



HB 1007 - Freedom to Vote Act (2016)

Electronic Voter Registration Implementation Efforts:

A Report to the General Assembly

**Maryland Health Benefit Exchange
January 1, 2017**

I. Introduction

The Maryland Health Benefit Exchange (“MHBE”), operating as Maryland Health Connection (“MHC”), was established as a public corporation and an independent unit of State government by the Maryland General Assembly in 2011.¹ As Maryland’s dedicated State-based health insurance exchange, MHBE fulfills the purposes of facilitating the purchase and sale of qualified health plans (“QHP”) in Maryland’s individual market by providing a transparent marketplace and assisting individuals with accessing public programs, such as Medicaid and the Maryland Children’s Health Program (“MCHP”), advance premium tax credits (“APTC”), and cost-sharing reductions (“CSR”).² MHBE, through its Board of Trustees, has the power to take any lawful necessary or convenient action to carry out the functions authorized by the Affordable Care Act³ and consistent with the purposes of the Exchange.⁴

Effective July 1, 2016, the Maryland Legislature enacted the Freedom to Vote Act (the “Act”) to modernize and strengthen voter registration statewide by providing citizens access to voter registration services directly through certain Maryland public agencies during any application for or renewal of services or assistance.⁵ The Act designates MHBE as an electronic voter registration agency and requires MHBE to implement an electronic voter registration system on or before July 1, 2017. MHBE’s electronic voter registration system is on schedule for implementation prior to July and is designed to provide consumers a one-stop-shop for both health insurance coverage and voter registration applications while protecting consumers’ sensitive personal information.

The Act requires each electronic voter registration agency, on or before January 1, 2017, to submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, that describes:

1. The efforts of the agency to register voters in the preceding calendar year; and
2. The status of the implementation of an electronic voter registration system.

MHBE, in its capacity as a designated electronic voter registration agency, hereby submits this report to the Maryland General Assembly to describe its voter registration efforts in 2016 and the current status of its electronic voter registration system implementation.

II. MHBE Efforts to Register Voters in 2016

Since October 2015, MHBE has offered every consumer the opportunity to register to vote or update their voter registration while completing an application for or renewal of health insurance coverage. MHBE provides the same level of assistance to voter registration applicants as health insurance applicants by offering: in-person assistance with voter registration during the health insurance application process; voter registration assistance via telephone for every applicant who contacts the MHBE call center; and three ways to register to vote through MHC’s single streamlined online application.

In the online application, a consumer may use an embedded link to the State Board of Elections (the “Board”) website; download a PDF copy of the voter registration application to complete and return to the Board; or request a voter registration application be mailed to the consumer’s home address. These options are prominently displayed on the first screen before consumers apply for health insurance (see “Attachment A” for a screenshot of MHBE’s online voter registration screen).

¹ Chapters 1 and 2, Laws of Maryland 2011; Md. Code, Ann., Insurance Article (Ins.) § 31-102(b).

² Ins. § 31-102(c).

³ Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010) (codified as amended at 42 U.S.C. § 18001).

⁴ Ins. § 31-106(b).

⁵ HB 1007, Chapter 287, Session Laws of MD (2016).

Prior to October 2016, consumers could request a paper application be mailed to them by sending a message to a dedicated email address at MHBE. In October, MHBE implemented a system change so that any individual selecting the “mail me an application” option would no longer need to take the extra step of emailing the agency to make the request. MHBE now runs a regular report and automatically mails a copy of the application to any consumer who selected that option during the application process.

MHBE further supports voter registration efforts by providing annual and ongoing training to all of its consumer assistance workers. Each of MHBE’s Licensed Navigators, Authorized Producers, Call Center Representatives, and Certified Application Counselors have been trained on how to provide voter registration assistance. Whether in person, by phone, or via marylandhealthconnection.gov, MHBE provides no wrong door for any Marylander who wishes to register to vote.

From January 1 through December 11, 2016, thirty one thousand four (31,004) consumers responded “yes” to the online application question asking if they would like assistance registering to vote or updating their voter registration information. Among those consumers seeking assistance, five thousand three hundred ninety five (5,395) requests for mailed voter registration applications were fulfilled.

III. Status of Implementation of Electronic Voter Registration System

Full implementation of MHBE’s electronic voter registration system functionality is expected by the end of July 2017, pending approval of the Secretary of the U.S. Department of Health and Human Services (“HHS”).⁶ MHBE estimates that designing, building, and testing the system will require a level of effort of approximately 500 work hours, and will cost about forty eight thousand dollars (\$48,000) in Special Funds. The following is a summary of MHBE’s electronic voter registration system functions and flow, based upon the requirements in scope for the planned system enhancement.

