HOUSE BILL 747

G1 9lr2401

By: **Delegates W. Fisher, Washington, Charles, and Ivey**
Introduced and read first time: February 8, 2019
Assigned to: Ways and Means

A BILL ENTITLED

1   AN ACT concerning

2   **Election Law – Automatic Voter Registration Agencies – Links to Online Voter**
3   **Registration**

4   FOR the purpose of adding certain agencies to the list of agencies that are designated as
5   automatic voter registration agencies; defining an applicable transaction at certain
6   automatic voter registration agencies during which an applicant must be registered
7   to vote or have a voter registration record updated unless the applicant declines to
8   register to vote or update a voter registration record or the applicant is determined
9   not to be eligible to register to vote; requiring certain agencies to implement an
10   automatic voter registration system on or before a certain date; requiring certain
11   agencies to implement automatic voter registration in a certain manner and in
12   accordance with certain provisions of law; requiring certain agencies to submit
13   certain reports to certain committees of the General Assembly concerning automatic
14   voter registration on or before certain dates; requiring the Department of
15   Information Technology to take certain actions to include links to the online voter
16   registration system on the websites of State agencies; requiring links to the online
17   voter registration system on State agency websites to meet certain requirements;
18   requiring the Department to submit a certain report to certain committees of the
19   General Assembly concerning links to the online voter registration system on State
20   agency websites on or before a certain date; providing for the effective date of certain
21   provisions of this Act; and generally relating to voter registration.

22   BY repealing and reenacting, with amendments,
23   Article – Election Law
24   Section 3–203
25   Annotated Code of Maryland
26   (2017 Replacement Volume and 2018 Supplement)
27   (As enacted by Chapter 19 of the Acts of the General Assembly of 2018)

28   BY adding to
29   Article – Election Law

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
       [Brackets] indicate matter deleted from existing law.

1   Section 3–204.3
2   Annotated Code of Maryland
3   (2017 Replacement Volume and 2018 Supplement)

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

6   **Article – Election Law**

7 3–203.

8   (a)   (1)   In this section the following words have the meanings indicated.

9   (2)   (i)   "Applicable transaction" means:

10   1.   at the Motor Vehicle Administration, an initial application
11 for or renewal of a driver's license or identification card, or a change of name or address on
12 an existing driver's license or identification card, or any other transaction in which the
13 Motor Vehicle Administration obtains all of the information from an applicant that satisfies
14 the requirements to register to vote;

15   2.   at the Maryland Health Benefit Exchange, any application
16 for or renewal of health insurance coverage;

17   3.   at a local department of social services, an initial
18 application for a State or federally funded public assistance program or an application for
19 a recertification, renewal, or change of name or address relating to a State or federally
20 funded public assistance program; **[**or**]**

21   4.   at the Mobility Certification Office in the Maryland
22 Transit Administration, an initial application for paratransit service or an application for
23 recertification for paratransit service**;**

24   **5.   AT THE DEPARTMENT OF NATURAL RESOURCES, AN**
25 **INITIAL APPLICATION FOR OR RENEWAL OF A HUNTING OR FISHING LICENSE; OR**

26   **6.   AT ANY OTHER AUTOMATIC VOTER REGISTRATION**
27 **AGENCY, THOSE TRANSACTIONS THAT THE AUTOMATIC VOTER REGISTRATION**
28 **AGENCY AND THE STATE BOARD JOINTLY IDENTIFY AS APPROPRIATE FOR**
29 **AUTOMATIC VOTER REGISTRATION.**

30   (ii)   "Applicable transaction" includes any transaction described in
31 subparagraph (i) of this paragraph that is completed online.

32   (3)   "Automatic voter registration agency" means:

1   (i)   the Motor Vehicle Administration;

2   (ii)   the Maryland Health Benefit Exchange;

3   (iii)   local departments of social services; **[and]**

4   (iv)   the Mobility Certification Office in the Maryland Transit
5   Administration**;**

6   **(V)   LOCAL HEALTH DEPARTMENTS;**

7   **(VI)   THE DEPARTMENT OF AGRICULTURE;**

8   **(VII)   THE DEPARTMENT OF DISABILITIES;**

9   **(VIII) THE DEPARTMENT OF THE ENVIRONMENT;**

10   **(IX)   THE MARYLAND HIGHER EDUCATION COMMISSION;**

11   **(X)   THE   DEPARTMENT   OF   LABOR,   LICENSING,   AND**
12   **REGULATION;**

13   **(XI)   THE DEPARTMENT OF NATURAL RESOURCES; AND**

14   **(XII)   THE DEPARTMENT OF VETERANS AFFAIRS.**

15   (4)   "Automatic voter registration system" means a system that, as an
16   integral part of each applicable transaction at an automatic voter registration agency:

17   (i)   informs an applicant:

18   1.   that the applicant shall be registered to vote or shall have
19   a voter registration record updated, if applicable, unless the applicant declines to register
20   to vote or update a voter registration record or if the applicant is not eligible to register to
21   vote;

