

HOUSE BILL 245

G1, F2

0lr0756
CF 0lr1393

By: **Delegates Luedtke and Mosby**

Introduced and read first time: January 17, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Institutions of Higher Education – Voter Registration and Voting**
3 **by Students**
4 **(Student Voter Empowerment Act of 2020)**

5 FOR the purpose of requiring the State Board of Elections to maintain a page on its website
6 that includes certain information about and links regarding voter registration and
7 voting by students enrolled in institutions of higher education; requiring a public
8 institution of higher education to designate a staff member as the student voting
9 coordinator; requiring the student voting coordinator to develop and implement a
10 student voting plan to increase student voter registration and voting in collaboration
11 with certain persons at the institution; requiring the student voting plan to cover a
12 certain period and be updated at a certain time; requiring the student voting plan to
13 include certain elements relating to dissemination of information about voter
14 registration and voting, provision of voter registration materials on campus,
15 accommodation of early voting centers and precinct polling places on campus,
16 encouragement of student organizations engaged in voter registration and voting
17 activities, and a policy excusing students from class to vote; requiring a public
18 institution of higher education to make the student voting plan available to the
19 public and provide the plan to the Maryland Higher Education Commission and the
20 State Board; applying the requirement that a public institution of higher education
21 provide a certain link to the online voter registration system from a certain online
22 student portal to private institutions of higher education that receive funding from
23 the State; requiring public institutions of higher education and private institutions
24 of higher education that receive funding from the State to relocate a certain link to
25 the online voter registration system and take certain steps if there are fewer than a
26 certain number of clicks on the link in any calendar year; requiring public
27 institutions of higher education that receive funding from the State to include certain
28 information in a certain report if there were fewer than a certain number of clicks
29 on a certain link to the online voter registration system in the preceding calendar
30 year; requiring private institutions of higher education that receive funding from the
31 State to submit a certain report to the Maryland Independent Colleges and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Universities Association regarding voter registration on or before a certain date each
2 year; requiring the Maryland Independent Colleges and Universities Association to
3 submit a certain report summarizing information regarding voter registration at
4 private institutions of higher education to certain committees of the General
5 Assembly on or before a certain date each year; requiring a local board of elections
6 to establish a separate precinct on the campus of certain institutions of higher
7 education to specifically serve students, faculty, and staff who reside on or near the
8 campus; requiring certain institutions of higher education to take certain actions to
9 assist the local board with locating and operating a polling place on campus;
10 providing that certain institutions of higher education are not subject to certain
11 provisions of law; defining certain terms; making conforming changes; providing for
12 a delayed effective date for certain provisions of this Act; and generally relating to
13 voter registration and voting by students enrolled in institutions of higher education.

14 BY repealing and reenacting, without amendments,
15 Article – Election Law
16 Section 1–101(a) and 3–204(a)
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Election Law
21 Section 1–101(bb–1), 3–103, 3–204(c), and 3–204.2(f)
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2019 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Election Law
26 Section 1–101(bb–1), 2–303(a), and 3–204(b)
27 Annotated Code of Maryland
28 (2017 Replacement Volume and 2019 Supplement)

29 BY repealing
30 Article – Election Law
31 Section 3–204(c)
32 Annotated Code of Maryland
33 (2017 Replacement Volume and 2019 Supplement)

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

36 **Article – Election Law**

37 1–101.

38 (a) In this article the following words have the meanings indicated unless a
39 different meaning is clearly intended from the context.

1 **(BB-1) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING**
2 **STATED IN § 10-101 OF THE EDUCATION ARTICLE.**

3 **[(bb-1)] (BB-2) “Legislative party caucus committee” means a political**
4 **committee that is established to promote the election of candidates of a single political party**
5 **to one of the two Houses of the General Assembly.**

6 **3-103.**

7 **THE STATE BOARD SHALL MAINTAIN A PAGE ON ITS WEBSITE THAT:**

8 **(1) EXPLAINS IN PLAIN, EASILY UNDERSTANDABLE LANGUAGE THE**
9 **REQUIREMENTS FOR STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER**
10 **EDUCATION TO REGISTER TO VOTE IN THE STATE; AND**

11 **(2) INCLUDES LINKS TO INFORMATION REGARDING VOTER**
12 **REGISTRATION REQUIREMENTS AND VOTING BY ABSENTEE BALLOT IN OTHER**
13 **STATES IN WHICH STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION**
14 **MAY RESIDE.**

15 **3-204.**

16 (a) (1) The State Board shall designate public agencies and nongovernmental
17 agencies as voter registration agencies where qualified individuals may apply to register to
18 vote.