MHBE’s voter registration page will continue to appear first, prior to the health insurance application. The initial voter registration page will contain a set of new, prominent disclaimers stating:

- (a) The qualifications to register to vote;
- (b) The applicant should not register to vote if the applicant does not meet all of the qualifications;
- (c) The penalties for giving false information to obtain voter registration;
- (d) The applicant’s PII will be transmitted to and used by the Board only for voter registration purposes, and only upon the applicant’s consent;
- (e) Voter registration is voluntary. Neither registering nor declining to register to vote will in any way affect the availability or amount of assistance, services or benefits provided by MHBE;
- (f) MHBE does not determine whether an applicant meets the qualifications to register to vote. An applicant that wishes to register must certify that the applicant meets the voter registration requirements;
- (g) If the applicant decides not to register to vote, MHBE will not use this information for any purpose unrelated to its obligation to offer voter registration assistance;
- (h) Except for items specified as confidential, voter registration records are generally available for public inspection; they may also be shared with jury commissioners/clerks or other government agencies as provided by law. The law prohibits use of voter registration records for commercial solicitation purposes. The particular agency through which an applicant registers to vote will not be publicly disclosed; and

⁶ MHBE is currently seeking approval from the Secretary of HHS to use applicants’ personally identifiable information (“PII”) for voter registration purposes. 45 C.F.R. §155.260(a)(1)(iii) requires an Exchange to obtain Secretary approval for uses of PII unrelated to health insurance eligibility and enrollment functions.

- (i) Depending on how the applicant seeks assistance (on-line, by phone, or in-person), an MHC consumer assistance worker may help the applicant register to vote or update the applicant's voter registration by completing the form electronically; by printing out a paper form and helping the applicant complete it by hand; or by helping the applicant request a form by mail.

If an applicant does not decline to register to vote, the applicant will have the option to register or update the applicant's voter registration information electronically, by downloading a PDF copy of the voter registration application, or by requesting that MHBE mail a paper copy to the applicant's mailing or residential address. If the applicant chooses to vote electronically, the applicant will be prompted to provide the following information prior to beginning the health insurance application:

- (a) MVA issued driver's license or ID number;
- (b) Political party affiliation;
- (c) Whether the individual requests assistance voting at the polls; and
- (d) Whether the individual wishes to be an election judge.

In accordance with the Act, the collection of any information necessary for voter registration will not duplicate any information collected during the health insurance application. A response to each request for voter registration information and a review and confirmation of the provided information will be required before the applicant can proceed to the health insurance application.

Upon completion of the health insurance application, and as conditions precedent to the submission of the applicant's voter registration or information update, the applicant will be required to attest that:

- (a) Subject to penalties of perjury, the information in the voter registration application is true;
- (b) The applicant meets all qualifications to become a registered voter, including U.S. citizenship; and
- (c) The applicant consents to the use and transmission of the applicant's information for voter registration purposes.

MHBE will submit a nightly batch file containing new voter registration information to the Board in JavaScript Object Notation ("JSON") or Extensible Markup Language ("XML") format via MHBE's Secure File Transfer Protocol Server ("SFTP"). The file will contain the following data points, extracted from each submitted voter registration application: (a) first name; (b) last name; (c) middle name (optional, if provided); (d) date of birth; (e) driver's license or ID number; (f) residential address; (g) county of residence; (h) political party affiliation; (i) phone number (optional, if provided); (j) whether requesting assistance; (k) whether individual wishes to be an election judge; and (l) electronic signature (if provided). The Board has approved this method of transmission and is actively working with MHBE to ensure a secure, complete, and seamless transmission of voter registration information.

To protect PII that is electronically transmitted to the Board, MHBE will enter into a comprehensive Memorandum of Understanding ("MOU") containing a Data Use Agreement ("DUA") that specifies in detail the data to be shared, the method of data transfer, restrictions on who may access the data, and the requirements with which both agencies must comply in order to satisfy the privacy and security standards set forth in 45 C.F.R. §155.260 and other relevant State and Federal rules.

IV. Conclusion

During the current reporting period of calendar year 2016, MHBE has helped over 30,000 Marylanders seeking voter registration assistance and made significant progress toward full implementation of the Freedom to Vote Act. MHBE welcomes any questions, suggestions, or feedback on this report or any of its electronic voter registration efforts.


Attachment A

Current MHBE Voter Registration Start Page

Apply

- 1 Start Your Application**
- 2 Build Your Household
- 3 Individual Details
- 4 Tax Information
- 5 Household Income
- 6 Household Deductions
- 7 Additional Questions
- 8 Special Enrollment Questions
- 9 Application Review
- 10 Eligibility Determination

Start Your Application



Before starting your application, would you like to register to vote or to update your voter registration information?

Yes
 No

Your answer to this question will not affect your health care application. There is no fee for asking MHC to assist you in applying to register to vote or in updating your voter registration information. If you answer yes, you will be provided options for obtaining a voter registration application. We will also tell you how you can get assistance in completing that application.

Would you like to:

- Register electronically (requires Maryland Driver's License or MVA issued identification), please [click here](#)
- Download a PDF copy of the Voter Registration Form, please [click here](#)
- Receive the Voter Registration form in the mail. If you choose this option, please be sure the address associated with your Maryland Health Connection account is current. We will send the Voter Registration form in the mail to you at this address. You should receive it in 3-5 business days.

If you are working with an in-person Navigator or Assister to obtain health care coverage, that person can also assist you with completing your Voter Registration Form online, or by printing the PDF form and helping you complete it. If you apply for health care coverage by phone with the Maryland Health Connection Call Center, your Customer Service Representative can assist you with completing your Voter Registration Form online or by sending the Voter Registration Form to you by mail.

If you need help completing the form, you may contact the Call Center at 855-642-8572 or visit any local Navigator for assistance. Navigator locations and contact information are available here:
<https://www.marylandhealthconnection.gov/assets/CE-Locations-and-hours.pdf>

Please note that you are not a registered voter **until** you receive a Voter Notification Card. If you do not receive the card within three weeks, contact your local board of elections.