

HOUSE BILL 1113

G1
HB 1088/24 – W&M

5lr2520

By: **Delegate Feldmark**

Introduced and read first time: February 5, 2025

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Enhanced Automatic Voter Registration System**

3 FOR the purpose of requiring the Motor Vehicle Administration to implement an enhanced
4 automatic voter registration system on or before a certain date; establishing
5 requirements regarding the transmission of enhanced automatic voter registration
6 information by the Administration, the processing of the voter registration
7 information by the State Board of Elections, and the sending of notices by the State
8 Board; authorizing the State Board to implement certain enhanced automatic voter
9 registration procedures at certain agencies with the consent of the agencies;
10 providing that certain enhanced automatic voter registration procedures do not
11 apply to participants in certain confidentiality programs except under certain
12 circumstances; requiring the Administration to implement procedures to reliably
13 record and validate the specific documents presented by certain applicants in
14 compliance with a certain federal law; and generally relating to enhanced automatic
15 voter registration.

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 3–203, 3–303, and 3–503
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2024 Supplement)

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

23 **Article – Election Law**

24 3–203.

25 (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.



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

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

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

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

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

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

(III) “APPLICABLE TRANSACTION” DOES NOT INCLUDE A REAL ID TRANSACTION.

(3) “Automatic voter registration agency” means:

(i) the Motor Vehicle Administration;

(ii) the Maryland Health Benefit Exchange;

(iii) local departments of social services; and

(iv) the Mobility Certification Office in the Maryland Transit Administration.

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

(i) informs an applicant:

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

4. THE PENALTIES FOR SUBMISSION OF A FALSE APPLICATION;

1 **5. THAT VOTER REGISTRATION IS VOLUNTARY AND THAT**
2 **NEITHER REGISTERING NOR DECLINING TO REGISTER TO VOTE WILL IN ANY WAY**
3 **AFFECT THE AVAILABILITY OF SERVICES OR BENEFITS; AND**

4 **6. THAT IF THE APPLICANT DOES NOT SELECT A**
5 **POLITICAL PARTY AFFILIATION, THE INDIVIDUAL WILL BE DESIGNATED AS NOT**
6 **AFFILIATED WITH A POLITICAL PARTY AND WILL BE UNABLE TO VOTE IN A PARTY**
7 **PRIMARY ELECTION;**

8 **(II) ALLOWS THE APPLICANT TO:**

9 **1. DECLINE TO BE REGISTERED TO VOTE BY MAKING AN**
10 **APPROPRIATE NOTATION AND RETURNING THE NOTICE POSTAGE PREPAID; AND**

11 **2. IF THE APPLICANT DID NOT SELECT A POLITICAL**
12 **PARTY AFFILIATION AT THE MOTOR VEHICLE ADMINISTRATION, SELECT A**
13 **POLITICAL PARTY AFFILIATION BY MAKING AN APPROPRIATE NOTATION AND**
14 **RETURNING THE NOTICE POSTAGE PREPAID;**

15 **(III) INCLUDES INSTRUCTIONS REGARDING HOW THE**
16 **APPLICANT MAY SELECT A POLITICAL PARTY AFFILIATION ELECTRONICALLY; AND**

17 **(IV) MAY BE COMBINED WITH A VOTER ACKNOWLEDGEMENT**
18 **NOTICE OR VOTER NOTIFICATION CARD DESCRIBED IN § 3-301(C) OF THIS TITLE.**

19 **(6) “ENHANCED AUTOMATIC VOTER REGISTRATION SYSTEM” MEANS**
20 **A SYSTEM THAT, AS AN INTEGRAL PART OF EACH REAL ID TRANSACTION AT THE**
21 **MOTOR VEHICLE ADMINISTRATION:**

22 **(I) DOES NOT ELECTRONICALLY TRANSMIT THE VOTER**
23 **REGISTRATION INFORMATION OF AN APPLICANT TO THE STATE BOARD IF THE**
24 **APPLICANT HAS PRESENTED A DOCUMENT AS PART OF THE REAL ID TRANSACTION**
25 **DEMONSTRATING THAT THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES**
26 **AT THE TIME OF THE REAL ID TRANSACTION;**

