

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1140
Ways and Means

(Delegate Arentz)

Election Law - Voter Registration List - Right to Nondisclosure of Personal
Information

This bill requires the State Board of Elections (SBE) to, by regulation, establish a process by which an individual may opt out of the disclosure of specified information in the individual's voter registration record (name, address, party affiliation, voting history, and any other personal information) to any person other than an employee or a vendor of SBE or a local board of elections. If an individual has opted out of disclosure of that information, it may not be disclosed under provisions allowing a Maryland registered voter to request a copy of a list of registered voters.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: Local government expenditures increase, collectively, by approximately \$12,000 in FY 2022 only. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A copy of a list of registered voters must be provided to a Maryland registered voter who submits a written application and a statement, signed under oath, that the list is not intended to be used for commercial solicitation or any other purpose not related to the electoral process. SBE must adopt regulations, in consultation with the local boards of elections, which establish specified procedures and requirements to govern the process of providing a copy of a list of registered voters to a Maryland registered voter.

The regulations must specify, among other things, that the residence address of an individual who is a participant in an address confidentiality program (specified programs for victims of domestic violence and victims of human trafficking) may not be disclosed.

SBE regulations require that the application form to obtain a voter registration list provide a listing of, among other things, the information options available. Examples of information options mentioned in the regulations include name, address, party affiliation, date of birth, and voting history.

Voter registration records stored and retained in a local board of elections office must be open to public inspection. Subject to address confidentiality program requirements and special orders of a local board, original voter registration records must be available for public inspection at all times when a local board is open. SBE regulations governing the inspection and copying of public records establish procedures for when and how residence addresses, telephone numbers, and email addresses contained in registration and other records may be designated as confidential and precluded from disclosure under the Public Information Act. Persons entitled to seek confidentiality include law enforcement personnel, persons being threatened, a victim of or witness to a felony, and others for whom disclosure poses a threat to the individual's safety or is likely to lead to an unwarranted and serious invasion of privacy.

SBE is authorized to exchange data that is not subject to public disclosure under the Public Information Act with other persons as the State Administrator of Elections determines is necessary for the sole purpose of maintaining accurate voter registration lists. (Under the bill this provision is subject to an individual's ability to opt out of disclosure of personal information.)

Local Fiscal Effect: Local government expenditures increase, collectively, by approximately \$12,000 in fiscal 2022 only, for programming changes in the statewide voter registration system to implement the bill's requirement. Costs of the statewide voter registration system are billed to the local boards of elections by SBE.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Human Services; Maryland Department of Transportation; State Board of Elections; Maryland Health Benefit Exchange; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2021
rh/hlb

Analysis by: Scott D. Kennedy

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