

HOUSE BILL 242

G1

3lr1588
CF 3lr1569

By: **Delegates Cardin, Hixson, Ivey, Luedtke, Reznik, Rosenberg, and Summers**

Introduced and read first time: January 23, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Registration and Voting at Early Voting Centers**

3 FOR the purpose of authorizing an individual to apply to register to vote at certain
4 early voting centers on a day designated for voting before election day by
5 completing a voter registration application and providing certain proof of
6 residency; requiring that an individual who satisfies certain requirements for
7 registration at an early voting center be allowed to vote a provisional ballot;
8 requiring that provisional ballots cast under this Act be separated and held
9 apart from other provisional ballots cast at an early voting center; authorizing a
10 registered voter to access the voting room at an early voting center for the
11 purpose of attesting to the residency of an individual registering to vote;
12 providing that an individual is qualified to cast a provisional ballot under this
13 Act if the local board determines during the canvass that the individual is
14 qualified to become a registered voter; making conforming changes; and
15 generally relating to registering to vote and voting at early voting centers.

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 3–201, 3–302, 9–404, 9–405, 10–308, 10–310(a), and 11–303
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2012 Supplement)

21 BY adding to
22 Article – Election Law
23 Section 3–204.2 and 10–310(a–1)
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Election Law**

2 3–201.

3 (a) An individual may apply to become a registered voter:

4 (1) at a local board office or the State Board office;

5 (2) at a registration site administered by a local board;

6 (3) by mail;

7 (4) when applying to the Motor Vehicle Administration for the
8 issuance, renewal, or modification of a driver's license or identification card;

9 (5) when applying for services at a voter registration agency;

10 (6) through the State Board's online voter registration system; [or]

11 **(7) AT AN EARLY VOTING CENTER ON A DAY DESIGNATED FOR**
12 **VOTING BEFORE ELECTION DAY UNDER § 10–301.1 OF THIS ARTICLE; OR**

13 **[(7)] (8)** with the assistance of a volunteer authorized by the State or
14 local board.

15 (b) An individual who is at least 18 years old or will be 18 years old on or
16 before the day of the next succeeding general or special election may be a volunteer
17 under subsection **[(a)(7)] (A)(8)** of this section.

18 **3–204.2.**

19 **(A) AN INDIVIDUAL MAY APPLY TO BECOME A REGISTERED VOTER AT**
20 **AN EARLY VOTING CENTER ON A DAY DESIGNATED FOR VOTING BEFORE**
21 **ELECTION DAY UNDER § 10–301.1 OF THIS ARTICLE BY:**

22 **(1) APPEARING AT AN EARLY VOTING CENTER IN THE COUNTY**
23 **WHERE THE INDIVIDUAL RESIDES;**

24 **(2) COMPLETING THE STATEWIDE VOTER REGISTRATION**
25 **APPLICATION; AND**

26 **(3) PROVIDING PROOF OF RESIDENCE IN THE COUNTY.**

27 **(B) AN INDIVIDUAL MAY PROVE RESIDENCE UNDER THIS SECTION BY:**

1 **(1) SHOWING PHOTO IDENTIFICATION, INCLUDING:**

2 **(I) A VALID DRIVER'S LICENSE OR IDENTIFICATION CARD**
3 **ISSUED BY THE MOTOR VEHICLE ADMINISTRATION; OR**

4 **(II) A VALID UNITED STATES PASSPORT;**

5 **(2) SHOWING A CURRENT RESIDENTIAL LEASE, UTILITY BILL,**
6 **BANK STATEMENT, WIRELESS TELEPHONE BILL, GOVERNMENT CHECK,**
7 **PAYCHECK, OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE NAME AND**
8 **ADDRESS OF THE VOTER;**

9 **(3) SHOWING A CURRENT STUDENT IDENTIFICATION CARD, FEE**
10 **STATEMENT, OR REGISTRATION CARD ISSUED BY A POSTSECONDARY**
11 **INSTITUTION THAT INCLUDES THE NAME AND ADDRESS OF THE STUDENT;**

