

Chapter 19

(Senate Bill 1048)

AN ACT concerning

Secure and Accessible Registration Act

FOR the purpose of redesignating electronic voter registration agencies as automatic voter registration agencies; requiring automatic voter registration agencies to inform an applicant completing an applicable transaction that the applicant shall be registered to vote or shall have a voter registration record updated unless the applicant declines to register to vote or update a voter registration record or is determined not to be eligible to register to vote; requiring an applicant who registers to vote at an automatic voter registration agency to attest that the information provided by the applicant is true; requiring an automatic voter registration agency to transmit the voter registration information of each applicant who does not decline to register to vote or update a voter registration record directly to the State Board of Elections; requiring automatic voter registration agencies to implement automatic voter registration systems on or before certain dates; requiring the State Board, if it receives notice from a certain individual, to correct a certain voter registration error in accordance with a certain provision of law; providing that certain voter registration information may be used only for certain purposes; requiring automatic voter registration agencies to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring the Department of Human Services to provide a link from the Department's electronic portal to the online voter registration system pending the implementation of an automatic voter registration system; requiring the State Board and the State Comptroller jointly to develop and implement procedures for individuals who file a Maryland resident individual income tax return electronically to be offered the opportunity to register to vote through a link to the online voter registration system; altering the definition of "clerical error" for the purpose of certain provisions of law governing the correction of errors in voter registration records to include an inadvertent mistake in a voter registration record made by an automatic voter registration agency; prohibiting a person acting under color of law from discriminating against an individual based on the individual's declination to register to vote or voter registration information; providing that an individual who unintentionally becomes registered to vote at a voter registration agency shall be considered to have become registered to vote based on information provided to the State Board by an automatic voter registration agency and may not be considered to have violated certain provisions of law because of the unintended registration; providing for a delayed effective date; and generally relating to automatic voter registration.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–203, 3–204.2, 3–601.1(a), and 16–101
Annotated Code of Maryland

(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3–601.1(b) and (c)

Annotated Code of Maryland

(2017 Replacement Volume and 2017 Supplement)

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

Article – Election Law

3–203.

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

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

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

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

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

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

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

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

(i) the Motor Vehicle Administration;

(ii) the Maryland Health Benefit Exchange;

(iii) local departments of social services; and

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

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

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

(ii)] informs an applicant:

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

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

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

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

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

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

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

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

2. within 5 days of the applicable transaction.

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

- (i) the local departments of social services in the Department of Human Services; and
- (ii) the Montgomery County Department of Health and Human Services.

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

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

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

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

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

- (i) prevent duplicate voter registration; and
- (ii) enable election officials to review the eligibility of an applicant and to administer voter registration and other aspects of the election process; and

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

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

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

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

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

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

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

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

(F) IF THE STATE BOARD RECEIVES NOTICE FROM AN INDIVIDUAL THAT THE INDIVIDUAL WAS INADVERTENTLY REGISTERED TO VOTE THROUGH AN AUTOMATIC VOTER REGISTRATION AGENCY AFTER DECLINING TO REGISTER TO VOTE, THE STATE BOARD SHALL CORRECT THE ERROR IN ACCORDANCE WITH § 3-601.1 OF THIS TITLE.

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

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

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

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

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

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

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

(ii) on or before January 1, [2018] **2020**, and January 1 each subsequent year, submit a report, in accordance with § 2-1246 of the State Government

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

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

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

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

3–204.2.

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

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

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

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

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

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

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

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

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

3-601.1.

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

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

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

- (1) cause the error to be corrected; and
- (2) promptly notify the voter of the correction.

16-101.

(a) A person may not willfully and knowingly:

- (1) impersonate a voter or other person in order to register or attempt to register in the name of the voter or other person;
- (2) register to vote more than once;
- (3) falsify residence in an attempt to register in the wrong location;
- (4) secure registration through any unlawful means;
- (5) cause by unlawful means the name of a qualified voter to be stricken from the statewide voter registration list;

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

(7) falsify any name on a registration;

(8) misrepresent any fact relating to registration; or

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

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

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

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

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

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

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

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

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.