19 (2) The State Board shall designate the following offices as voter
20 registration agencies:

21 (i) all offices in the State that provide public assistance;

22 (ii) all offices in the State that provide State-funded programs
23 primarily engaged in providing services to individuals with disabilities;

24 (iii) all public institutions of higher education in the State; and

25 (iv) all one-stop career centers in the Maryland Department of
26 Labor.

27 (3) The State Board and the Secretary of Defense shall jointly develop and
28 implement procedures for persons to apply to register to vote at recruitment offices of the
29 armed forces of the United States, which shall be deemed voter registration agencies.

30 (b) Except for a public institution of higher education in the State, which
31 institution shall comply with the requirements of subsection (c) of this section **AND §**

1 **3-204.2(F) OF THIS SUBTITLE**, each voter registration agency, as provided in subsection
2 (a)(2) and (3) of this section, shall:

3 (1) distribute a voter registration application approved by the State Board
4 or the Federal Election Commission with each application for service or assistance it
5 renders and with each recertification, renewal, or change of address form relating to such
6 service or assistance;

7 (2) provide a document to prospective registrants that includes:

8 (i) the question, “If you are not registered to vote where you live
9 now, would you like to apply to register to vote here today?”;

10 (ii) if the agency provides public assistance, the statement,
11 “Applying to register or declining to register to vote will not affect the amount of assistance
12 that you will be provided by this agency.”;

13 (iii) boxes for the applicant to check to indicate whether the applicant
14 would like to register or declines to register to vote together with the statement (in close
15 proximity to the boxes and in prominent type), “If you do not check either box, you will be
16 considered to have decided not to register to vote at this time.”;

17 (iv) the statement, “If you would like help in filling out the voter
18 registration application form, we will help you. The decision whether to seek or accept help
19 is yours. You may fill out the application form in private.”;

20 (v) the statement, “If you believe that someone has interfered with
21 your right to register or to decline to register to vote, your right to privacy in deciding
22 whether to register or in applying to register to vote, or your right to choose your own
23 political party or other political preference, you may file a complaint with the State Board
24 of Elections.”; and

25 (vi) the address and toll free telephone number of the State Board;

26 (3) provide each applicant who does not decline to register to vote and who
27 accepts assistance the same degree of assistance with regard to completion of the
28 registration application as is provided by the office with regard to the completion of its own
29 applications, unless the applicant refuses such assistance;

30 (4) ensure that each application for service or assistance from the agency
31 and each recertification, renewal, or change of address form relating to the service or
32 assistance may not be completed until the applicant has indicated whether the applicant
33 wishes to register to vote and is informed that if the applicant does not select a political
34 party affiliation, the individual will be designated as not affiliated with a political party
35 and will be unable to vote in a party primary election; and

36 (5) accept the completed voter registration application for transmittal to

1 the appropriate election board.

2 [(c) (1) (i) In this subsection the following words have the meanings
3 indicated.

4 (ii) "Commission" means the Maryland Higher Education
5 Commission.

6 (iii) "Institution of higher education" has the meaning stated in §
7 10–101(h) of the Education Article.

8 (2) (i) On or before July 1, 2017, a public institution of higher education
9 shall provide a link to the online voter registration system on the home page of the online
10 portal used by students to register for course work.

11 (ii) The link to the online voter registration system shall be
12 prominently placed on the home page in a location where it may be easily viewed by
13 students registering for course work.

14 (3) On or before January 1, 2019, and each year thereafter, a public
15 institution of higher education shall submit a report to the Commission that describes:

16 (i) the number of students who are residents of the State and
17 registered for course work in the preceding calendar year at the public institution of higher
18 education and the number of those students who clicked on the link required under
19 paragraph (2) of this subsection; and

20 (ii) any efforts the public institution of higher education plans to
21 make to improve access to voter registration for students at the institution.

