

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 350 (Senator Manno, *et al.*)
Education, Health, and Environmental Affairs

Universal Voter Registration Act

This bill establishes a new process for registering voters through the Motor Vehicle Administration (MVA) and social services agencies, in which individuals' information is provided to the State Board of Elections (SBE) and local boards of elections and eligible individuals are registered to vote unless an individual declines to register in response to a notice sent to the individual by a local board of elections. The existing requirement that MVA provide individuals the opportunity to register to vote or update a voter registration record is repealed and the affected social services agencies are exempted from existing requirements that "voter registration agencies" provide individuals an opportunity to register to vote.

Fiscal Summary

State Effect: State expenditures (multiple fund types) increase by at least \$400,000 in FY 2017 for one-time programming and other costs for State agencies affected by the bill.

Local Effect: Local government expenditures increase, in some cases significantly. The Montgomery County Department of Health and Human Services may incur significant costs to establish a computer system to meet the bill's requirements and local boards of elections incur costs to manage the process for notifying eligible individuals that they will be registered to vote. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

New Voter Registration Process for MVA and Social Services Agencies

The bill requires MVA and social services agencies (local departments of social services, Office of Mobility Certification in the Maryland Transit Administration, and Maryland Health Benefit Exchange) to provide to SBE an electronic record of each individual who (1) holds a driver's license or identification card or receives service or assistance from the social services agency; (2) is at least 16 years of age; and (3) is a U.S. citizen. The electronic record must include the legal name, residence address, and electronic signature of the individual, and any other information required by SBE. SBE, MVA, and each social services agency must jointly establish a schedule for the periodic transfer of the electronic records to SBE.

SBE must determine whether each individual for whom an electronic record is received meets the qualifications to be a registered voter (is an eligible individual) and then provide the electronic record of each eligible individual to the local board of elections for the county where the individual resides.

A local board then sends a notice, by mail, to each eligible individual stating that:

- the individual will be registered to vote unless the individual declines to register within 21 days after the issuance of the notice;
- a declination to register must be in writing and sent to the local board in a manner prescribed by SBE by regulation;
- the individual may select a political party affiliation in a manner prescribed by SBE by regulation; and
- the individual's voter registration record will be subject to disclosure for purposes related to the electoral process unless regulations adopted by SBE authorize the individual to apply to keep the individual's residence address, telephone number, and email address confidential for specified safety or privacy reasons.

A local board must promptly add to the statewide voter registration list the name of each individual who does not decline to register to vote within 21 days after issuance of the notice described above and is not currently registered to vote. A local board may not add an eligible individual unless at least 21 days has elapsed after issuance of the notice or during the period that registration is closed under current law (from 9 p.m. on the twenty-first day prior to an election until the eleventh day after that election).

An eligible individual added to the statewide voter registration list is listed as not affiliated with any political party if the individual has not affirmatively selected a political party affiliation. After adding an eligible individual to the statewide voter registration list, the local board sends the individual a voter notification card.

SBE is authorized to adopt implementing regulations.

Repeal of Existing Process

Existing provisions requiring MVA to provide individuals the opportunity to register to vote or update a voter registration record during driver's license or identification card transactions are repealed. The social services agencies this bill applies to are exempted from existing provisions requiring "voter registration agencies" to provide an opportunity to register to vote to persons applying for service or assistance from the agency or seeking recertification, renewal, or a change of address relating to such service or assistance.

Current Law: An individual may apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by SBE, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); (4) when applying to MVA for issuance, renewal, or modification of a driver's license or identification card; or (5) through SBE's online voter registration system.

MVA must provide individuals the opportunity to register to vote or update a voter registration record during driver's license or identification card transactions. If an individual chooses to register to vote or update a voter registration record, applicable information already received by MVA in the course of the transaction must be transferred to the voter registration application and then any additional necessary information obtained. The application is then presented to the individual to sign or affirm electronically. An individual's voter registration information must be forwarded to SBE within five days of receipt of an application.

In general, voter registration agencies are required to provide materials offering individuals an opportunity to register to vote with each application for service or assistance the agencies render and with each recertification, renewal, or change of address form relating to such service or assistance. Public higher education institutions are required to provide an individual with an opportunity to request a voter registration application when an individual enrolls, registers, or pays for course work. An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official. Within five days of

accepting a voter registration application, a voter registration agency must forward the application to the appropriate State election official.

Similar requirements of state motor vehicle authorities and voter registration agencies exist in federal law under the National Voter Registration Act of 1993.

Background: The National Conference of State Legislatures indicates that at least 20 states and the District of Columbia introduced “automatic voter registration” legislation in 2015. Oregon became the first state to adopt such a system, in March 2015, with the system now in place, as of January 2016. California followed, enacting legislation in October 2015. California’s system differs from Oregon’s in that a person is given the opportunity to opt out and decline registration during the transaction at the department of motor vehicles, while under Oregon’s law, the opportunity to opt out comes afterward. Oregon follows a process similar to what is proposed in this bill, with elections officials mailing a notice to the person describing how to opt out of voter registration and how to select a political party affiliation. The New Jersey Legislature passed legislation that would have implemented automatic voter registration, among other changes, but the law was vetoed by the Governor of New Jersey.

The laws in Oregon and California do not also implement automatic voter registration at voter registration agencies as this bill proposes to do, though such legislation has been introduced in other states.

For more information on this issue, see [*Issue Papers, 2016 Legislative Session*](#), Department of Legislative Services (p. 245).

State Fiscal Effect: State expenditures (multiple fund types) increase by at least \$400,000 in fiscal 2017, accounting for costs for MVA, the Department of Human Resources (local departments of social services) (DHR), and the Maryland Health Benefit Exchange to modify their computer systems to comply with the bill. The full cost of implementing the bill cannot be reliably estimated at this time, but based on information received from the above agencies, it appears expenditures increase by at least \$400,000.

This estimate assumes that MVA implements the bill by modifying its computer system to ask customers whether or not they are a U.S. citizen, under penalty of perjury, and forwarding electronic records of those who answer “yes” to SBE.

Local Fiscal Effect: Local government expenditures increase due to (1) the local boards of elections’ responsibility to notify eligible individuals that they will be registered unless a declination to register to vote is sent to the local board, and of their ability to select a political party affiliation and (2) costs for the Montgomery County Department of Health

and Human Services to establish a system that would allow for collection of individuals' electronic signatures and citizenship information.

Local boards of elections incur costs of materials and postage for notifications and may incur additional personnel costs. Frederick County, for example, indicates its expenditures increase by \$52,000 in fiscal 2017, and by similar amounts in future years, to account for an additional clerical position and postage and printing costs. SBE also indicates that the statewide voter registration database will need to be modified, at a cost of \$150,000, to manage the process of notifying eligible individuals and subsequently registering individuals after 21 days have passed without receiving a declination to register. Costs of modifications to the voter registration database are billed to the local boards of elections.

The Montgomery County Department of Health and Human Services currently inputs information of individuals that receive public benefits through the department into DHR's computer system, but does not maintain a separate system for other services it provides and does not collect citizenship information in connection with those other services. If the department is required to create such a system, costs may be in the range of \$1 million initially and \$100,000 of ongoing annual costs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Department of Human Resources; Health Benefit Exchange; Baltimore, Charles, Frederick, Harford, Montgomery, Washington, Wicomico, and Worcester counties; Baltimore City; Maryland Association of Counties; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2016
md/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510