

HOUSE BILL 245

G1, F2

0lr0756
CF SB 647

By: **Delegates Luedtke and Mosby**

Introduced and read first time: January 17, 2020

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Institutions of Higher Education – Voter Registration and Voting**
3 **by Students**
4 **(Student Voter Empowerment Act of 2020)**

5 FOR the purpose of requiring the State Board of Elections to maintain a page on its website
6 that includes certain information about and links regarding voter registration and
7 voting by students enrolled in institutions of higher education; requiring a public
8 institution of higher education to designate a staff member as the student voting
9 coordinator; requiring the student voting coordinator to develop and implement a
10 student voting plan to increase student voter registration and voting in collaboration
11 with certain persons at the institution; requiring the student voting plan to cover a
12 certain period and be updated at a certain time; requiring the student voting plan to
13 include certain elements relating to dissemination of information about voter
14 registration and voting, provision of voter registration materials on campus,
15 accommodation of early voting centers and precinct polling places on campus, and
16 encouragement of student organizations engaged in voter registration and voting
17 ~~activities, and a policy excusing students from class to vote~~ activities; requiring a
18 public institution of higher education to make the student voting plan available to
19 the public and provide the plan to the Maryland Higher Education Commission and
20 the State Board; applying the requirement that a public institution of higher
21 education provide a certain link to the online voter registration system from a certain
22 online student portal to private nonprofit institutions of higher education that
23 receive funding from the State; ~~requiring public institutions of higher education and~~
24 ~~private institutions of higher education that receive funding from the State to~~
25 ~~relocate a certain link to the online voter registration system and take certain steps~~

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.



~~if there are fewer than a certain number of clicks on the link in any calendar year,~~
requiring public institutions of higher education that receive funding from the State
to include certain information in a certain report if there were fewer than a certain
number of clicks on a certain link to the online voter registration system in the
preceding calendar year; requiring certain private nonprofit institutions of higher
education that receive funding from the State to submit a certain report to the
Maryland Independent Colleges and Universities Association regarding voter
registration on or before a certain date each year; requiring the Maryland
Independent Colleges and Universities Association to submit a certain report
summarizing information regarding voter registration at certain private nonprofit
institutions of higher education to certain committees of the General Assembly on or
before a certain date each year; requiring a local board of elections to establish a
separate precinct on the primary campus of certain institutions of higher education
to specifically serve students, faculty, and staff who reside on or near the campus;
prohibiting a local board from using a certain requirement as the sole basis for
closing a certain polling place; requiring certain institutions of higher education to
take certain actions to assist the local board with locating and operating a polling
place on campus; providing that certain institutions of higher education are not
subject to certain provisions of law; defining certain terms; making conforming
changes; providing for a delayed effective date for certain provisions of this Act; and
generally relating to voter registration and voting by students enrolled in
institutions of higher education.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 1–101(a) and 3–204(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Election Law

Section 1–101(bb–1), 3–103, 3–204(c), and 3–204.2(f)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 1–101(bb–1), 2–303(a), and 3–204(b)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing

Article – Election Law

Section 3–204(c)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

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

Article – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

**(BB–1) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING
STATED IN § 10–101 OF THE EDUCATION ARTICLE.**

[(bb–1)] (BB–2) “Legislative party caucus committee” means a political committee that is established to promote the election of candidates of a single political party to one of the two Houses of the General Assembly.

3–103.

THE STATE BOARD SHALL MAINTAIN A PAGE ON ITS WEBSITE THAT:

**(1) EXPLAINS IN PLAIN, EASILY UNDERSTANDABLE LANGUAGE THE
REQUIREMENTS FOR STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER
EDUCATION TO REGISTER TO VOTE IN THE STATE; AND**

**(2) INCLUDES LINKS TO INFORMATION REGARDING VOTER
REGISTRATION REQUIREMENTS AND VOTING BY ABSENTEE BALLOT IN OTHER
STATES IN WHICH STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION
MAY RESIDE.**

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;

(iii) all public institutions of higher education in the State; and

(iv) all one-stop career centers in the Maryland Department of Labor.

(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 **AND § 3-204.2(F) OF THIS SUBTITLE**, 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;

1 (4) ensure that each application for service or assistance from the agency
2 and each recertification, renewal, or change of address form relating to the service or
3 assistance may not be completed until the applicant has indicated whether the applicant
4 wishes to register to vote and is informed that if the applicant does not select a political
5 party affiliation, the individual will be designated as not affiliated with a political party
6 and will be unable to vote in a party primary election; and

7 (5) accept the completed voter registration application for transmittal to
8 the appropriate election board.

9 [(c) (1) (i) In this subsection the following words have the meanings
10 indicated.

11 (ii) “Commission” means the Maryland Higher Education
12 Commission.

