



# *Helping Voters Register Under Maryland Law*

**Important:** Voter registration drives in Maryland have to follow certain state laws and rules, such as a time limit for submitting voter registration applications, and rules regarding payment of drive workers. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

**About this guide:** The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

**Need assistance?** Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, [www.projectvote.org](http://www.projectvote.org), [info@projectvote.org](mailto:info@projectvote.org).

## **PART 1: ELIGIBILITY**

In Maryland, an individual may register to vote if the individual:<sup>1</sup>

- Is a U.S. citizen;
- Is at least 16 years of age; and
- Is a resident of the State as of the day the individual seeks to register.

An individual is not eligible to vote if they:<sup>2</sup>

- Have been convicted of a felony and are currently serving a court-ordered sentence of imprisonment, for the conviction;
- Are under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or
- Have been convicted of buying or selling votes.

An individual may not vote in an election until she reaches the age of 18, except that an individual may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual will be at least 18 years old.<sup>3</sup>

## PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

**Homeless Applicants:** Maryland law does not specifically address homeless persons.

**Felony Convictions:** Effective, March 10, 2016, if a person has been convicted of a felony and has completed serving a court-ordered sentence of imprisonment, they are eligible to register to vote.<sup>4</sup>

**College Students:** The state's board of elections indicates that students may register at their school address only if they consider this address to be their "official" or "permanent" home. That is, if they do not consider their parent's home to be their home and do not intend to return there after school, their school address may be their residence. The state indicates that before submitting a voter registration application that, if students receive financial aid from another state or jurisdiction, they should verify with the appropriate authority whether changing their residency impacts their eligibility for financial aid.<sup>5</sup>

## PART 3: FILLING OUT AN APPLICATION

The following information is required by Maryland law to be provided for a voter registration application to be accepted as complete:<sup>6</sup>

- Legal name
- Date of birth
- Personal identification number consisting of a current and valid Maryland driver's license number or MVA state ID number, or if neither, last four digits of Social Security Number if the applicant has a Social Security Number.
- Residence address, including any apartment number
- Mailing address, if different from the residence address
- Acknowledgement of U.S. citizenship
- Signature, affirming under penalty of perjury that the application is true and the applicant is qualified to register.
  - If the person is unable to sign, an X or similar mark must be accepted as the their signature. In this situation, or if the person is unable to make a mark, the individual who assisted the applicant in filling out the form must sign a statement on a separate document that the applicant states that they are unable to sign, the applicant meets all of the qualifications to become a registered voter in Maryland, and the information supplied about the applicant is true.<sup>7</sup>
- Party registration, if the person wishes to take part in that party's primary, caucus or convention
  - Effective June 1, the state's voter registration application is required to indicate ""You must register with a political party if you want to take part in that political party's primary election, caucus, or convention. Check one box only.""<sup>8</sup> As of this writing the application has not been updated.

## PART 4: VOTER REGISTRATION DEADLINE

- Mail applications must be submitted or postmarked by 9 p.m. on the 21st day before the election.<sup>9</sup> Same-day registration is available during early voting at an early voting center in the applicant's county. Applicants must provide proof of residence.<sup>10</sup>

- Applications received after the deadline are considered timely if there is sufficient evidence that the application was mailed on or before deadline, or if it was submitted by the voter to the MVA, a vote registration agency, or an election official before the deadline.<sup>11</sup>
- **A specific turn-around-time applies to voter registration drives turning in applications they collect. See below.**

## PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<b><i>Does the state require organizations conducting voter registration drives to register?</i></b>	No.
<b><i>Are there restrictions on getting voter registration forms?</i></b>	Yes, different rules apply to “Voter Registration Application (VRA) Distributors” depending on whether the person has received state training, see question A below for details.
<b><i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i></b>	Maryland law does not address this issue. Regulation provides that the statewide voter registration application may be used for voter registration only in the form prescribed by the State Board. <sup>12</sup>
<b><i>Does the state require any training in order to conduct voter registration drives?</i></b>	Yes, if the person is a voter registration application (VRA) Distributor (see section A) who wants to obtain more than 25 VRAs per day. See details below, question B.
<b><i>Does the state have restrictions on who may help others register to vote?</i></b>	Yes, VRA distributors must be at least 18 years old on or before the next general election. <sup>13</sup> See the definition of a VRA distributor, below question A.
<b><i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i></b>	Yes, canvassers may not receive any form of compensation, including bonuses, that is based on the number of voter registration applications collected. <sup>14</sup>
<b><i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i></b>	Yes, see details below, question C.
<b><i>Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i></b>	If the applicant is unable to sign his or her name on the application, there are special rules. See question D below for details.

