

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 224

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and M. Washington” and substitute “M. Washington, and Howard”; in line 3, after “of” insert “requiring an individual who applies to register to vote or update an existing voter registration online to provide certain information;”; in line 10, after “an” insert “accessible”; in the same line, after “application;” insert “requiring an individual who requests an absentee ballot online to provide certain information;”; in line 12, strike “requiring” and substitute “authorizing”; in the same line, after “an” insert “accessible”; in line 13, after “tool;” insert “requiring a local board to follow certain procedures during the canvass of votes cast using an online ballot marking tool;”; in line 18, after “elections;” insert “increasing the amount of a certain fine that may be imposed for certain violations of election law; requiring the State Board to conduct a certain analysis of extending the early voting period and submit the analysis to certain committees of the General Assembly on or before a certain date; requiring the State Board to review and conduct an analysis of wait times at polling places and submit a certain report to certain committees of the General Assembly on or before a certain date; requiring the State Board to conduct a certain usability and accessibility evaluation of an online ballot marking tool and submit a certain report to certain committees of the General Assembly on or before a certain date; requiring the State Board to engage an independent consultant to study and make recommendations on improving the security of certain technology used in the conduct of elections; requiring the independent consultant to submit a certain report to certain committees of the General Assembly on or before a certain date; defining a certain term;”; in line 21, after “Section” insert “3-204.1”; in the same line, strike “9-308;”; in the same line, strike “and 10-301.1” and substitute “, 10-301.1, and 16-201”; and in line 26, after “3-305” insert “and 9-308.1”.

AMENDMENT NO. 2

(Over)

On page 2, after line 5, insert:

“3-204.1.

(a) The State Board may operate an online voter registration system that allows an individual to electronically:

(1) apply to become a registered voter; or

(2) change the individual’s name, address, or party affiliation in the individual’s existing voter registration record.

(b) To apply to register to vote through the online voter registration system, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(3) provide one of the following:

(i) a Maryland driver’s license number or Maryland identification card number, **THE LAST FOUR DIGITS OF THE INDIVIDUAL’S SOCIAL SECURITY NUMBER, AND OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE INDIVIDUAL;** or

(ii) if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee

Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:

(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; or

(ii) the individual's Social Security number.

(c) To change an individual's name, address, or party affiliation in the individual's existing voter registration record, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to be a registered voter;

(3) provide one of the following:

(i) a Maryland driver's license number or Maryland identification card number, **THE LAST FOUR DIGITS OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER, AND OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE INDIVIDUAL; OR**

(ii) [a Maryland voter identification number on the individual's voter notification card; or

(iii)] if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:

(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; OR

(ii) [the electronic copy of the individual's signature that is on file in the statewide voter registration list; or

(iii)] the individual's Social Security number.

(d) The Motor Vehicle Administration shall transmit an electronic copy of an individual's driver's license or identification card signature to the State Board within 5 days of being notified by the State Board that the individual submitted a voter registration application through the online voter registration system.

(e) The State Board may:

(1) take any additional measures it deems necessary to ensure the integrity and accuracy of voter registration applications submitted through the online voter registration system; and

(2) adopt any regulations necessary to administer the online voter registration system.”.

On page 4, in line 15, after “(4)” insert “AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION,”; and in the same line, after “THE” insert “ACCESSIBLE”.

On page 5, after line 7, insert:

“(C) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE STATE BOARD SHALL REQUIRE THE APPLICANT TO PROVIDE:

(1) A MARYLAND DRIVER’S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER, THE LAST FOUR DIGITS OF THE APPLICANT’S SOCIAL SECURITY NUMBER, AND OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE APPLICANT; OR

(2) IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT HAVE A MARYLAND DRIVER’S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER.”.

AMENDMENT NO. 3

On page 6, strike in their entirety lines 9 through 29, inclusive, and substitute:

“9-308.1.

(A) IN THIS SECTION:

(1) “ONLINE BALLOT MARKING TOOL” INCLUDES A SYSTEM THAT ALLOWS A VOTER TO:

(Over)

(I) ACCESS A BLANK BALLOT THROUGH THE INTERNET;

(II) ELECTRONICALLY MARK THE BALLOT WITH THE VOTER'S SELECTIONS; AND

(III) PRINT A PAPER COPY OF THE MARKED BALLOT FOR MAILING TO A LOCAL BOARD; AND

(2) "ONLINE BALLOT MARKING TOOL" DOES NOT INCLUDE A SYSTEM THAT IS CAPABLE OF STORING, TABULATING, OR TRANSMITTING VOTES OR VOTED BALLOTS BY ELECTRONIC OR ELECTROMAGNETIC MEANS THROUGH THE INTERNET.

(B) THE STATE BOARD MAY PROVIDE AN ACCESSIBLE OPTIONAL ONLINE BALLOT MARKING TOOL FOR USE BY A VOTER WHO REQUESTED TO HAVE THE ABSENTEE BALLOT SENT BY THE INTERNET.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE STATE BOARD SHALL CERTIFY THAT AN ONLINE BALLOT MARKING TOOL SATISFIES ALL OF THE CERTIFICATION REQUIREMENTS UNDER § 9-102(D) OF THIS TITLE BEFORE APPROVING AN ONLINE BALLOT MARKING TOOL FOR USE BY VOTERS.