27 **(II) ELECTRONICALLY TRANSMITS THE VOTER REGISTRATION**
28 **INFORMATION NECESSARY TO UPDATE THE NAME OR ADDRESS OF AN APPLICANT**
29 **DIRECTLY TO THE STATE BOARD WITHIN 5 DAYS AFTER THE REAL ID**
30 **TRANSACTION IF THE APPLICANT IS CURRENTLY REGISTERED TO VOTE IN THE**
31 **STATE;**

(III) ELECTRONICALLY TRANSMITS THE VOTER REGISTRATION INFORMATION OF AN APPLICANT DIRECTLY TO THE STATE BOARD WITHIN 5 DAYS AFTER THE REAL ID TRANSACTION IF THE APPLICANT:

1. IS NOT CURRENTLY REGISTERED TO VOTE IN THE STATE;

2. HAS PRESENTED A DOCUMENT AS PART OF THE REAL ID TRANSACTION DEMONSTRATING THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES; AND

3. HAS PROVIDED INFORMATION AS PART OF THE REAL ID TRANSACTION DEMONSTRATING THAT THE APPLICANT IS AT LEAST 16 YEARS OLD AND IS A RESIDENT OF THE STATE; AND

(IV) BEFORE ELECTRONICALLY TRANSMITTING THE APPLICANT'S VOTER REGISTRATION INFORMATION TO THE STATE BOARD UNDER ITEM (II) OR (III) OF THIS PARAGRAPH, OFFERS THE APPLICANT THE OPPORTUNITY TO SELECT A POLITICAL PARTY AFFILIATION.

(7) "ENHANCED AUTOMATIC VOTER REGISTRATION UPDATE NOTICE" MEANS A NOTICE IN A FORMAT PRESCRIBED BY THE STATE BOARD THAT:

(I) INCLUDES A STATEMENT EXPLAINING THAT THE APPLICANT'S VOTER REGISTRATION HAS BEEN UPDATED, AND STATING THAT IF THE UPDATE WAS IN ERROR, THE APPLICANT SHOULD CORRECT THE UPDATE;

(II) ALLOWS THE APPLICANT TO CORRECT THE UPDATE BY MAKING AN APPROPRIATE NOTATION AND RETURNING THE NOTICE POSTAGE PREPAID; AND

(III) MAY BE COMBINED WITH A VOTER ACKNOWLEDGEMENT NOTICE OR VOTER NOTIFICATION CARD DESCRIBED IN § 3-301(C) OF THIS TITLE.

[(5)] (8) "Local department of social services" means:

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

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

(9) (I) "REAL ID TRANSACTION" MEANS A TRANSACTION AT THE MOTOR VEHICLE ADMINISTRATION FOR:

1 1. AN INITIAL APPLICATION FOR OR RENEWAL OF A
2 DRIVER'S LICENSE OR AN IDENTIFICATION CARD THAT IS COMPLIANT WITH THE
3 FEDERAL REAL ID ACT;

4 2. A CHANGE OF NAME OR ADDRESS ON AN EXISTING
5 DRIVER'S LICENSE OR IDENTIFICATION CARD THAT IS COMPLIANT WITH THE
6 FEDERAL REAL ID ACT; OR

7 3. ANY OTHER TRANSACTION THAT IS COMPLIANT WITH
8 THE FEDERAL REAL ID ACT IN WHICH THE MOTOR VEHICLE ADMINISTRATION
9 OBTAINS ALL THE INFORMATION FROM AN APPLICANT THAT SATISFIES THE
10 REQUIREMENTS TO REGISTER TO VOTE.

11 (II) "REAL ID TRANSACTION" INCLUDES ANY TRANSACTION
12 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS COMPLETED
13 ONLINE.

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

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

19 (3) THE MOTOR VEHICLE ADMINISTRATION SHALL IMPLEMENT AN
20 ENHANCED AUTOMATIC VOTER REGISTRATION SYSTEM ON OR BEFORE JULY 1,
21 2027.