22 (4) On or before January 15, 2019, and each year thereafter, the
23 Commission shall compile and summarize the information reported by public institutions
24 of higher education under paragraph (3) of this subsection, in a single report and submit
25 the report to the Senate Education, Health, and Environmental Affairs Committee and the
26 House Committee on Ways and Means, in accordance with § 2–1257 of the State
27 Government Article.]

28 **(C) (1) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL**
29 **DESIGNATE A STAFF MEMBER AS THE STUDENT VOTING COORDINATOR.**

30 **(2) THE STUDENT VOTING COORDINATOR SHALL DEVELOP AND**
31 **IMPLEMENT A STUDENT VOTING PLAN TO INCREASE STUDENT VOTER**
32 **REGISTRATION AND VOTING IN COLLABORATION WITH FACULTY, STAFF,**
33 **RECOGNIZED STUDENT ORGANIZATIONS, AND OTHER APPROPRIATE**
34 **STAKEHOLDERS AT THE INSTITUTION.**

1 **(3) THE STUDENT VOTING PLAN SHALL:**

2 **(I) COVER THE 2-YEAR PERIOD IMMEDIATELY PRECEDING**
3 **EACH STATEWIDE GENERAL ELECTION; AND**

4 **(II) BE UPDATED AFTER EACH STATEWIDE GENERAL ELECTION.**

5 **(4) THE STUDENT VOTING PLAN SHALL INCLUDE:**

6 **(I) WIDE DISSEMINATION OF INFORMATION ABOUT VOTER**
7 **REGISTRATION AND VOTING OPPORTUNITIES TO ALL STUDENTS, INCLUDING:**

8 **1. THE VOTER REGISTRATION PROCESS AND**
9 **DEADLINES;**

10 **2. THE PROCESS AND DEADLINES FOR REQUESTING AND**
11 **RETURNING A BALLOT BY MAIL;**

12 **3. LOCATIONS AND DATES FOR EARLY VOTING AND**
13 **ELECTION DAY VOTING, INCLUDING TRANSPORTATION OPTIONS TO THE VOTING**
14 **LOCATIONS;**

15 **4. INFORMATION ABOUT VOTER REGISTRATION AT**
16 **EARLY VOTING CENTERS UNDER § 3-305 OF THIS TITLE AND VOTER REGISTRATION**
17 **AT PRECINCT POLLING PLACES ON ELECTION DAY UNDER § 3-306 OF THIS TITLE;**
18 **AND**

19 **5. A LINK FROM THE INSTITUTION'S ONLINE STUDENT**
20 **PORTAL TO THE WEBPAGE CONCERNING STUDENT VOTER REGISTRATION AND**
21 **VOTING THAT IS MAINTAINED BY THE STATE BOARD UNDER § 3-103 OF THIS TITLE**
22 **OR A WEBPAGE ON THE STUDENT PORTAL THAT INCLUDES THE SAME INFORMATION**
23 **AS THE WEBPAGE MAINTAINED BY THE STATE BOARD;**

24 **(II) PROVISION OF VOTER REGISTRATION MATERIALS AT**
25 **CENTRAL LOCATIONS AND HIGH-TRAFFIC AREAS ON CAMPUS;**

26 **(III) REASONABLE ACCOMMODATION AND COLLABORATION**
27 **WITH THE LOCAL BOARD REGARDING THE PLACEMENT OF AN EARLY VOTING**
28 **CENTER OR PRECINCT POLLING PLACE ON CAMPUS IF REQUESTED BY THE LOCAL**
29 **BOARD OR REQUIRED UNDER § 2-303(A)(2) OF THIS ARTICLE;**

30 **(IV) ENCOURAGEMENT AND SUPPORT OF RECOGNIZED STUDENT**
31 **ORGANIZATIONS ENGAGED IN ACTIVITIES TO INCREASE VOTER REGISTRATION AND**

1 VOTING BY STUDENTS;

2 (V) A POLICY ALLOWING STUDENTS TO BE EXCUSED FROM
3 CLASS TO VOTE; AND

4 (VI) ANY OTHER ACTIVITIES TO PROMOTE STUDENT
5 PARTICIPATION IN CIVIC AFFAIRS AND THE ELECTION PROCESS THAT THE
6 INSTITUTION DETERMINES ARE APPROPRIATE.

