

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 871 (Delegate Stewart)
 Government, Labor, and Elections

Election Law - Enhanced Automatic Voter Registration System

This bill requires the Motor Vehicle Administration (MVA) to implement, concurrent to its existing automatic voter registration system, an “enhanced automatic voter registration system,” applicable to REAL ID transactions, by January 1, 2029. The bill establishes procedures for MVA and the State Board of Elections (SBE) to follow under the system. **The bill takes effect June 1, 2026.**

Fiscal Summary

State Effect: No effect is assumed in FY 2026 or 2027. General fund expenditures increase by \$102,500 in FY 2028, \$199,900 in FY 2029, and \$304,400 in FY 2030, with ongoing costs in future years. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	102,500	199,900	304,400	309,000
Net Effect	\$0	(\$102,500)	(\$199,900)	(\$304,400)	(\$309,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: No effect is assumed in FY 2026 or 2027. Local government expenditures increase, collectively, by \$750,000 over the course of FY 2028 and/or 2029. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Enhanced Automatic Voter Registration System at the Motor Vehicle Administration

The bill requires MVA to implement, concurrent to its existing automatic voter registration system, an enhanced automatic voter registration system by January 1, 2029. Under the bill, the enhanced automatic voter registration system applies to REAL ID transactions at MVA, and the existing automatic voter registration system applies to other remaining transactions at MVA (“applicable transactions”).

“REAL ID transaction” means (1) an initial application for or renewal of a driver’s license or an identification card that is compliant with the federal REAL ID Act; (2) a change of name or address on an existing driver’s license or identification card that is compliant with the federal REAL ID Act; or (3) any other transaction that is compliant with the federal REAL ID Act in which MVA obtains all the information from an applicant that satisfies the requirements to register to vote.

Under the existing automatic voter registration system at MVA, an individual is informed during an applicable transaction (*e.g.*, driver’s license or identification card application or renewal) that they will be registered to vote or have their voter registration record updated unless they decline or are not eligible to register and must provide an electronic signature attesting that they are qualified to register, including that they are a U.S. citizen. Under the enhanced automatic voter registration system established under the bill – which occurs only during a REAL ID transaction – MVA automatically transmits an individual’s information to SBE under certain circumstances and SBE takes steps to update the individual’s voter registration record or to register the voter using that information, while providing notice to the applicant, allowing the applicant to correct an update or to decline to register.

Transmittal of Information by the Motor Vehicle Administration

Under the enhanced automatic voter registration system, MVA:

- electronically transmits the voter registration information necessary to update the name or address of an applicant directly to SBE within five days, if the applicant is currently registered to vote;
- electronically transmits the voter registration information of an applicant directly to SBE within five days, if the applicant (1) is not currently registered to vote; (2) has presented a document demonstrating U.S. citizenship; and (3) has provided information demonstrating the applicant is at least age 16 and a resident of the State;

- before transmitting an applicant’s voter registration information to SBE, offers the applicant the opportunity to select a political party affiliation; and
- does not electronically transmit voter registration information of an applicant to SBE if the applicant had presented a document demonstrating the applicant is not a U.S. citizen.

Steps Taken by the State Board of Elections

When SBE receives an applicant’s information from MVA, if no other information indicates that the applicant is not qualified to be a registered voter, SBE must:

- if the applicant is currently registered to vote and has changed the applicant’s name or address (1) enter the change of name or address into the statewide voter registration list (and restore the voter to active status if in inactive status); (2) send the applicant an “enhanced automatic voter registration update notice” within 10 business days of receiving the information from MVA; and (3) if the applicant affirmatively corrects the update in writing, modify the applicant’s information in the statewide voter registration list; or
- if the applicant is not registered to vote, (1) send the applicant an “enhanced automatic voter registration notice” within 10 business days of receiving the information from MVA; (2) enter the applicant’s voter registration information into the statewide voter registration list with active voter status, and deem the applicant’s voter registration application as having been received on the date of the REAL ID transaction, if the applicant does not affirmatively decline to be registered within 21 days of mailing the notice; and (3) cancel the applicant’s voter registration information from the statewide voter registration list, and deem the applicant to have never registered to vote or attempted to register, if the applicant affirmatively declines to be registered within 21 days of mailing the notice.

