

HOUSE BILL 172

G1

(9lr0120)

ENROLLED BILL

— Ways and Means/Education, Health, and Environmental Affairs —

Introduced by **Chair, Ways and Means Committee (By Request – Departmental – State Board of Elections)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Voter Registration Deadlines and Security of Voter Registration**
3 **Information**

4 FOR the purpose of *repealing provisions of law that require the State Board of Elections*
5 *and a local board of elections to be open for business during certain hours on a certain*
6 *date*; altering the period during which voter registration is closed before an election;
7 ~~requiring the State Board of Elections to adopt regulations that describe the best~~
8 ~~practices for storage and security of voter registration information received by~~
9 ~~certain persons; requiring certain persons who receive voter registration information~~
10 ~~to notify the State Administrator of Elections as soon as possible but not later than~~
11 ~~a certain number of days after becoming aware of a breach in the secure storage of~~
12 ~~the voter registration information; providing that certain persons who fail to report~~
13 ~~a breach in the secure storage of voter registration information in accordance with a~~
14 ~~certain provision of this Act are guilty of a misdemeanor and are subject to certain~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~penalties on conviction; authorizing the State Board to impose a civil penalty not exceeding a certain amount on a person who fails to report a breach in the secure storage of voter registration information in accordance with a certain provision of this Act; requiring that the civil penalty be assessed in a certain manner and distributed to the Fair Campaign Financing Fund; and generally relating to voter registration deadlines and the security of voter registration information.~~

BY repealing and reenacting, with amendments,
 Article – Election Law
 Section ~~2-302 and~~ 3-302 ~~and 3-506~~
 Annotated Code of Maryland
 (2017 Replacement Volume and 2018 Supplement)

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

Article – Election Law

2-302.

(a) (1) The State Board shall be open for business during regular business hours on each State government workday.

(2) The State Board shall remain open until 9 p.m. on the last day for[:

(i) the filing of a certificate of candidacy for each election conducted under this article]; and

(ii) the close of voter registration prior to each election conducted under this article].

(b) (1) Each local board shall be open for business:

(i) on each day that is a county government workday in its county;

(ii) on each election day; and

(iii) until 9 p.m. on the last day for[:

1.] the filing of a certificate of candidacy for an election conducted in the county, if a certificate can be filed with the local board];

2. the close of voter registration prior to each election held in the county; and

1 3. the filing of an application by a voter for a change in party
2 affiliation].

3 (2) The members of each local board shall be available as needed on an
4 election day and during the canvass of each election.

5 (3) The hours that a local board is open for business:

6 (i) may be the same as the regular business hours of its county
7 government; or

8 (ii) for the convenience of the public, may be different from the regular
9 business hours of its county government, except that the number of business hours the office
10 is open each business day must be at least equivalent to the number of business hours that
11 the county government is open.

12 3–302.

13 (a) (1) Except as provided under § 3–305 of this subtitle, registration is closed
14 [beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that
15 election] **DURING THE PERIOD SPECIFIED IN THIS SUBSECTION.**

16 (2) **VOTER REGISTRATION CLOSES BEGINNING ON THE 21ST DAY**
17 **PRECEDING AN ELECTION AT:**

18 (I) **5 P.M. FOR APPLICATIONS AND CHANGES TO VOTER**
19 **REGISTRATION RECORDS SUBMITTED BY A METHOD OTHER THAN THROUGH THE**
20 **STATE BOARD’S ONLINE VOTER REGISTRATION SYSTEM; AND**

21 (II) **11:59 P.M. FOR APPLICATIONS AND CHANGES TO VOTER**
22 **REGISTRATION RECORDS SUBMITTED THROUGH THE STATE BOARD’S ONLINE**
23 **VOTER REGISTRATION SYSTEM.**

24 (3) **VOTER REGISTRATION REOPENS ON THE 11TH DAY AFTER AN**
25 **ELECTION.**

26 (b) A voter registration application received when registration is closed shall be
27 accepted and retained by a local board, but the registration of the applicant does not become
28 effective until registration reopens.

29 (c) A voter registration application that is received by the local board after the
30 close of registration shall be considered timely received for the next election provided:

31 (1) there is sufficient evidence, as determined by the local board pursuant
32 to regulations adopted by the State Board, that the application was mailed on or before
33 registration was closed for that election; or

1 (2) the application was submitted by the voter to the Motor Vehicle
2 Administration, a voter registration agency, another local board, or the State Board prior
3 to the close of registration.