7 (5) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

8 (I) MAKE THE INSTITUTION'S STUDENT VOTING PLAN
9 AVAILABLE TO THE PUBLIC ON THE INSTITUTION'S WEBSITE; AND

10 (II) PROVIDE THE INSTITUTION'S STUDENT VOTING PLAN TO
11 THE MARYLAND HIGHER EDUCATION COMMISSION AND THE STATE BOARD.

12 3-204.2.

13 (F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
14 MEANINGS INDICATED.

15 (II) "ASSOCIATION" MEANS THE MARYLAND INDEPENDENT
16 COLLEGES AND UNIVERSITIES ASSOCIATION.

17 (III) "COMMISSION" MEANS THE MARYLAND HIGHER
18 EDUCATION COMMISSION.

19 (2) (I) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION AND
20 EACH PRIVATE INSTITUTION OF HIGHER EDUCATION THAT RECEIVES OPERATING
21 OR CAPITAL FUNDING FROM THE STATE SHALL PROVIDE A LINK TO THE ONLINE
22 VOTER REGISTRATION SYSTEM ON THE HOME PAGE OF THE ONLINE PORTAL USED
23 BY STUDENTS TO REGISTER FOR COURSE WORK.

24 (II) THE LINK TO THE ONLINE VOTER REGISTRATION SYSTEM
25 SHALL BE PROMINENTLY PLACED ON THE HOME PAGE IN A LOCATION WHERE IT MAY
26 BE EASILY VIEWED BY STUDENTS REGISTERING FOR COURSE WORK.

27 (III) IF THERE ARE FEWER THAN 15 CLICKS ON THE LINK IN ANY
28 CALENDAR YEAR, THE INSTITUTION OF HIGHER EDUCATION SHALL RELOCATE THE
29 LINK TO A DIFFERENT, MORE CONSPICUOUS LOCATION FOR THE IMMEDIATELY
30 FOLLOWING CALENDAR YEAR AND TAKE ANY OTHER APPROPRIATE STEPS TO
31 ENCOURAGE STUDENTS TO USE THE LINK.

1 **(3) (I) ON OR BEFORE JANUARY 1 EACH YEAR, EACH PUBLIC**
2 **INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT A REPORT TO THE**
3 **COMMISSION THAT INCLUDES:**

4 **1. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF**
5 **THE STATE AND REGISTERED FOR COURSE WORK IN THE IMMEDIATELY PRECEDING**
6 **CALENDAR YEAR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE**
7 **NUMBER OF THOSE STUDENTS WHO CLICKED ON THE LINK REQUIRED UNDER**
8 **PARAGRAPH (2) OF THIS SUBSECTION;**

9 **2. IF THERE WERE FEWER THAN 15 CLICKS ON THE LINK**
10 **REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE IMMEDIATELY**
11 **PRECEDING CALENDAR YEAR:**

12 **A. A SCREEN SHOT SHOWING THE LOCATION OF THE**
13 **LINK IN THE IMMEDIATELY PRECEDING CALENDAR YEAR;**

14 **B. A SCREEN SHOT SHOWING THE LINK IN A DIFFERENT,**
15 **MORE CONSPICUOUS LOCATION FOR THE CURRENT CALENDAR YEAR; AND**

16 **C. A DESCRIPTION OF ANY OTHER APPROPRIATE STEPS**
17 **THE INSTITUTION IS TAKING TO ENCOURAGE STUDENTS TO USE THE LINK; AND**

18 **3. ANY EFFORTS THE PUBLIC INSTITUTION OF HIGHER**
19 **EDUCATION PLANS TO MAKE TO IMPROVE ACCESS TO VOTER REGISTRATION FOR**
20 **STUDENTS AT THE INSTITUTION.**

21 **(II) ON OR BEFORE JANUARY 15 EACH YEAR, THE COMMISSION**
22 **SHALL COMPILE AND SUMMARIZE THE INFORMATION REPORTED BY PUBLIC**
23 **INSTITUTIONS OF HIGHER EDUCATION UNDER SUBPARAGRAPH (I) OF THIS**
24 **PARAGRAPH IN A SINGLE REPORT AND SUBMIT THE REPORT TO THE SENATE**
25 **EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE**
26 **HOUSE COMMITTEE ON WAYS AND MEANS IN ACCORDANCE WITH § 2-1257 OF THE**
27 **STATE GOVERNMENT ARTICLE.**

