of law from discriminating against an individual based on  
 8 the 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, 3–601.1(a), and 16–101  
 18 Annotated Code of Maryland  
 19 (2017 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, without amendments,  
 21 Article – Election Law  
 22 Section 3–601.1(b) and (c)  
 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~~ IF THE APPLICANT IS NOT**  
26 **ELIGIBLE TO REGISTER TO VOTE;**

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

29                   [2.] **3.**       that the applicant should not register if the  
30 applicant 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) IF THE STATE BOARD RECEIVES NOTICE FROM AN INDIVIDUAL THAT**  
20 **THE INDIVIDUAL WAS INADVERTENTLY REGISTERED TO VOTE THROUGH AN**  
21 **AUTOMATIC VOTER REGISTRATION AGENCY AFTER DECLINING TO REGISTER TO**  
22 **VOTE, THE STATE BOARD SHALL CORRECT THE ERROR IN ACCORDANCE WITH §**  
23 **3-601.1 OF THIS TITLE.**

24 ~~(G)~~ **(G)** [Information] **VOTER REGISTRATION INFORMATION OR**  
25 **INFORMATION** relating to the decision of an applicant at an [electronic] AUTOMATIC voter  
26 registration agency to decline to register to vote may not be used for any purpose other than  
27 the maintenance of registration statistics, **ELECTION ADMINISTRATION, OR**  
28 **PROSECUTION OF CRIMINAL VIOLATIONS OF THE ELECTION LAW.**

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

32 ~~(I)~~ **(I)** The State Board may adopt regulations as necessary to implement this  
33 section.

1           ~~(J)~~ **(J)** (1) Each [electronic] **AUTOMATIC** voter registration agency shall:

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

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

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

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

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

18                          2. any efforts the [electronic] **AUTOMATIC** voter registration  
19 agency plans to make to improve the efficiency and effectiveness of the voter registration  
20 process at the agency.

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

24 3–204.2.

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

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

33                          (c) The State Board and the Department of Veterans Affairs shall jointly develop  
34 and implement procedures for individuals who use the Department of Veterans Affairs Web

1 site or who are contacted by the Department's outreach and advocacy program to be offered  
2 the opportunity to register to vote through a link to the online voter registration system.

3 (d) (1) (i) In this subsection the following words have the meanings  
4 indicated.

5 (ii) "Applicable transaction" means an online application for a State  
6 or federally funded public assistance program or an online application for a recertification,  
7 renewal, or change of name or address relating to a State or federally funded public  
8 assistance program.

9 (iii) "Department" means the Department of Human Services.

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

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

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

22 3-601.1.

23 (a) In this section, "clerical error" means an inadvertent mistake in a voter  
24 registration record made by an election official OR AN AUTOMATIC VOTER  
25 REGISTRATION AGENCY.

26 (b) The State Administrator or an election director shall make the determination  
27 whether an error in a voter registration record is a clerical error.

28 (c) If the State Administrator or election director determines that a clerical error  
29 has been made, the State Administrator or election director shall:

30 (1) cause the error to be corrected; and

31 (2) promptly notify the voter of the correction.

32 16-101.

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

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

4 (2) register to vote more than once;

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

6 (4) secure registration through any unlawful means;

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

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

12 (7) falsify any name on a registration;

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

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

16 (b) **A PERSON ACTING UNDER COLOR OF LAW MAY NOT DISCRIMINATE**  
17 **AGAINST AN INDIVIDUAL BASED ON THE INDIVIDUAL'S DECLINATION TO REGISTER**  
18 **TO VOTE OR VOTER REGISTRATION INFORMATION.**

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

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

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

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

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



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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.