<p><b><i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i></b></p>	<p>No, however, a voter registration application (“VRA”) distributor must advise each applicant that the applicant may either personally return the VRA to the appropriate local board office or permit the individual performing the voter registration activities to return the completed VRA to the local board.<sup>15</sup></p>
<p><b><i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i></b></p>	<p>Maryland election law does not address this issue.</p>
<p><b><i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i></b></p>	<p>Yes. An applicant’s driver’s license number, state ID number, Social Security number, and other information from a voter registration application that is protected from public disclosure may not be copied or collected.<sup>16</sup></p>
<p><b><i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i></b></p>	<p>Yes; completed voter registration applications must be submitted to the appropriate local county election board within five days of receipt or by the next voter registration deadline, whichever is first.<sup>17</sup></p>
<p><b><i>What are the consequences for failing to submit applications on time?</i></b></p>	<p>Maryland law does not specify any consequences for failing to return applications.</p>
<p><b><i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant’s consent?</i></b></p>	<p>Maryland election law does not address this issue.</p>
<p><b><i>How will an applicant know whether the election official received the application?</i></b></p>	<p>Applicants will receive notice and should check their status online if a notification is not received three weeks after submission, see question E below for details.</p>
<p><b><i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i></b></p>	<p>Maryland election law does not address this issue.</p>
<p><b><i>Who investigates and enforces the state rules?</i></b></p>	<p>The State Board of Elections manages and supervises elections in the State and ensures compliance with Maryland election law and any applicable federal law by all persons involved in the elections process.<sup>18</sup></p>

## State Voter Registration Drive Rules: Detailed Explanations

### BEFORE THE DRIVE

#### **A. Are there restrictions on getting voter registration forms?**

Yes. VRA distributors who receive state training must be given registrations forms in sufficient numbers to meet their needs. VRA distributors who do not present a certification of instruction may only receive 25 state applications per day. In addition, the State Administrator or an election director may limit the number of Statewide VRAs if the State Administrator or election director does not have a sufficient number of Statewide VRAs to accommodate the request and still have a sufficient supply of Statewide VRAs for official office business, or the official determines that the individual is not following all of the requirements of the regulation regarding VRA distributors.<sup>19</sup>

A VRA distributor is an individual who conducts the following voter registration activities:

- Offering Statewide VRAs to individuals interested in registering to vote or updating an existing registration;
- Assisting people with filling out Statewide VRAs; and
- Returning completed Statewide VRAs to the appropriate local board office.<sup>20</sup>

#### **B. Does the state require any training in order to conduct voter registration drives?**

Yes, if the person is a voter registration application (VRA) Distributor (see section A) who wants to obtain more than 25 VRAs per day. To obtain more than 25 applications per day, the VRA Distributor must present a Certificate of Instruction indicating attendance at a training session.<sup>21</sup> Election officials must make the training available in accordance with a fixed schedule publicized in advance, or upon request, and may not discontinue training within the period 70 days prior to an election through one week before the registration deadline. Election officials must treat individuals and groups of VRA distributors seeking instruction fairly and equitably and afford equal access to instruction.<sup>22</sup>

#### **C. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?**

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>23</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>24</sup>

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>25</sup>

### DURING THE DRIVE

#### **D. Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?**

If the applicant is unable to sign his or her name on the application, the individual who assisted the applicant in filling out the form must sign a statement on a separate document that the applicant states

that the applicant is unable to sign his or her name, the applicant meets all of the qualifications to become a registered voter in Maryland, and the information supplied about the applicant is true.<sup>26</sup>