13 (iii) “Institution of higher education” has the meaning stated in §
14 10–101(h) of the Education Article.

15 (2) (i) On or before July 1, 2017, a public institution of higher education
16 shall provide a link to the online voter registration system on the home page of the online
17 portal used by students to register for course work.

18 (ii) The link to the online voter registration system shall be
19 prominently placed on the home page in a location where it may be easily viewed by
20 students registering for course work.

21 (3) On or before January 1, 2019, and each year thereafter, a public
22 institution of higher education shall submit a report to the Commission that describes:

23 (i) the number of students who are residents of the State and
24 registered for course work in the preceding calendar year at the public institution of higher
25 education and the number of those students who clicked on the link required under
26 paragraph (2) of this subsection; and

27 (ii) any efforts the public institution of higher education plans to
28 make to improve access to voter registration for students at the institution.

29 (4) On or before January 15, 2019, and each year thereafter, the
30 Commission shall compile and summarize the information reported by public institutions
31 of higher education under paragraph (3) of this subsection, in a single report and submit
32 the report to the Senate Education, Health, and Environmental Affairs Committee and the
33 House Committee on Ways and Means, in accordance with § 2–1257 of the State
34 Government Article.]

(C) (1) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL DESIGNATE A STAFF MEMBER AS THE STUDENT VOTING COORDINATOR.

(2) THE STUDENT VOTING COORDINATOR SHALL DEVELOP AND IMPLEMENT A STUDENT VOTING PLAN TO INCREASE STUDENT VOTER REGISTRATION AND VOTING IN COLLABORATION WITH FACULTY, STAFF, RECOGNIZED STUDENT ORGANIZATIONS, AND OTHER APPROPRIATE STAKEHOLDERS AT THE INSTITUTION.

(3) THE STUDENT VOTING PLAN SHALL:

(I) COVER THE 2-YEAR PERIOD IMMEDIATELY PRECEDING EACH STATEWIDE GENERAL ELECTION; AND

(II) BE UPDATED AFTER EACH STATEWIDE GENERAL ELECTION.

(4) THE STUDENT VOTING PLAN SHALL INCLUDE:

(I) WIDE DISSEMINATION OF INFORMATION ABOUT VOTER REGISTRATION AND VOTING OPPORTUNITIES TO ALL STUDENTS, INCLUDING:

1. THE VOTER REGISTRATION PROCESS AND DEADLINES;

2. THE PROCESS AND DEADLINES FOR REQUESTING AND RETURNING A BALLOT BY MAIL;

3. LOCATIONS AND DATES FOR EARLY VOTING AND ELECTION DAY VOTING, INCLUDING TRANSPORTATION OPTIONS TO THE VOTING LOCATIONS;

4. INFORMATION ABOUT VOTER REGISTRATION AT EARLY VOTING CENTERS UNDER § 3-305 OF THIS TITLE AND VOTER REGISTRATION AT PRECINCT POLLING PLACES ON ELECTION DAY UNDER § 3-306 OF THIS TITLE; AND

5. A LINK FROM THE INSTITUTION'S ONLINE STUDENT PORTAL TO THE WEBPAGE CONCERNING STUDENT VOTER REGISTRATION AND VOTING THAT IS MAINTAINED BY THE STATE BOARD UNDER § 3-103 OF THIS TITLE OR A WEBPAGE ON THE STUDENT PORTAL THAT INCLUDES THE SAME INFORMATION AS THE WEBPAGE MAINTAINED BY THE STATE BOARD;

(II) PROVISION OF VOTER REGISTRATION MATERIALS AT CENTRAL LOCATIONS AND HIGH-TRAFFIC AREAS ON CAMPUS;

(III) REASONABLE ACCOMMODATION AND COLLABORATION WITH THE LOCAL BOARD REGARDING THE PLACEMENT OF AN EARLY VOTING CENTER OR PRECINCT POLLING PLACE ON CAMPUS IF REQUESTED BY THE LOCAL BOARD OR REQUIRED UNDER § 2-303(A)(2) OF THIS ARTICLE;

(IV) ENCOURAGEMENT AND SUPPORT OF RECOGNIZED STUDENT ORGANIZATIONS ENGAGED IN ACTIVITIES TO INCREASE VOTER REGISTRATION AND VOTING BY STUDENTS; AND

~~(V) A POLICY ALLOWING STUDENTS TO BE EXCUSED FROM CLASS TO VOTE; AND~~

~~(VI)~~ ANY OTHER ACTIVITIES TO PROMOTE STUDENT PARTICIPATION IN CIVIC AFFAIRS AND THE ELECTION PROCESS THAT THE INSTITUTION DETERMINES ARE APPROPRIATE.