28 **(4) (I) ON OR BEFORE JANUARY 1 EACH YEAR, EACH PRIVATE**
29 **INSTITUTION OF HIGHER EDUCATION THAT RECEIVES OPERATING OR CAPITAL**
30 **FUNDING FROM THE STATE SHALL SUBMIT A REPORT TO THE ASSOCIATION THAT**
31 **INCLUDES:**

32 **1. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF**
33 **THE STATE AND REGISTERED FOR COURSE WORK IN THE IMMEDIATELY PRECEDING**
34 **CALENDAR YEAR AT THE PRIVATE INSTITUTION OF HIGHER EDUCATION AND THE**

1 (2) (i) **THIS PARAGRAPH DOES NOT APPLY TO A PUBLIC OR**
2 **PRIVATE INSTITUTION OF HIGHER EDUCATION THAT IS SUBJECT TO PARAGRAPH (3)**
3 **OF THIS SUBSECTION.**

4 (II) Except as provided under subparagraph [(iii)] (IV) of this
5 paragraph, a local board shall establish a separate precinct on campus or within one-half
6 mile of the campus to specifically serve a public or private institution of higher education
7 if the local board determines that at least 500 students, faculty, and staff who attend or
8 work at the institution are registered voters in the precinct in which the institution is
9 located.

10 [(ii)] (III) If, in accordance with subparagraph [(i)] (II) of this
11 paragraph, a polling place is established at an institution of higher education that receives
12 State funds, that institution shall:

13 1. provide without charge to the local board a facility for use
14 as a polling place that meets all applicable requirements under this article and as
15 established by the State Board; and

16 2. provide assistance to the local board in recruiting election
17 judges to staff the polling place.

18 [(iii)] (IV) A local board may not be required to establish a separate
19 precinct as provided under subparagraph [(i)] (II) of this paragraph if there is an
20 established precinct within one-half mile of the public or private institution of higher
21 education's campus that serves the voters who attend or work at the public or private
22 institution of higher education.

23 (3) (i) **THIS PARAGRAPH APPLIES ONLY TO A PUBLIC OR PRIVATE**
24 **INSTITUTION OF HIGHER EDUCATION THAT:**

25 1. **AWARDS BACCALAUREATE DEGREES;**

26 2. **ENROLLS 4,500 OR MORE STUDENTS; AND**

27 3. **PROVIDES ON-CAMPUS HOUSING TO STUDENTS.**

28 (II) **A LOCAL BOARD SHALL ESTABLISH A SEPARATE PRECINCT**
29 **ON THE CAMPUS OF A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION**
30 **THAT IS SUBJECT TO THIS PARAGRAPH TO SPECIFICALLY SERVE STUDENTS,**
31 **FACULTY, AND STAFF WHO RESIDE ON OR NEAR THE CAMPUS.**

32 (III) **AN INSTITUTION OF HIGHER EDUCATION THAT IS SUBJECT**
33 **TO THIS PARAGRAPH SHALL:**

1 **1. COLLABORATE WITH THE LOCAL BOARD TO IDENTIFY**
2 **A FACILITY ON CAMPUS FOR USE AS A POLLING PLACE THAT MEETS ALL APPLICABLE**
3 **REQUIREMENTS UNDER THIS ARTICLE AND AS ESTABLISHED BY THE STATE BOARD;**
4 **AND**

5 **2. IF THE INSTITUTION OF HIGHER EDUCATION**
6 **RECEIVES OPERATING OR CAPITAL FUNDING FROM THE STATE:**

7 **A. PROVIDE THE FACILITY FOR USE AS A POLLING PLACE**
8 **WITHOUT CHARGE TO THE LOCAL BOARD; AND**

9 **B. PROVIDE ASSISTANCE TO THE LOCAL BOARD IN**
10 **RECRUITING ELECTION JUDGES TO STAFF THE POLLING PLACE.**

11 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
12 effect January 1, 2022.

13 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
14 3 of this Act, this Act shall take effect June 1, 2020.