12 **(4) SHOWING A CURRENT TRIBAL IDENTIFICATION CARD;**

13 **(5) SHOWING A DOCUMENT THAT CONFIRMS NATURALIZATION OF**
14 **AMERICAN CITIZENSHIP;**

15 **(6) SHOWING ANY DOCUMENT APPROVED BY THE STATE BOARD**
16 **FOR PURPOSES OF VOTER IDENTIFICATION; OR**

17 **(7) EXECUTING AN AFFIDAVIT THAT IS:**

18 **(I) COMPLETED ON A FORM REQUIRED BY THE STATE**
19 **BOARD;**

20 **(II) EXECUTED IN THE EARLY VOTING CENTER IN THE**
21 **PRESENCE OF AN ELECTION JUDGE; AND**

22 **(III) SIGNED BY:**

23 **1. THE REGISTRANT; AND**

24 **2. AN INDIVIDUAL WHO IS A REGISTERED VOTER AND**
25 **IS AUTHORIZED TO VOTE AT THE EARLY VOTING CENTER.**

26 **(C) AN INDIVIDUAL WHO SATISFIES THE REQUIREMENTS OF THIS**
27 **SECTION SHALL BE ALLOWED TO VOTE A PROVISIONAL BALLOT AT THE TIME**
28 **THE INDIVIDUAL APPLIES TO BECOME A REGISTERED VOTER.**

1 3–302.

2 (a) [Registration] **EXCEPT FOR PURPOSES OF VOTER REGISTRATION AT**
3 **AN EARLY VOTING CENTER UNDER § 3–204.2 OF THIS TITLE, REGISTRATION** is
4 closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day
5 after that election.

6 **(B) EXCEPT FOR A VOTER REGISTRATION APPLICATION SUBMITTED BY**
7 **A VOTER AT AN EARLY VOTING CENTER UNDER § 3–204.2 OF THIS TITLE:**

8 **[(b) (1) [A]** A voter registration application received when registration is
9 closed shall be accepted and retained by a local board, but the registration of the
10 applicant does not become effective until registration reopens[.]; **AND**

11 **[(c) (2) [A]** A voter registration application that is received by the local
12 board after the close of registration shall be considered timely received for the next
13 election provided:

14 **[(1) (I)** there is sufficient evidence, as determined by the local board
15 pursuant to regulations adopted by the State Board, that the application was mailed
16 on or before registration was closed for that election; or

17 **[(2) (II)** the application was submitted by the voter to the Motor
18 Vehicle Administration, a voter registration agency, another local board, or the State
19 Board prior to the close of registration.

20 9–404.

21 (a) If an individual is eligible under subsection (b) of this section, the
22 individual shall be issued and may cast a provisional ballot:

23 (1) at a polling place on election day;

24 (2) at an early voting center during early voting; or

25 (3) at the local board office in the county where the individual resides
26 after the close of registration and before the closing of the polls on election day.

27 (b) An individual is eligible to cast a provisional ballot if:

28 (1) **(I)** the individual declares in a written affirmation submitted
29 with the provisional ballot that the individual is a registered voter in the State and is
30 eligible to vote in that election; and

1 **[(2)] (II) [(i)] 1.** the individual's name does not appear on the
2 election register;

3 **[(ii)] 2.** an election official asserts that the individual is not
4 eligible to vote; or

5 **[(iii)] 3.** the individual does not have the necessary
6 identification; **OR**

7 **(2) THE INDIVIDUAL IS APPLYING TO REGISTER TO VOTE AT AN**
8 **EARLY VOTING CENTER UNDER § 3-204.2 OF THIS ARTICLE.**

9 (c) In addition to the individuals who cast provisional ballots under
10 subsections (a) and (b) of this section, any individual who appears to vote during a
11 period covered by a court order or other order extending the time for closing the polls
12 shall cast a provisional ballot. A provisional ballot cast under this subsection shall be
13 separated and held apart from other provisional ballots cast by those not affected by
14 the order.

15 **(D) A PROVISIONAL BALLOT CAST BY AN INDIVIDUAL WHO APPLIES TO**
16 **REGISTER TO VOTE AT AN EARLY VOTING CENTER UNDER § 3-204.2 OF THIS**
17 **ARTICLE SHALL BE SEPARATED AND HELD APART FROM OTHER PROVISIONAL**
18 **BALLOTS CAST AT THE EARLY VOTING CENTER.**

19 9-405.

20 Before an individual casts a provisional ballot:

21 (1) the individual shall:

22 **(I) complete and sign the provisional ballot application**
23 **prescribed by the State Board; OR**

24 **(II) SATISFY THE REQUIREMENTS OF § 3-204.2 OF THIS**
25 **ARTICLE; and**

26 (2) the election official issuing the ballot shall give the individual
27 written information advising the individual that, and describing how, the individual
28 will be able to ascertain whether the vote was counted and, if it was not counted, the
29 reason it was not.

30 10-308.