4 ~~§ 506.~~

5 (a) (1) ~~A copy of a list of registered voters shall be provided to a Maryland~~
6 ~~registered voter on receipt of:~~

7 (i) ~~a written application; and~~

8 (ii) ~~a statement, signed under oath, that the list is not intended to be~~
9 ~~used for:~~

10 ~~1. commercial solicitation; or~~

11 ~~2. any other purpose not related to the electoral process.~~

12 (2) ~~In consultation with the local boards, the State Board shall adopt~~
13 ~~regulations that specify:~~

14 (i) ~~the time for a list to be provided under this subsection;~~

15 (ii) ~~the authorization to be required for providing a list;~~

16 (iii) ~~the fee to be paid for providing a list;~~

17 (iv) ~~the information to be included on a list;~~

18 (v) ~~that the residence address of an individual who is a participant~~
19 ~~in an address confidentiality program may not be disclosed;~~

20 (vi) ~~that a participant in an address confidentiality program is not~~
21 ~~required to apply to the State Board to keep the individual's residence address confidential;~~

22 (vii) ~~the format of the information; and~~

23 (viii) ~~the medium or media on which the information is to be provided.~~

24 (b) (1) ~~The State Administrator or a designee shall provide a copy of the~~
25 ~~statewide voter registration list and voter registration records to a jury commissioner on~~
26 ~~request and without charge by means agreed to with the Administrative Office of the~~
27 ~~Courts.~~

28 (2) ~~On application of the Attorney General, a circuit court may compel~~
29 ~~compliance with paragraph (1) of this subsection.~~

1 (e) ~~(1) THE STATE BOARD SHALL ADOPT REGULATIONS THAT DESCRIBE~~
2 ~~BEST PRACTICES FOR STORAGE AND SECURITY OF VOTER REGISTRATION~~
3 ~~INFORMATION BY A PERSON WHO RECEIVED THE VOTER REGISTRATION~~
4 ~~INFORMATION UNDER THIS SECTION.~~

5 ~~(2) A PERSON WHO RECEIVED A LIST OF REGISTERED VOTERS UNDER~~
6 ~~THIS SECTION OR A PERSON WHO RECEIVED A LIST OF REGISTERED VOTERS FROM~~
7 ~~A PERSON WHO RECEIVED THE LIST UNDER THIS SECTION, AFTER BECOMING AWARE~~
8 ~~OF A BREACH IN THE SECURE STORAGE OF THE VOTER REGISTRATION~~
9 ~~INFORMATION, SHALL DISCLOSE THE BREACH TO THE STATE ADMINISTRATOR AS~~
10 ~~SOON AS POSSIBLE BUT NOT LATER THAN 4 DAYS AFTER BECOMING AWARE OF THE~~
11 ~~BREACH.~~

12 ~~(D) (1) A person who knowingly allows a list of registered voters, under the~~
13 ~~person's control, to be used for any purpose not related to the electoral process is guilty of~~
14 ~~a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.~~

15 ~~(2) A PERSON WHO FAILS TO REPORT A BREACH IN THE SECURE~~
16 ~~STORAGE OF VOTER REGISTRATION INFORMATION IN ACCORDANCE WITH~~
17 ~~SUBSECTION (C)(2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON~~
18 ~~CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT~~
19 ~~NOT EXCEEDING 1 YEAR OR BOTH.~~

20 ~~(2) (i) THE STATE BOARD MAY ASSESS A CIVIL PENALTY IN AN~~
21 ~~AMOUNT NOT EXCEEDING \$5,000 ON A PERSON WHO FAILS TO REPORT A BREACH IN~~
22 ~~THE SECURE STORAGE OF VOTER REGISTRATION INFORMATION IN ACCORDANCE~~
23 ~~WITH SUBSECTION (C)(2) OF THIS SECTION.~~

24 ~~(H) A CIVIL PENALTY UNDER THIS PARAGRAPH SHALL BE:~~

25 ~~1. ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1~~
26 ~~OF THIS ARTICLE; AND~~

27 ~~2. DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING~~
28 ~~FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.~~

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