(5) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

(I) MAKE THE INSTITUTION'S STUDENT VOTING PLAN AVAILABLE TO THE PUBLIC ON THE INSTITUTION'S WEBSITE; AND

(II) PROVIDE THE INSTITUTION'S STUDENT VOTING PLAN TO THE MARYLAND HIGHER EDUCATION COMMISSION AND THE STATE BOARD.

3-204.2.

(F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "ASSOCIATION" MEANS THE MARYLAND INDEPENDENT COLLEGES AND UNIVERSITIES ASSOCIATION.

(III) "COMMISSION" MEANS THE MARYLAND HIGHER EDUCATION COMMISSION.

(2) (I) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION AND EACH PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION THAT RECEIVES OPERATING OR CAPITAL FUNDING FROM THE STATE SHALL PROVIDE A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM ON THE HOME PAGE OF THE ONLINE PORTAL USED BY STUDENTS TO REGISTER FOR COURSE WORK.

(II) THE LINK TO THE ONLINE VOTER REGISTRATION SYSTEM SHALL BE PROMINENTLY PLACED ON THE HOME PAGE IN A LOCATION WHERE IT MAY BE EASILY VIEWED BY STUDENTS REGISTERING FOR COURSE WORK.

(III) IF THERE ARE FEWER THAN 15 CLICKS ON THE LINK IN ANY CALENDAR YEAR, THE INSTITUTION OF HIGHER EDUCATION SHALL RELOCATE THE LINK TO A DIFFERENT, MORE CONSPICUOUS LOCATION FOR THE IMMEDIATELY FOLLOWING CALENDAR YEAR AND TAKE ANY OTHER APPROPRIATE STEPS TO ENCOURAGE STUDENTS TO USE THE LINK.

(3) (I) ON OR BEFORE JANUARY 1 EACH YEAR, EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT A REPORT TO THE COMMISSION THAT INCLUDES:

1. ~~THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF THE STATE AND REGISTERED FOR COURSE WORK IN THE IMMEDIATELY PRECEDING CALENDAR YEAR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE NUMBER OF THOSE STUDENTS~~ INDIVIDUALS WHO CLICKED ON THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE IMMEDIATELY PRECEDING CALENDAR YEAR;

2. IF THERE WERE FEWER THAN 15 CLICKS ON THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE IMMEDIATELY PRECEDING CALENDAR YEAR;

~~A. A SCREEN SHOT SHOWING THE LOCATION OF THE LINK IN THE IMMEDIATELY PRECEDING CALENDAR YEAR;~~

~~B. A SCREEN SHOT SHOWING THE LINK IN A DIFFERENT, MORE CONSPICUOUS LOCATION FOR THE CURRENT CALENDAR YEAR; AND~~

~~C.~~ A DESCRIPTION OF ANY OTHER APPROPRIATE STEPS THE INSTITUTION IS TAKING TO ENCOURAGE STUDENTS TO USE THE LINK; AND

3. ANY EFFORTS THE PUBLIC INSTITUTION OF HIGHER EDUCATION PLANS TO MAKE TO IMPROVE ACCESS TO VOTER REGISTRATION FOR STUDENTS AT THE INSTITUTION.

(II) ON OR BEFORE JANUARY 15 EACH YEAR, THE COMMISSION SHALL COMPILE AND SUMMARIZE THE INFORMATION REPORTED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN A SINGLE REPORT AND SUBMIT THE REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE

HOUSE COMMITTEE ON WAYS AND MEANS IN ACCORDANCE WITH § 2-1257 OF THE
STATE GOVERNMENT ARTICLE.

(4) (I) ON OR BEFORE JANUARY 1 EACH YEAR, EACH PRIVATE
NONPROFIT INSTITUTION OF HIGHER EDUCATION THAT RECEIVES OPERATING OR
CAPITAL FUNDING FROM THE STATE AND IS A MEMBER OF THE ASSOCIATION SHALL
SUBMIT A REPORT TO THE ASSOCIATION THAT INCLUDES:

1. ~~THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF
THE STATE AND REGISTERED FOR COURSE WORK IN THE IMMEDIATELY PRECEDING
CALENDAR YEAR AT THE PRIVATE INSTITUTION OF HIGHER EDUCATION AND THE
NUMBER OF THOSE STUDENTS~~ INDIVIDUALS WHO CLICKED ON THE LINK REQUIRED
UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE IMMEDIATELY PRECEDING
CALENDAR YEAR;

2. IF THERE WERE FEWER THAN 15 CLICKS ON THE LINK
REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE IMMEDIATELY
PRECEDING CALENDAR YEAR;

~~A. A SCREEN SHOT SHOWING THE LOCATION OF THE
LINK IN THE IMMEDIATELY PRECEDING CALENDAR YEAR;~~

~~B. A SCREEN SHOT SHOWING THE LINK IN A DIFFERENT,
MORE CONSPICUOUS LOCATION FOR THE CURRENT CALENDAR YEAR; AND~~

~~C.~~ A DESCRIPTION OF ANY OTHER APPROPRIATE STEPS
THE INSTITUTION IS TAKING TO ENCOURAGE STUDENTS TO USE THE LINK; AND

3. ANY EFFORTS THE PRIVATE NONPROFIT INSTITUTION
OF HIGHER EDUCATION PLANS TO MAKE TO IMPROVE ACCESS TO VOTER
REGISTRATION FOR STUDENTS AT THE INSTITUTION.