22 (c) An automatic voter registration system AND AN ENHANCED AUTOMATIC
23 VOTER REGISTRATION SYSTEM:

24 (1) may not require any information that duplicates the information
25 required to complete an applicable transaction OR A REAL ID TRANSACTION;

26 (2) shall require only the minimum amount of information necessary for
27 both an applicable transaction OR A REAL ID TRANSACTION and a voter registration to:

28 (i) prevent duplicate voter registration; and

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

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

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

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

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

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

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

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

14 **(E) EXCEPT AS OTHERWISE PROVIDED IN REGULATIONS ADOPTED BY THE**
15 **STATE BOARD, AN ENHANCED AUTOMATIC VOTER REGISTRATION SYSTEM MAY NOT**
16 **ELECTRONICALLY TRANSMIT THE VOTER REGISTRATION INFORMATION OF AN**
17 **APPLICANT TO THE STATE BOARD IF THE APPLICANT IS A PARTICIPANT IN THE**
18 **ADDRESS CONFIDENTIALITY PROGRAM UNDER TITLE 7, SUBTITLE 3 OF THE STATE**
19 **GOVERNMENT ARTICLE.**

20 **(F) THE MOTOR VEHICLE ADMINISTRATION SHALL:**

21 **(1) IN ACCORDANCE WITH 6 C.F.R. §§ 37.13 AND 37.31, AND IN**
22 **CONSULTATION WITH THE STATE BOARD, IMPLEMENT PROCEDURES TO RELIABLY**
23 **RECORD AND VALIDATE THE SPECIFIC DOCUMENT THAT IS COMPLIANT WITH THE**
24 **REAL ID ACT AND PRESENTED BY AN APPLICANT FOR A REAL ID TRANSACTION;**

25 **(2) PERIODICALLY REVIEW THE PROCEDURES IMPLEMENTED UNDER**
26 **ITEM (1) OF THIS SUBSECTION; AND**

27 **(3) NOTIFY THE STATE BOARD REGARDING CHANGES TO THE**
28 **PROCEDURES IMPLEMENTED UNDER ITEM (1) OF THIS SUBSECTION.**

29 **[(e)] (G)** The State Board shall ensure that each individual whose voter
30 registration information is transmitted to the State Board through an automatic voter
31 registration system is promptly registered to vote.

(H) (1) EXCEPT AS OTHERWISE PROVIDED IN REGULATIONS ADOPTED BY THE STATE BOARD, THIS SUBSECTION DOES NOT APPLY TO AN APPLICANT WHO IS A PARTICIPANT IN:

(I) THE ADDRESS CONFIDENTIALITY PROGRAM UNDER TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE; OR

(II) THE PERSONAL INFORMATION CONFIDENTIALITY PROGRAM UNDER COMAR 33.04.02.01 THROUGH 33.04.02.07.

(2) EXCEPT AS OTHERWISE PROVIDED IN REGULATIONS ADOPTED BY THE STATE BOARD, THE PROCEDURES REQUIRED IN THIS SUBSECTION DO NOT APPLY WHEN VOTER REGISTRATION IS CLOSED UNDER § 3-302 OF THIS TITLE.

(3) IF AN APPLICANT'S VOTER REGISTRATION INFORMATION IS TRANSMITTED TO THE STATE BOARD THROUGH AN ENHANCED AUTOMATIC VOTER REGISTRATION SYSTEM AND NO OTHER INFORMATION INDICATES THAT THE APPLICANT IS NOT QUALIFIED TO BE A REGISTERED VOTER, THE STATE BOARD SHALL:

(I) IF THE APPLICANT IS CURRENTLY REGISTERED TO VOTE IN THE STATE AND HAS CHANGED THE APPLICANT'S NAME OR ADDRESS:

1. ELECTRONICALLY ENTER THE APPLICANT'S CHANGE OF NAME OR ADDRESS INTO THE STATEWIDE VOTER REGISTRATION LIST;

2. SEND THE APPLICANT AN ENHANCED AUTOMATIC VOTER REGISTRATION UPDATE NOTICE WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF THE APPLICANT'S VOTER REGISTRATION INFORMATION FROM THE MOTOR VEHICLE ADMINISTRATION; AND