(2) AN ONLINE BALLOT MARKING TOOL IS NOT REQUIRED TO SATISFY THE REQUIREMENTS OF § 9-102(D)(2) OF THIS TITLE IF THE U.S. ELECTION ASSISTANCE COMMISSION HAS NOT APPROVED SPECIFIC PERFORMANCE AND TEST STANDARDS FOR ONLINE BALLOT MARKING TOOLS.

(D) (1) THIS SUBSECTION APPLIES IF AN ONLINE BALLOT MARKING TOOL UTILIZES A BAR CODE THAT IS USED TO GENERATE A BALLOT THAT IS ACCEPTABLE FOR MACHINE TABULATION.

(2) A LOCAL BOARD SHALL COMPARE THE VOTE IN EACH CONTEST ON THE BALLOT MARKED BY THE VOTER TO THE VOTE IN EACH CONTEST ON THE BALLOT GENERATED FROM THE BAR CODE DURING THE CANVASS.

(3) IF THERE IS A DISCREPANCY IN ANY CONTEST BETWEEN THE VOTE ON THE BALLOT MARKED BY THE VOTER AND THE VOTE ON THE BALLOT GENERATED FROM THE BAR CODE, THE VOTE ON THE BALLOT MARKED BY THE VOTER SHALL BE CONSIDERED VALID AND SHALL BE COUNTED.”.

AMENDMENT NO. 4

On page 8, after line 5, insert:

“(6) IN ADDITION TO THE EARLY VOTING CENTERS REQUIRED IN THIS SUBSECTION, EACH COUNTY MAY ESTABLISH ONE ADDITIONAL EARLY VOTING CENTER IF THE STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARD, AND THE GOVERNING BODY OF THE COUNTY AGREE TO ESTABLISH AN ADDITIONAL EARLY VOTING CENTER.”.

AMENDMENT NO. 5

On page 9, after line 10, insert:

“16-201.

(a) A person may not willfully and knowingly:

(Over)

(1) (i) impersonate another person in order to vote or attempt to vote; or

(ii) vote or attempt to vote under a false name;

(2) vote more than once for a candidate for the same office or for the same ballot question;

(3) vote or attempt to vote more than once in the same election, or vote in more than one election district or precinct;

(4) vote in an election district or precinct without the legal authority to vote in that election district or precinct;

(5) influence or attempt to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

(6) influence or attempt to influence a voter's decision whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward; or

(7) engage in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.

(b) Except as provided in § 16-1002 of this title, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than [\$2,500] **\$5,000** or imprisonment for not more than 5 years or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Elections shall conduct a detailed analysis of options and administrative requirements for extending the early voting period to the Sunday before election day.

(b) As part of its analysis under subsection (a) of this section, the State Board shall evaluate at least the following options:

(1) supplying paper supplemental lists with the names of voters who voted at an early voting center to polling places on election day; and

(2) updating the electronic poll books used on election day with the names of voters who voted at an early voting center.

(c) The analysis shall address the following:

(1) technical changes required to support early voting through the Sunday before election day;

(2) the impact of extending early voting to the Sunday before election day on other election procedures;

(3) an estimate of the fiscal impact of extending early voting to the Sunday before election day; and

(4) the potential effect on voter turnout of extending the early voting period to the Sunday before election day.

(d) The State Board shall consult with elections officials in at least 5 other states that offer early voting through the Sunday before election day and complete a

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written analysis of the policies and practices of those states and how they might be applied in Maryland.

(e) The State Board shall submit a report of its findings and recommendations, including the information required under subsection (d) of this section, on or before December 31, 2013, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Elections shall:

(a) (1) review the maximum wait times for Maryland voters in the 2010 and 2012 primary and general elections and identify the causes for wait times of more than 30 minutes; and

(2) propose target maximum wait times for voters at early voting centers and polling places at primary and general elections in the State;

(b) review and conduct a detailed analysis concerning the deployment of voting equipment and related infrastructure and the staffing practices and procedures utilized by local boards of election at early voting centers during the early voting period and at polling places on election day to determine what adjustments could be implemented to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes;

(c) if it determines that additional voting equipment and related infrastructure and staff are needed to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes, provide an estimate of the fiscal costs of implementing each of those standards; and

(d) on or before December 31, 2013, submit a report of its findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Elections shall conduct an accessibility and usability evaluation of the online ballot marking tool authorized under this Act to assess its accessibility and usability by voters with disabilities, including:

- (1) a public demonstration of the system; and
- (2) an evaluation by individuals representing a cross-section of voters with disabilities.

(b) The State Board shall conduct the accessibility and usability evaluation under this section before approving an online ballot marking tool for use by voters with disabilities.

(c) The State Board shall submit a report summarizing the results of the evaluation under this section on or before December 31, 2013, to the Senate Education, Health, and Environmental Affairs Committee and House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Elections shall engage an independent consultant to study and make recommendations on improving the security of:

(Over)

(1) online delivery and marking of absentee ballots and the return and tabulation of absentee ballots that are delivered and marked electronically;

(2) other online voter services, including online voter registration and online absentee ballot applications; and

(3) any other voting technology specified by the State Board.

(b) The independent consultant shall submit a report of its findings and recommendations on or before December 31, 2013, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.”;

and in line 11, strike “2.” and substitute “6.”.