(II) ON OR BEFORE JANUARY 15 EACH YEAR, THE ASSOCIATION
SHALL COMPILE AND SUMMARIZE THE INFORMATION REPORTED BY ~~PRIVATE
INSTITUTIONS OF HIGHER EDUCATION~~ ITS MEMBERS UNDER SUBPARAGRAPH (I) OF
THIS PARAGRAPH IN A SINGLE REPORT AND SUBMIT THE REPORT TO THE SENATE
EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE
HOUSE COMMITTEE ON WAYS AND MEANS IN ACCORDANCE WITH § 2-1257 OF THE
STATE GOVERNMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

2-303.

(a) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection, as it deems it expedient for the convenience of voters, a local board may:

(i) create and alter the boundaries for precincts in the county;

(ii) designate the location for polling places in any election district, ward, or precinct in the county; and

(iii) combine or abolish precincts.

(2) (i) **THIS PARAGRAPH DOES NOT APPLY TO A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION THAT IS SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION.**

(II) Except as provided under subparagraph [(iii)] (IV) of this paragraph, a local board shall establish a separate precinct on campus or within one-half mile of the campus to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located.

[(ii)] (III) If, in accordance with subparagraph [(i)] (II) of this paragraph, a polling place is established at an institution of higher education that receives State funds, that institution shall:

1. provide without charge to the local board a facility for use as a polling place that meets all applicable requirements under this article and as established by the State Board; and

2. provide assistance to the local board in recruiting election judges to staff the polling place.

[(iii)] (IV) A local board may not be required to establish a separate precinct as provided under subparagraph [(i)] (II) of this paragraph if there is an established precinct within one-half mile of the public or private institution of higher education's campus that serves the voters who attend or work at the public or private institution of higher education.

(3) (I) **THIS PARAGRAPH APPLIES ONLY TO COPPIN STATE UNIVERSITY AND A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION THAT:**

1. **AWARDS BACCALAUREATE DEGREES;**

1 2. ENROLLS 4,500 OR MORE UNDERGRADUATE
2 STUDENTS; AND

3 3. PROVIDES ON-CAMPUS HOUSING TO STUDENTS.

4 (II) A LOCAL BOARD SHALL ESTABLISH A SEPARATE PRECINCT
5 ON THE PRIMARY CAMPUS OF A PUBLIC OR PRIVATE NONPROFIT INSTITUTION OF
6 HIGHER EDUCATION THAT IS SUBJECT TO THIS PARAGRAPH TO SPECIFICALLY
7 SERVE STUDENTS, FACULTY, AND STAFF WHO RESIDE ON OR NEAR THE CAMPUS.

8 (III) A LOCAL BOARD MAY NOT USE THE REQUIREMENTS OF
9 SUBPARAGRAPH (II) OF THIS PARAGRAPH AS THE SOLE BASIS FOR CLOSING A
10 POLLING PLACE NEAR THE CAMPUS.

11 ~~(HH)~~ (IV) AN INSTITUTION OF HIGHER EDUCATION THAT IS
12 SUBJECT TO THIS PARAGRAPH SHALL:

13 1. COLLABORATE WITH THE LOCAL BOARD TO IDENTIFY
14 A FACILITY ON CAMPUS FOR USE AS A POLLING PLACE THAT MEETS ALL APPLICABLE
15 REQUIREMENTS UNDER THIS ARTICLE AND AS ESTABLISHED BY THE STATE BOARD;
16 AND

17 2. IF THE INSTITUTION OF HIGHER EDUCATION
18 RECEIVES OPERATING OR CAPITAL FUNDING FROM THE STATE:

19 A. PROVIDE THE FACILITY FOR USE AS A POLLING PLACE
20 WITHOUT CHARGE TO THE LOCAL BOARD; AND

21 B. PROVIDE ASSISTANCE TO THE LOCAL BOARD IN
22 RECRUITING ELECTION JUDGES TO STAFF THE POLLING PLACE.

23 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
24 effect January 1, 2022.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
26 3 of this Act, this Act shall take effect June 1, 2020.