3. IF THE APPLICANT AFFIRMATIVELY CORRECTS THE UPDATE IN WRITING, MODIFY THE APPLICANT'S INFORMATION APPROPRIATELY IN THE STATEWIDE VOTER REGISTRATION LIST;

(II) IF THE APPLICANT IS NOT REGISTERED TO VOTE:

1. SEND THE APPLICANT AN ENHANCED AUTOMATIC VOTER REGISTRATION NOTICE WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF THE APPLICANT'S VOTER REGISTRATION INFORMATION FROM THE MOTOR VEHICLE ADMINISTRATION;

1 **2. IF THE APPLICANT DOES NOT AFFIRMATIVELY**
2 **DECLINE TO BE REGISTERED TO VOTE WITHIN 21 DAYS AFTER THE MAILING OF THE**
3 **ENHANCED AUTOMATIC VOTER REGISTRATION NOTICE, ELECTRONICALLY ENTER**
4 **THE APPLICANT'S VOTER REGISTRATION INFORMATION INTO THE STATEWIDE**
5 **VOTER REGISTRATION LIST WITH ACTIVE VOTER STATUS AND DEEM THE**
6 **APPLICANT'S VOTER REGISTRATION APPLICATION AS HAVING BEEN RECEIVED ON**
7 **THE DATE OF THE REAL ID TRANSACTION; AND**

8 **3. IF THE APPLICANT AFFIRMATIVELY DECLINES TO BE**
9 **REGISTERED TO VOTE WITHIN 21 DAYS AFTER THE MAILING OF THE ENHANCED**
10 **AUTOMATIC VOTER REGISTRATION NOTICE, CANCEL THE APPLICANT'S VOTER**
11 **REGISTRATION INFORMATION FROM THE STATEWIDE VOTER REGISTRATION LIST**
12 **AND DEEM THE APPLICANT TO HAVE NEVER REGISTERED TO VOTE OR ATTEMPTED**
13 **TO REGISTER TO VOTE.**

14 **[(f)] (I)** If the State Board receives notice from an individual that the individual
15 was inadvertently registered to vote through an automatic voter registration agency after
16 declining to register to vote, the State Board shall correct the error in accordance with §
17 3-601.1 of this title.

18 **[(g)] (J)** Voter registration information or information relating to the decision of
19 an applicant at an automatic voter registration agency to decline to register to vote may
20 not be used for any purpose other than the maintenance of registration statistics, election
21 administration, or prosecution of criminal violations of the election law.

22 **[(h)] (K)** Notwithstanding § 3-501 of this title and § 4-401 of the General
23 Provisions Article, the identity of an automatic voter registration agency through which a
24 particular voter has registered may not be disclosed to the public.

25 **(L) THE STATE BOARD MAY:**

26 **(1) IDENTIFY ADDITIONAL STATE, FEDERAL, OR LOCAL AGENCIES,**
27 **INCLUDING FEDERAL AGENCIES THAT ADMINISTER NATURALIZATION CEREMONIES,**
28 **THAT IN THE REGULAR COURSE OF BUSINESS RELIABLY VERIFY APPLICANTS'**
29 **CITIZENSHIP BY VERIFYING DOCUMENTS OR THROUGH AN ELECTRONIC DATABASE**
30 **MATCH; AND**

31 **(2) WITH THE CONSENT OF AN AGENCY IDENTIFIED UNDER ITEM (1)**
32 **OF THIS SUBSECTION, IMPLEMENT THE PROCEDURES FOR ENHANCED AUTOMATIC**
33 **VOTER REGISTRATION IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.**

34 **(M) THE STATE BOARD MAY DELEGATE ANY OF THE DUTIES ASSIGNED TO**
35 **THE STATE BOARD IN THIS SECTION TO THE LOCAL BOARDS.**

1 [(i)] (N) The State Board may adopt regulations as necessary to implement this
2 section.

