

HOUSE BILL 627

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By: **Delegate Wilkins**

Introduced and read first time: January 25, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2024

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Automatic Voter Registration – State Correctional Facilities**

3 FOR the purpose of altering the definitions of “automatic voter registration agency” and
4 “applicable transaction” for the purpose of designating the Department of Public
5 Safety and Correctional Services as an automatic voter registration agency and
6 requiring the Department to register qualified individuals to vote when they are
7 released from confinement at a State correctional facility; requiring the Department
8 to implement an automatic voter registration system on or before a certain date; and
9 generally relating to automatic voter registration at State correctional facilities.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 3–203
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2023 Supplement)

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

17 **Article – Election Law**

18 3–203.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) (i) “Applicable transaction” means:

2 1. at the Motor Vehicle Administration, an initial application
3 for or renewal of a driver’s license or identification card, or a change of name or address on
4 an existing driver’s license or identification card, or any other transaction in which the
5 Motor Vehicle Administration obtains all of the information from an applicant that satisfies
6 the requirements to register to vote;

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

9 3. at a local department of social services, an initial
10 application for a State or federally funded public assistance program or an application for
11 a recertification, renewal, or change of name or address relating to a State or federally
12 funded public assistance program; [or]

13 4. at the Mobility Certification Office in the Maryland
14 Transit Administration, an initial application for paratransit service or an application for
15 recertification for paratransit service; **OR**

16 **5. AT THE DEPARTMENT OF PUBLIC SAFETY AND**
17 **CORRECTIONAL SERVICES, THE RELEASE OF AN INDIVIDUAL CONFINED AT A STATE**
18 **CORRECTIONAL FACILITY.**

19 (ii) “Applicable transaction” includes any transaction described in
20 subparagraph (i) of this paragraph that is completed online.

21 (3) “Automatic voter registration agency” means:

22 (i) the Motor Vehicle Administration;

23 (ii) the Maryland Health Benefit Exchange;

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

25 (iv) the Mobility Certification Office in the Maryland Transit
26 Administration; **AND**

27 **(V) THE DEPARTMENT OF PUBLIC SAFETY AND**
28 **CORRECTIONAL SERVICES.**

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

31 (i) informs an applicant:

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

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

7 3. that the applicant should not register if the applicant does
8 not meet all the qualifications;

9 4. of the penalties for the submission of a false application;
10 and

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

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

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

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

23 2. within 5 days of the applicable transaction.

24 (5) “Local department of social services” means:

25 (i) the local departments of social services in the Department of
26 Human Services; and

27 (ii) the Montgomery County Department of Health and Human
28 Services.

29 **(6) “STATE CORRECTIONAL FACILITY” HAS THE MEANING STATED IN**
30 **§ 1–101 OF THE CORRECTIONAL SERVICES ARTICLE.**

31 (b) (1) Except as provided in paragraph (2) of this subsection, an automatic
32 voter registration agency shall implement an automatic voter registration system on or
33 before July 1, 2019.

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

3 **(II) THE DEPARTMENT OF PUBLIC SAFETY AND**
4 **CORRECTIONAL SERVICES SHALL IMPLEMENT AN AUTOMATIC VOTER**
5 **REGISTRATION SYSTEM ON OR BEFORE JANUARY 1, 2025.**

6 (c) An automatic voter registration system:

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

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

11 (i) prevent duplicate voter registration; and

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

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

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

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

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

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

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

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

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

30 (f) If the State Board receives notice from an individual that the individual was
31 inadvertently registered to vote through an automatic voter registration agency after

1 declining to register to vote, the State Board shall correct the error in accordance with §
2 3–601.1 of this title.

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

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

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

12 (j) (1) Each automatic voter registration agency shall[:

13 (i) on or before July 1, 2019, submit a report, in accordance with §
14 2–1257 of the State Government Article, to the Senate Education, Health, and
15 Environmental Affairs Committee and the House Committee on Ways and Means that
16 describes:

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

19 2. the implementation of an automatic voter registration
20 system; and

21 (ii)], on or before January 1, [2020] **2025**, and January 1 each
22 subsequent year, submit a report, in accordance with § 2–1257 of the State Government
23 Article, to the Senate COMMITTEE ON Education, ~~Health, and Environmental Affairs~~
24 Committee **ENERGY, AND THE ENVIRONMENT** and the House Committee on Ways and
25 Means that describes:

26 1. the number of individuals who completed an applicable
27 transaction in the preceding calendar year at the automatic voter registration agency and
28 the number of those individuals who registered to vote or updated a voter registration
29 record; and

30 2. any efforts the automatic voter registration agency plans
31 to make to improve the efficiency and effectiveness of the voter registration process at the
32 agency.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 3–203(j)(1)
2 of the Election Law Article, as enacted by this Act, the Department of Public Safety and
3 Correctional Services:

4 (1) is not required to submit the report due on January 1, 2025, under §
5 3–203(j)(1) of the Election Law Article, as enacted by this Act; and

6 (2) shall submit the report required under § 3–203(j)(1) of the Election Law
7 Article, as enacted by this Act, on January 1, 2026, and January 1 of each subsequent year.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 January 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.