HOUSE BILL 192

G1   EMERGENCY BILL   4lr1242

HB 35/23 – W&M   (PRE–FILED)

By: **Delegate R. Long**

Requested: October 30, 2023

Introduced and read first time: January 10, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2   Elections – In–Person Voting – Proof of Identity

3 FOR the purpose of requiring an election judge to establish a voter's identity by requiring
4   the voter to present certain proof of identity; requiring a voter to vote a provisional
5   ballot if the voter is unable to provide certain proof of identity; prohibiting a person
6   from knowingly and willfully voting or attempting to vote under a false form of
7   identification; and generally relating to requiring voters to present proof of identity
8   at a polling place.

9 BY repealing and reenacting, with amendments,
10   Article – Election Law
11   Section 10–310 and 16–201
12   Annotated Code of Maryland
13   (2022 Replacement Volume and 2023 Supplement)

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

16   Article – Election Law

17 10–310.

18   (a)   For each individual who seeks to vote, an election judge, in accordance with
19 instructions provided by the local board, shall:

20   (1)   locate the individual's name in the election register and locate the
21 preprinted voting authority card and then **[**authorize the individual to vote a regular ballot**]**
22 **ESTABLISH THE VOTER'S IDENTITY AS PROVIDED IN SUBSECTION (B) OF THIS**
23 **SECTION; AND**

1   (2)   (i)   if the individual's name is not found on the election register,
2   search the inactive list and if the name is found, **[**authorize the individual to vote a regular
3   ballot**]** **ESTABLISH THE VOTER'S IDENTITY AS PROVIDED IN SUBSECTION (B) OF THIS**
4   **SECTION**; or

5   (ii)   if the individual's name is not on the inactive list, refer the
6   individual for provisional ballot voting under § 9–404 of this article**[;].**

7   **[**(3)**] (B)**   **THE ELECTION JUDGE SHALL** establish the **VOTER'S** identity
8   **[**of the voter**]** by**:**

9   **(1)**   requesting the voter to state the month and day of the voter's birth and
10 comparing the response to the information listed in the election register;

11   **(2)**   **REQUIRING THE VOTER TO PRESENT:**

12   **(I)**   **A VALID GOVERNMENT–ISSUED PHOTO IDENTIFICATION; OR**

13   **(II)** **1.**   **A**   **VALID**   **NONGOVERNMENT–ISSUED**   **PHOTO**
14 **IDENTIFICATION; AND**

15   **2.**   **A CURRENT UTILITY BILL, BANK STATEMENT,**
16 **PAYCHECK, GOVERNMENT CHECK, OR OTHER GOVERNMENT DOCUMENT THAT**
17 **STATES THE VOTER'S NAME AND ADDRESS;**

18   **[**(4)**] (3)**   (i)   except if a voter's personal information has been deemed
19 confidential by the local board, verify the address of the voter's residence; or

20   (ii)   conduct an alternative verification as established by the State
21 Board, if the voter's personal information has been deemed confidential by the local board;

22   **[**(5)**] (4)**   if any changes to the voting authority card are indicated by a
23 voter, make the appropriate changes in information on the card or other appropriate form;
24 and

25   **[**(6)**] (5)**   have the voter sign the voting authority card and either issue the
26 voter a ballot or send the voter to a machine to vote.

27   **[**(b)**] (C)**   **(1)**   **[**On**]** **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**
28 **SECTION, ON** the completion of the procedures set forth in **[**subsection (a)**]** **SUBSECTIONS**
29 **(A) AND (B)** of this section, **[**a**]** **THE ELECTION JUDGE SHALL AUTHORIZE THE**
30 **INDIVIDUAL TO VOTE A REGULAR BALLOT.**

1   **(2)**   **A** voter may vote **A REGULAR BALLOT** in accordance with the
2 procedures appropriate to the voting system used in the polling place.

3   **(D)**   **THE ELECTION JUDGE SHALL REFER THE INDIVIDUAL FOR A**
4 **PROVISIONAL BALLOT UNDER § 9–404 OF THIS ARTICLE IF THE VOTER IS UNABLE TO**
5 **PROVIDE IDENTIFICATION AS REQUIRED UNDER SUBSECTION (B)(2) OF THIS**
6 **SECTION.**

7   **[**(c)**] (E)**   (1)   Before a voter enters a voting booth, at the request of the voter,
8 an election judge shall:

9   (i)   instruct the voter about the operation of the voting system; and

10   (ii)   allow the voter an opportunity to operate a model voting device,
11 if appropriate to the voting system in use.

12   (2)   (i)   1.   After a voter enters the voting booth, at the request of the
13 voter, two election judges representing different political parties shall instruct the voter on
14 the operation of the voting device.

15   2.   An election judge may not suggest in any way how the
16 voter should vote for a particular ticket, candidate, or position on a question.

17   3.   After instructing the voter, the election judges shall exit
18 the voting booth and allow the voter to vote privately.

19   (ii)   A voter may take into the polling place any written or printed
20 material to assist the voter in marking or preparing the ballot.

21   (3)   (i)   Except as provided in subparagraph (ii) of this paragraph, a voter
22 who requires assistance in marking or preparing the ballot because of a physical disability
23 or an inability to read the English language may choose any individual to assist the voter.

24   (ii)   A voter may not choose the voter's employer or agent of that
25 employer or an officer or agent of the voter's union to assist the voter in marking the ballot.

26   (4)   If the voter requires the assistance of another in voting but declines to
27 select an individual to assist, an election judge, in the presence of another election judge
28 that represents another political party, shall assist the voter in the manner prescribed by
29 the voter.

30   (5)   An individual assisting a voter may not suggest in any way how the
31 voter should vote for a particular ticket, candidate, or position on a question.

32   (6)   If a voter requires assistance under paragraph (4) or (5) of this
33 subsection, the election judge shall record, on a form prescribed by the State Board, the

1   name of the voter who required assistance and the name of the individual providing
2   assistance to the voter.

3   (7)   Except as provided in paragraph (3) or (4) of this subsection, an
4   individual over the age of 17 years may not accompany a voter into a voting booth.

5   16–201.

6   (a)   A person may not willfully and knowingly:

7   (1)   (i)   impersonate another person in order to vote or attempt to vote;
8   **[**or**]**

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

10   **(III)   VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**
11   **IDENTIFICATION;**

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

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

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

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

20   (6)   influence or attempt to influence a voter's decision, through the use of
21 force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward, whether to:

22   (i)   go to the polls to cast a vote; or

23   (ii)   vote by other lawful means; or

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

27 (b)   Except as provided in § 16–1002 of this title, a person who violates this section
28 is guilty of a misdemeanor and on conviction is subject to a fine of not more than $5,000 or
29 imprisonment for not more than 5 years or both.

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

1   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three–fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.