22   2.   of the qualifications to register to vote under § 3–102 of
23   this title;

24   3.   that the applicant should not register if the applicant does
25   not meet all the qualifications;

26   4.   of the penalties for the submission of a false application;
27   and

1   5.   that voter registration is voluntary and that neither
2   registering nor declining to register to vote will in any way affect the availability of services
3   or benefits;

4   (ii)   requires the electronic signature of the applicant, subject to the
5   penalties for perjury, by which the applicant attests that the information provided by the
6   applicant is true and that the applicant meets all the qualifications to become a registered
7   voter, including United States citizenship; and

8   (iii)   electronically transmits the voter registration information of
9   each applicant who does not decline to register to vote or update a voter registration record
10   directly to the State Board:

11   1.   in a manner and format specified jointly by the automatic
12   voter registration agency and the State Board; and

13   2.   within 5 days of the applicable transaction.

14   (5)   "Local department of social services" means:

15   (i)   the local departments of social services in the Department of
16   Human Services; and

17   (ii)   the Montgomery County Department of Health and Human
18   Services.

19   (b)   (1)   **[**Except as provided in paragraph (2) of this subsection, an automatic
20   voter registration agency**]** **THE MOTOR VEHICLE ADMINISTRATION, THE MARYLAND**
21   **HEALTH BENEFIT EXCHANGE, AND THE MOBILITY CERTIFICATION OFFICE IN THE**
22   **MARYLAND TRANSIT ADMINISTRATION** shall implement an automatic voter
23   registration system on or before July 1, 2019.

24   (2)   A local department of social services shall implement an automatic
25   voter registration system on or before December 1, 2019.

26   **(3)   A LOCAL HEALTH DEPARTMENT, THE DEPARTMENT OF**
27   **AGRICULTURE, THE DEPARTMENT OF DISABILITIES, THE DEPARTMENT OF THE**
28   **ENVIRONMENT, THE MARYLAND HIGHER EDUCATION COMMISSION, THE**
29   **DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE DEPARTMENT OF**
30   **NATURAL RESOURCES, AND THE DEPARTMENT OF VETERANS AFFAIRS SHALL**
31   **IMPLEMENT AN AUTOMATIC VOTER REGISTRATION SYSTEM ON OR BEFORE JULY 1,**
32   **2020.**

33   (c)   An automatic voter registration system:

1   (1)   may not require any information that duplicates the information
2   required to complete an applicable transaction;

3   (2)   shall require only the minimum amount of information necessary for
4   both an applicable transaction and a voter registration to:

5   (i)   prevent duplicate voter registration; and

6   (ii)   enable election officials to review the eligibility of an applicant
7   and to administer voter registration and other aspects of the election process; and

8   (3)   shall inform an applicant that if the applicant does not select a political
9   party affiliation, the individual will be designated as not affiliated with a political party
10   and will be unable to vote in a party primary election.

11   (d)   An agent of an automatic voter registration agency who is responsible for
12   carrying out the requirements of this section may not:

13   (1)   seek to influence an applicant's political preference or party
14   registration;

15   (2)   display any political preference or party allegiance; or

16   (3)   make any statement to an applicant or take any action the purpose or
17   effect of which is to:

18   (i)   discourage the applicant from registering to vote; or

19   (ii)   lead the applicant to believe that a decision to register or not to
20   register has any bearing on the availability of services or benefits.

21   (e)   The State Board shall ensure that each individual whose voter registration
22   information is transmitted to the State Board through an automatic voter registration
23   system is promptly registered to vote.

24   (f)   If the State Board receives notice from an individual that the individual was
25   inadvertently registered to vote through an automatic voter registration agency after
26   declining to register to vote, the State Board shall correct the error in accordance with §
27   3–601.1 of this title.

28   (g)   Voter registration information or information relating to the decision of an
29   applicant at an automatic voter registration agency to decline to register to vote may not
30   be used for any purpose other than the maintenance of registration statistics, election
31   administration, or prosecution of criminal violations of the election law.

1   (h)   Notwithstanding § 3–501 of this title and § 4–401 of the General Provisions
2   Article, the identity of an automatic voter registration agency through which a particular
3   voter has registered may not be disclosed to the public.

4   (i)   The State Board may adopt regulations as necessary to implement this
5   section.