Other Provisions

REAL ID Documents

MVA must:

- in accordance with specified federal regulations, and in consultation with SBE, implement procedures to reliably record and validate the specific document that is compliant with the REAL ID Act and presented by an applicant for a REAL ID transaction;
- periodically review the procedures implemented; and
- notify SBE regarding changes to the procedures.

Participants in Confidentiality Programs

The enhanced automatic voter registration system does not apply to applicants participating in specified address and personal information confidentiality programs.

Applicability of Existing Provisions

The bill makes the enhanced automatic voter registration system subject to specified provisions that govern existing automatic voter registration systems, including a reporting requirement under which, under the bill, information on the number of individuals who completed a REAL ID transaction, and the number of those individuals who registered to vote or updated a voter registration record, must be included, beginning with the January 1, 2030 report.

Change of Party Affiliation After the Close of Registration

The bill allows for applicants who are registered to vote through the enhanced automatic voter registration system to request a party affiliation change after the close of registration, at a polling place or on an absentee ballot application and have it effective for that election.

Additional Agencies

The bill authorizes SBE to (1) identify additional State, federal, or local agencies, including federal agencies that administer naturalization ceremonies, that in the regular course of business reliably verify applicants' citizenship by verifying documents or through an electronic database match and (2) with the consent of an agency, implement enhanced automatic voter registration procedures.

Delegation of Duties

The bill authorizes SBE to delegate any of its duties related to the existing automatic voter registration systems, or the enhanced automatic voter registration system, to the local boards of elections.

Current Law:

Automatic Voter Registration

An individual may become a registered voter through a number of means, including during an applicable transaction at an automatic voter registration agency. The current automatic voter registration agencies are MVA, the Maryland Health Benefit Exchange (MHBE), local departments of social services, and the Mobility Certification Office (MCO) in the Maryland Transit Administration.

“Applicable transaction” means:

- at MVA, 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 MVA obtains all of the information from an applicant that satisfies the requirements to register to vote;
- at MHBE, any application for or renewal of health insurance coverage;
- 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; and
- at MCO, an initial application for paratransit service or an application for recertification for paratransit service.

“Applicable transaction” includes any of the above transactions that are completed online.

“Automatic voter registration system” means a system that, as an integral part of each applicable transaction at an automatic voter registration agency:

- informs an applicant (1) that the applicant must be registered to vote or have a voter registration record updated, if applicable, unless the applicant declines to register to vote or update a voter registration record or if the applicant is not eligible to register to vote; (2) of the qualifications to register to vote; (3) that the applicant should not register if the applicant does not meet all the qualifications; (4) of the penalties for the submission of a false application; and (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;
- requires the electronic signature of the applicant, subject to penalties of perjury, by which the applicant attests that the information provided by the applicant is true and that the applicant meets all the qualifications to become a registered voter, including U.S. citizenship; and
- electronically transmits the voter registration information of each applicant who does not decline to register to vote or update a voter registration record directly to SBE (1) in a manner and format specified jointly by the automatic voter registration agency and SBE and (2) within five days of the applicable transaction.

An automatic voter registration system:

- may not require any information that duplicates the information required to complete an applicable transaction;

- must require only the minimum amount of information necessary for both an applicable transaction and a voter registration to (1) prevent duplicate voter registration and (2) enable election officials to review the eligibility of an applicant and to administer voter registration and other aspects of the election process; and
- must 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.

An agent of an automatic voter registration agency who is responsible for carrying out automatic voter registration requirements may not:

- seek to influence an applicant's political preference or party registration;
- display any political preference or party allegiance; or
- make any statement to an applicant or take any action the purpose or effect of which is to (1) discourage the applicant from registering to vote or (2) lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

SBE must ensure that each individual whose voter registration is transmitted to SBE through an automatic voter registration system is promptly registered to vote.