3 [(j)] (O) (1) Each automatic voter registration agency shall[:

4 (i) on or before July 1, 2019, submit a report, in accordance with §
5 2–1257 of the State Government Article, to the Senate Education, Health, and
6 Environmental Affairs Committee and the House Committee on Ways and Means that
7 describes:

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

10 2. the implementation of an automatic voter registration
11 system; and

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

17 [1.] (I) the number of individuals who completed an
18 applicable transaction **OR REAL ID TRANSACTION** in the preceding calendar year at the
19 automatic voter registration agency and the number of those individuals who registered to
20 vote or updated a voter registration record; and

21 [2.] (II) any efforts the automatic voter registration agency
22 plans to make to improve the efficiency and effectiveness of the voter registration process
23 at the agency.

24 (2) The Department of Human Services shall consolidate and submit the
25 reports required under paragraph [(1)(i) and (ii)] **(1)** of this subsection as a single document
26 on behalf of all the local departments of social services.

27 3–303.

28 (a) Notification of a change of party affiliation or a change to or from a decline
29 may be made:

30 (1) by information provided on a voter registration application by the same
31 methods provided for registration under Subtitle 2 of this title;

32 (2) by written notice, signed by the voter and sent by mail or otherwise
33 delivered to the local board in the county where the voter's current voter registration
34 address is located or to which the voter has moved;

(3) by making application in person at the office of the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(4) by information on a voter authority card or other appropriate form filled out in a polling place; or

(5) by changing a name or address with the Motor Vehicle Administration.

(b) Party affiliation changes or changes to or from a decline:

(1) shall be processed at any time that registration is open; and

(2) except as provided in subsection (c) of this section, may not be processed when registration is closed.

(c) If a local board receives a request for a party affiliation change after the close of registration, the local board shall make the change and it shall become effective for the next election provided:

(1) there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by the State Board, that the request was mailed on or before the close of registration for that election; [or]

(2) the request was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board on or before the close of registration for that election; OR

(3) THE REQUEST WAS SUBMITTED BY A VOTER:

(I) WHOSE VOTER REGISTRATION INFORMATION WAS TRANSMITTED TO THE STATE BOARD UNDER § 3-203(H)(3)(II) OF THIS TITLE;

(II) WHO HAS NOT AFFILIATED WITH A POLITICAL PARTY SINCE THE TIME THE VOTER'S VOTER REGISTRATION INFORMATION WAS SENT TO THE STATE BOARD UNDER § 3-203(H)(3)(II) OF THIS TITLE; AND

(III) WHO MAKES THE REQUEST ON:

1. A VOTER AUTHORITY CARD OR OTHER APPROPRIATE FORM FILLED OUT IN A POLLING PLACE; OR

2. AN ABSENTEE BALLOT APPLICATION.

1 3–503.

2 (a) If a voter fails to respond to a confirmation notice under § 3–502(c) of this
3 subtitle, the voter’s name shall be placed into inactive status on the statewide voter
4 registration list.

5 (b) A voter shall be restored to active status on the statewide voter registration
6 list after:

7 (1) completing and signing any of the following election documents:

8 [(1)] (I) a voter registration application;

9 [(2)] (II) a petition governed by Title 6 of this article;

10 [(3)] (III) a certificate of candidacy;

11 [(4)] (IV) an absentee ballot application; or

12 [(5)] (V) a written affirmation of residence completed on election day to
13 entitle the voter to vote either at the election district or precinct for the voter’s current
14 residence or the voter’s previous residence, as determined by the State Board; **OR**

15 (2) **COMPLETING A REAL ID TRANSACTION THAT RESULTS IN THE**
16 **TRANSMISSION OF VOTER REGISTRATION INFORMATION TO THE STATE BOARD**
17 **UNDER § 3–203(H)(3)(I) OF THIS TITLE.**

18 (c) An inactive voter who fails to vote in an election in the period ending with the
19 second general election shall be removed from the statewide voter registration list.

20 (d) Registrants placed into inactive status may not be counted for official
21 administrative purposes including establishing precincts and reporting official statistics.

22 **SECTION 2. AND BE IT FURTHER ENACTED,** That the report submitted by the
23 Motor Vehicle Administration on or before January 1, 2026, under § 3–203(o) of the Election
24 Law Article, as enacted by Section 1 of this Act, is not required to include information on
25 the number of individuals who completed a REAL ID transaction in the immediately
26 preceding calendar year.

27 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
28 October 1, 2025.