

HOUSE BILL 172

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9lr0120

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

Introduced and read first time: January 23, 2019

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2019

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of altering the period during which voter registration is closed before an
5 election; requiring the State Board of Elections to adopt regulations that describe
6 the best practices for storage and security of voter registration information received
7 by certain persons; requiring certain persons who receive voter registration
8 information to notify the State Administrator of Elections as soon as possible but not
9 later than a certain number of days after becoming aware of a breach in the secure
10 storage of the voter registration information; ~~providing that certain persons who fail~~
11 ~~to report a breach in the secure storage of voter registration information in~~
12 ~~accordance with a certain provision of this Act are guilty of a misdemeanor and are~~
13 ~~subject to certain penalties on conviction; authorizing the State Board to impose a~~
14 civil penalty not exceeding a certain amount on a person who fails to report a breach
15 in the secure storage of voter registration information in accordance with a certain
16 provision of this Act; requiring that the civil penalty be assessed in a certain manner
17 and distributed to the Fair Campaign Financing Fund; and generally relating to
18 voter registration deadlines and the security of voter registration information.

19 BY repealing and reenacting, with amendments,
20 Article – Election Law
21 Section 3–302 and 3–506
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2018 Supplement)

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

3 **Article – Election Law**

4 3–302.

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

8 (2) **VOTER REGISTRATION CLOSURES BEGINNING ON THE 21ST DAY**
9 **PRECEDING AN ELECTION AT:**

10 (i) **5 P.M. FOR APPLICATIONS AND CHANGES TO VOTER**
11 **REGISTRATION RECORDS SUBMITTED BY A METHOD OTHER THAN THROUGH THE**
12 **STATE BOARD’S ONLINE VOTER REGISTRATION SYSTEM; AND**

13 (ii) **11:59 P.M. FOR APPLICATIONS AND CHANGES TO VOTER**
14 **REGISTRATION RECORDS SUBMITTED THROUGH THE STATE BOARD’S ONLINE**
15 **VOTER REGISTRATION SYSTEM.**

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

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

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

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

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

29 3–506.

30 (a) (1) A copy of a list of registered voters shall be provided to a Maryland
31 registered voter on receipt of:

- 1 (i) a written application; and
- 2 (ii) a statement, signed under oath, that the list is not intended to be
3 used for:
- 4 1. commercial solicitation; or
- 5 2. any other purpose not related to the electoral process.

6 (2) In consultation with the local boards, the State Board shall adopt
7 regulations that specify:

- 8 (i) the time for a list to be provided under this subsection;
- 9 (ii) the authorization to be required for providing a list;
- 10 (iii) the fee to be paid for providing a list;
- 11 (iv) the information to be included on a list;
- 12 (v) that the residence address of an individual who is a participant
13 in an address confidentiality program may not be disclosed;
- 14 (vi) that a participant in an address confidentiality program is not
15 required to apply to the State Board to keep the individual's residence address confidential;
- 16 (vii) the format of the information; and
- 17 (viii) the medium or media on which the information is to be provided.

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

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

24 (c) **(1) THE STATE BOARD SHALL ADOPT REGULATIONS THAT DESCRIBE**
25 **BEST PRACTICES FOR STORAGE AND SECURITY OF VOTER REGISTRATION**
26 **INFORMATION BY A PERSON WHO RECEIVED THE VOTER REGISTRATION**
27 **INFORMATION UNDER THIS SECTION.**

28 **(2) A PERSON WHO RECEIVED A LIST OF REGISTERED VOTERS UNDER**
29 **THIS SECTION OR A PERSON WHO RECEIVED A LIST OF REGISTERED VOTERS FROM**
30 **A PERSON WHO RECEIVED THE LIST UNDER THIS SECTION, AFTER BECOMING AWARE**

1 OF A BREACH IN THE SECURE STORAGE OF THE VOTER REGISTRATION
 2 INFORMATION, SHALL DISCLOSE THE BREACH TO THE STATE ADMINISTRATOR AS
 3 SOON AS POSSIBLE BUT NOT LATER THAN 4 DAYS AFTER BECOMING AWARE OF THE
 4 BREACH.

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

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

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

17 (ii) A CIVIL PENALTY UNDER THIS PARAGRAPH SHALL BE:

18 1. ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1
 19 OF THIS ARTICLE; AND

20 2. DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING
 21 FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.