**E. How will an applicant know whether the election official received the application?**

The election director in the county in which the applicant resides must send a voter acknowledgment notice informing the applicant whether she or he is qualified to register, and if not qualified, the reasons why. A Voter Notification Card sent to a qualified applicant may serve as a voter acknowledgment notice.<sup>27</sup> Registration in Maryland is not considered complete until the Voter Notification Card is issued. If the Voter Notification Card is returned as undeliverable, the applicant's name must be removed from the voter registry.<sup>28</sup> If an applicant does not receive a Voter Notification Card three weeks after the application is submitted, the applicant should contact the local board of elections. An applicant can also verify whether she is registered to vote by visiting the Maryland voter services website at <https://voterservices.elections.state.md.us/VoterSearch>.<sup>29</sup>

## WEB PAGE OF STATUTE

<http://www.lexisnexis.com/hottopics/mdcode/> (Expand "Election Law")

Regulations: <http://www.dsd.state.md.us/comar/getfile.aspx?file=33.05.03.06.htm>

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Last Revised 06/2016

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<sup>1</sup> Md. Code, Elec. Law § 3-102(a)(1)

<sup>2</sup> Md. Code, Elec. Law § 3-102(b)

<sup>3</sup> Md. Code, Elec. Law § 3-102(a)(2)

<sup>4</sup> MD State Bd. of Elections, Restoration of Voting Rights in Maryland, [http://www.elections.state.md.us/voter\\_registration/restoration.html](http://www.elections.state.md.us/voter_registration/restoration.html) (last visited June 22, 2016).

<sup>5</sup> MD State Bd. of Elections, Students enrolled in a Maryland institution of higher education, [http://www.elections.state.md.us/voter\\_registration/students.html](http://www.elections.state.md.us/voter_registration/students.html) (last visited June 22, 2016).

<sup>6</sup> Md. Code, Elec. Law § 3-202; Code of Md. Regs. § 33.05.04.04

<sup>7</sup> Code of Md. Regs. § 33.05.04.04.

<sup>8</sup> Md. Code, Elec. Law § 3-302 (as amended by 2016 Maryland Laws Ch. 173 (H.B. 344) (effective June 1, 2016)).

<sup>9</sup> Md. Code, Elec. Law § 3-302(a).

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- <sup>10</sup> Md. Code, Elec. Law § 3-305.
- <sup>11</sup> Md. Code, Elec. Law § 3-302
- <sup>12</sup> Code of Md. Regs. §33.05.02.01
- <sup>13</sup> Code of Md. Regs. § 33.05.03.06.A. & B.
- <sup>14</sup> Md. Code, Elec. Law § 3-205(3). *See also* Code of Md. Regs. § 33.05.03.06(H.) (“A VRA distributor may not receive compensation on a per registrant basis for voter registration activity.”)
- <sup>15</sup> Code of Md. Regs. § 33.05.03.06.F.(1)
- <sup>16</sup> Md. Code, Elec. Law § 3-205
- <sup>17</sup> Code of Md. Regs. § 33.05.03.06.F.(2)
- <sup>18</sup> Md. Code, Elec. Law § 2-102
- <sup>19</sup> Code of Md. Regs. § 33.05.03.06.G.
- <sup>20</sup> Code of Md. Regs. § 33.05.03.06.A.
- <sup>21</sup> Code of Md. Regs. §§ 33.05.03.06A. and G. (1)(b)
- <sup>22</sup> Code of Md. Regs. § 33.05.03.06.D.
- <sup>23</sup> 52 U.S.C. § 10307(c)
- <sup>24</sup> *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
- <sup>25</sup> California Secretary of State, Guide to Voter Registration Drives 11, *available at* <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (Rev. Jan. 2016)
- <sup>26</sup> Code of Md. Regs. § 33.05.04.04
- <sup>27</sup> Md. Code, Elec. Law § 3-301
- <sup>28</sup> Code of Md. Regs. § 33.05.05.03.B.
- <sup>29</sup> Maryland State Board of Elections, *Verification of Registration*, [http://www.elections.state.md.us/voter\\_registration](http://www.elections.state.md.us/voter_registration)