

SENATE BILL 384

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9lr0763

By: **Senator Kagan**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voter Data – Security and Reporting of Breach**

3 FOR the purpose of requiring the State Board of Elections to adopt regulations that
4 describe best practices for storage and security of voter registration information by
5 certain persons; requiring a person who has received a list of registered voters to
6 disclose a breach in the secure storage of the voter registration information to the
7 State Administrator of Elections as soon as possible after becoming aware of the
8 breach; providing that a person who fails to report a breach in the secure storage of
9 voter registration information is guilty of a misdemeanor and on conviction is subject
10 to certain penalties; and generally relating to the security of voter data and reporting
11 of voter data breaches.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 3–506
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2018 Supplement)

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

19 **Article – Election Law**

20 3–506.

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

23 (i) a written application; and

24 (ii) a statement, signed under oath, that the list is not intended to be

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 used for:

- 2 1. commercial solicitation; or
- 3 2. any other purpose not related to the electoral process.

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

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

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

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

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

26 **(2) A PERSON WHO HAS RECEIVED A LIST OF REGISTERED VOTERS**
27 **UNDER THIS SECTION, AFTER BECOMING AWARE OF A BREACH IN THE SECURE**
28 **STORAGE OF THE VOTER REGISTRATION INFORMATION, SHALL DISCLOSE THE**
29 **BREACH TO THE STATE ADMINISTRATOR AS SOON AS POSSIBLE.**

30 **[(c)] (D) (1) A person who knowingly allows a list of registered voters, under**

1 the person's control, to be used for any purpose not related to the electoral process is guilty
2 of a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.

3 **(2) A PERSON WHO FAILS TO REPORT A BREACH IN THE SECURE**
4 **STORAGE OF VOTER REGISTRATION INFORMATION IN ACCORDANCE WITH**
5 **SUBSECTION (C)(2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON**
6 **CONVICTION, IS SUBJECT TO THE PENALTIES UNDER TITLE 16 OF THIS ARTICLE.**

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