

Chapter 106

(House Bill 173)

AN ACT concerning

Election Law – Voter Registration Agencies – Electronic Signatures

FOR the purpose of authorizing an applicant registering to vote at a voter registration agency to consent to the use of an electronic copy of the applicant's signature that is on file with the voter registration agency as the applicant's signature for the application being submitted; requiring a voter registration agency to transmit an electronic copy of the signature of certain applicants for voter registration to the State Board within a certain period of time; and generally relating to the use of electronic signatures for voter registration at voter registration agencies.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–204

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

Article – Election Law

3–204.

(a) (1) The State Board shall designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote.

(2) The State Board shall designate the following offices as voter registration agencies:

- (i) all offices in the State that provide public assistance;
- (ii) all offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities; and
- (iii) all public institutions of higher education in the State.

(3) The State Board and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States, which shall be deemed voter registration agencies.

(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

(1) distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;

(2) provide a document to prospective registrants that includes:

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), "If you do not check either box, you will be considered to have decided not to register to vote at this time.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.";

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections."; and

(vi) the address and toll free telephone number of the State Board;

(3) provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance; and

(4) accept the completed voter registration application for transmittal to the appropriate election board.

(c) At the time that an individual enrolls, registers, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application. If the individual requests a voter registration application, the institution shall provide, or cause to be provided, an application to the individual.

(d) 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.

(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.

(F) (1) AN APPLICANT REGISTERING TO VOTE AT A VOTER REGISTRATION AGENCY MAY AFFIRMATIVELY CONSENT TO THE USE OF AN ELECTRONIC COPY OF THE INDIVIDUAL'S SIGNATURE THAT IS ON FILE WITH THE VOTER REGISTRATION AGENCY AS THE INDIVIDUAL'S SIGNATURE FOR THE APPLICATION BEING SUBMITTED.

(2) IF AN APPLICANT SIGNS A VOTER REGISTRATION APPLICATION AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE VOTER REGISTRATION AGENCY SHALL TRANSMIT AN ELECTRONIC COPY OF THE APPLICANT'S SIGNATURE TO THE STATE BOARD WITHIN 5 DAYS AFTER THE DAY ON WHICH THE AGENCY ACCEPTED THE APPLICATION.

[(f)](G) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual's home, the agency shall provide the services described in subsection (b) of this section at the individual's home.

[(g)](H) (1) An individual who provides any service described in subsection (b) of this section may not:

(i) seek to influence an applicant's political preference or party registration;

(ii) display any political preference or party allegiance; or

(iii) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration agency may be used for any purpose other than the maintenance of voter registration statistics.

(3) Notwithstanding § 3–501 of this title and § 10–611 of the State Government Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.

[(h)](I) Regulations necessary to carry out the requirements of this section and § 3–203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

Approved by the Governor, April 10, 2012.