6   (j)   (1)   **[**Each automatic voter registration agency**]** **THE MOTOR VEHICLE**
7   **ADMINISTRATION, THE MARYLAND HEALTH BENEFIT EXCHANGE, THE MOBILITY**
8   **CERTIFICATION OFFICE IN THE MARYLAND TRANSIT ADMINISTRATION, AND THE**
9   **LOCAL DEPARTMENTS OF SOCIAL SERVICES** shall:

10   (i)   on or before July 1, 2019, submit a report, in accordance with §
11 2–1246 of the State Government Article, to the Senate Education, Health, and
12 Environmental Affairs Committee and the House Committee on Ways and Means that
13 describes:

14   1.   the efforts of the automatic voter registration agency to
15 register voters in the preceding calendar year; and

16   2.   the implementation of an automatic voter registration
17 system; and

18   (ii)   on or before January 1, 2020, and January 1 each subsequent
19 year, submit a report, in accordance with § 2–1246 of the State Government Article, to the
20 Senate Education, Health, and Environmental Affairs Committee and the House
21 Committee on Ways and Means that describes:

22   1.   the number of individuals who completed an applicable
23 transaction in the preceding calendar year at the automatic voter registration agency and
24 the number of those individuals who registered to vote or updated a voter registration
25 record; and

26   2.   any efforts the automatic voter registration agency plans
27 to make to improve the efficiency and effectiveness of the voter registration process at the
28 agency.

29   (2)   The Department of Human Services shall consolidate and submit the
30 reports required under paragraph (1)(i) and (ii) of this subsection as a single document on
31 behalf of all the local departments of social services.

32   **(K)   (1)   THE LOCAL HEALTH DEPARTMENTS, THE DEPARTMENT OF**
33 **AGRICULTURE, THE DEPARTMENT OF DISABILITIES, THE DEPARTMENT OF THE**
34 **ENVIRONMENT, THE MARYLAND HIGHER EDUCATION COMMISSION, THE**
35 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE DEPARTMENT OF**
36 **NATURAL RESOURCES, AND THE DEPARTMENT OF VETERANS AFFAIRS SHALL:**

1   (I)   ON OR BEFORE JULY 1, 2020, SUBMIT A REPORT, IN
2 ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
3 SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND
4 THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES THE
5 IMPLEMENTATION OF AN AUTOMATIC VOTER REGISTRATION SYSTEM; AND

6   (II)   ON OR BEFORE JANUARY 1, 2021, AND EACH JANUARY 1
7 THEREAFTER, SUBMIT A REPORT, IN ACCORDANCE WITH § 2–1246 OF THE STATE
8 GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND
9 ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS
10 AND MEANS THAT DESCRIBES:

11   1.   THE NUMBER OF INDIVIDUALS WHO COMPLETED AN
12 APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE
13 AUTOMATIC VOTER REGISTRATION AGENCY AND THE NUMBER OF THOSE
14 INDIVIDUALS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION
15 RECORD; AND

16   2.   ANY EFFORTS THE AUTOMATIC VOTER REGISTRATION
17 AGENCY PLANS TO MAKE TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE
18 VOTER REGISTRATION PROCESS AT THE AGENCY.

19   (2)   THE MARYLAND DEPARTMENT OF HEALTH SHALL CONSOLIDATE
20 AND SUBMIT THE REPORTS REQUIRED UNDER PARAGRAPH (1)(I) AND (II) OF THIS
21 SUBSECTION AS A SINGLE DOCUMENT ON BEHALF OF ALL THE LOCAL HEALTH
22 DEPARTMENTS.

23   SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
24 as follows:

25   **Article – Election Law**

26 **3–204.3.**

27   (A)   IN ADDITION TO THE REQUIREMENTS OF § 3–204.2 OF THIS SUBTITLE,
28 THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL:

29   (1)   INCLUDE A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM
30 IN THE STANDARD WEBSITE TEMPLATE USED BY STATE AGENCIES; AND

31   (2)   COLLABORATE WITH AS MANY STATE AGENCIES AS POSSIBLE TO
32 INCLUDE A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM ON THE WEBSITES
33 OF THOSE AGENCIES.

1   **(B)   A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM UNDER**
2   **SUBSECTION (A) OF THIS SECTION SHALL BE:**

3   **(1)   ON THE HOMEPAGE OR IN ANOTHER PROMINENT LOCATION ON AN**
4   **AGENCY'S WEBSITE; AND**

5   **(2)   DESIGNED TO BE CONSPICUOUS TO INDIVIDUALS VISITING THE**
6   **WEBSITE.**

7   SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2020,
8   the Department of Information Technology shall submit a report, in accordance with §
9   2–1246 of the State Government Article, to the Senate Education, Health, and
10   Environmental Affairs Committee and the House Committee on Ways and Means that:

11   (1)   describes the efforts of the Department to implement § 3–204.3 of the
12   Election Law Article, as enacted by Section 1 of this Act;

13   (2)   provides a complete list of all State agencies that:

14   (i)   include a link to the online voter registration system on the
15   agency's website; and

16   (ii)   do not include a link to the online voter registration system on
17   the agency's website; and

18   (3)   for each agency that does not include a link to the online voter
19   registration system on its website, the reason a link is not feasible or appropriate.

20   SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
21   effect July 1, 2019, the effective date of Chapter 19 of the Acts of the General Assembly of
22   2018. If the effective date of Chapter 19 is amended, Section 1 of this Act shall take effect
23   on the taking effect of Chapter 19.

24   SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this
25   Act, this Act shall take effect July 1, 2019.