Each automatic voter registration agency must, by January 1, 2020, and January 1 each subsequent year, submit a report to specified legislative committees that describes:

- the number of individuals who completed an applicable transaction in the preceding calendar year at the automatic voter registration agency and the number of those individuals who registered to vote or updated a voter registration record; and
- any efforts the automatic voter registration agency plans to make to improve the efficiency and effectiveness of the voter registration process at the agency.

Party Affiliation Change

Party affiliation changes can be made at any time that voter registration is open. Voter registration is only closed beginning on the twenty-first day preceding an election until the eleventh day after the election.

If a local board receives a request for a party affiliation change after the close of registration, the local board must make the change and it must become effective for the next election provided (1) there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by SBE, that the request was mailed on or before the close of registration for that election or (2) the request was submitted by the voter to MVA, a voter registration agency, another local board, or SBE on or before the close of registration for that election.

Inactive Voter List

A voter’s name is placed into inactive status on the statewide voter registration list if they fail to respond to a specified confirmation notice regarding a change of address. An inactive voter who fails to vote in an election in the period ending with the second general election must be removed from the statewide voter registration list.

A voter must be restored to active status on the statewide voter registration list after completing and signing any of the following election documents: (1) a voter registration application; (2) a petition governed by Title 6 of the Election Law Article; (3) a certificate of candidacy; (4) an absentee ballot application; or (5) a written affirmation of residence completed on Election Day to entitle the voter to vote either at the election district or precinct for the voter’s current residence or the voter’s previous residence, as determined by SBE.

State Fiscal Effect: General fund expenditures increase by \$102,463 in fiscal 2028, \$199,867 in fiscal 2029, \$304,394 in fiscal 2030, and by ongoing amounts in future years, accounting for the January 1, 2029 deadline for implementing an enhanced automatic voter registration system. This estimate reflects the cost for (1) SBE to hire one full-time staff position starting on July 1, 2027, to manage SBE’s responsibilities under the bill, which is expected to include coordinating with MVA and the local boards of elections and coordinating the software development needed to implement the steps SBE must take when it receives information from MVA under the enhanced automatic voter registration system and (2) costs of mailing the required notices under the bill (assumed to begin in fiscal 2029, after the January 1, 2029 deadline for the system to be implemented). MVA indicates it can handle necessary programming related to its responsibilities under the enhanced automatic voter registration system with existing resources. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
Position (New)	1.0	0.0	0.0	0.0
Salary and Fringe Benefits	\$92,600	\$97,035	\$101,532	\$106,062
Mailing Costs	0	100,000	200,000	200,000
Operating Expenses	<u>9,863</u>	<u>2,832</u>	<u>2,862</u>	<u>2,890</u>
Total State Expenditures	\$102,463	\$199,867	\$304,394	\$308,952

Future year expenditures reflect (1) a salary with annual increases and employee turnover; (2) ongoing mailing costs; and (3) annual increases in ongoing operating expenses.

Local Fiscal Effect: Local government expenditures increase, collectively, by \$750,000 over the course of fiscal 2028 and/or 2029 for software development needed to implement the steps SBE must take when it receives information from MVA under the enhanced

automatic voter registration system, including automated development of the required enhanced automatic voter registration update notice and enhanced automatic voter registration notice. These costs are assumed to be billed by SBE to the local boards of elections, consistent with SBE's existing practice of billing costs of the statewide voter registration system to the local boards. This estimate is based on costs SBE has indicated it expects to incur (and bill to the local boards) for the software development and assumes those costs are incurred over the course of fiscal 2028 and/or 2029 in order for the development to be completed before the January 1, 2029 deadline for implementation of the enhanced automatic voter registration system.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1113 of 2025.

Designated Cross File: None.

Information Source(s): Harford and Talbot counties; Maryland Department of Transportation; Maryland State Board of Elections; Department of Legislative Services

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