31 (a) An election judge shall allow the following individuals to have access to
32 the voting room at a polling place:

1 (1) a voter;

2 (2) an individual who accompanies a voter in need of assistance in
3 accordance with § 10–310(c) of this subtitle;

4 (3) polling place staff;

5 (4) a member or other representative of the State Board or local board;

6 (5) an accredited watcher or challenger under § 10–311 of this subtitle;

7 (6) an individual under the age of 18 who accompanies a voter in
8 accordance with § 10–310(c) of this subtitle, provided that:

9 (i) the individual is in the care of the voter and does not disrupt
10 or interfere with normal voting procedures; and

11 (ii) the individual is not eligible to vote in that election; [and]

12 **(7) A REGISTERED VOTER WHO ACCOMPANIES AN UNREGISTERED**
13 **INDIVIDUAL FOR THE PURPOSE OF ATTESTING TO THE UNREGISTERED**
14 **INDIVIDUAL’S RESIDENCY WHEN THE UNREGISTERED INDIVIDUAL APPLIES TO**
15 **REGISTER TO VOTE AT AN EARLY VOTING CENTER UNDER § 3–204.2 OF THIS**
16 **ARTICLE; AND**

17 **[(7)](8)** any other individual authorized by the State Board or local
18 board.

19 (b) Notwithstanding the provisions of subsection (a)(6) of this section, not
20 more than two individuals under the age of 18 may accompany a voter in accordance
21 with § 10–310(c) of this subtitle.

22 10–310.

23 (a) **[For] SUBJECT TO SUBSECTION (A–1) OF THIS SECTION, FOR** each
24 individual who seeks to vote, an election judge, in accordance with instructions
25 provided by the local board, shall:

26 (1) locate the individual’s name in the election register and locate the
27 preprinted voting authority card and then authorize the individual to vote a regular
28 ballot;

29 (2) (i) if the individual’s name is not found on the election register,
30 search the inactive list and if the name is found, authorize the individual to vote a
31 regular ballot; or

1 (ii) if the individual's name is not on the inactive list, refer the
2 individual for provisional ballot voting under § 9-404 of this article;

3 (3) establish the identity of the voter by requesting the voter to state
4 the month and day of the voter's birth and comparing the response to the information
5 listed in the election register;

6 (4) (i) except if a voter's personal information has been deemed
7 confidential by the local board, verify the address of the voter's residence; or

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

11 (5) if any changes to the voting authority card are indicated by a voter,
12 make the appropriate changes in information on the card or other appropriate form;
13 and

14 (6) have the voter sign the voting authority card and either issue the
15 voter a ballot or send the voter to a machine to vote.

16 **(A-1) AN INDIVIDUAL WHO APPLIES TO REGISTER TO VOTE AT AN EARLY**
17 **VOTING CENTER IN ACCORDANCE WITH THE REQUIREMENTS OF § 3-204.2 OF**
18 **THIS ARTICLE SHALL BE ISSUED A PROVISIONAL BALLOT.**

19 11-303.

20 (a) Following an election, each local board shall meet at its designated
21 counting center to canvass the provisional ballots cast in that election in accordance
22 with the regulations and guidelines established by the State Board.

23 (b) A local board may not open an envelope of a provisional ballot until the
24 local board has:

25 **(1) approved the provisional ballot application; OR**

26 **(2) DETERMINED THAT AN INDIVIDUAL WHO APPLIED TO**
27 **REGISTER TO VOTE AT AN EARLY VOTING CENTER UNDER § 3-204.2 OF THIS**
28 **ARTICLE IS QUALIFIED TO BECOME A REGISTERED VOTER.**

29 (c) The State Board shall adopt regulations to implement this section.

30 (d) (1) A local board may not reject a provisional ballot except by
31 unanimous vote and in accordance with regulations of the State Board.

1 (2) The local board shall reject a provisional ballot if:

2 (i) pursuant to paragraph (4) of this subsection, the local board
3 determines that the individual who cast the provisional ballot is not qualified to vote
4 that provisional ballot;

5 (ii) the individual failed to sign the oath on:

6 1. the provisional ballot application; **OR**

7 **2. IF THE INDIVIDUAL APPLIED TO REGISTER TO**
8 **VOTE AT AN EARLY VOTING CENTER UNDER § 3-204.2 OF THIS ARTICLE, THE**
9 **VOTER REGISTRATION APPLICATION;**

10 (iii) the individual cast more than one ballot for the same
11 election; or

12 (iv) the local board determines that a provisional ballot is
13 intentionally marked with an identifying mark that is clearly evident and placed on
14 the ballot for the purpose of identifying the ballot.

15 (3) If the intent of the voter with respect to a particular contest is not
16 clearly demonstrated, the local board shall reject only the vote for that contest.

17 (4) For the purposes of this section, an individual is qualified to vote
18 the provisional ballot cast if the local board determines that:

19 (i) 1. the individual is registered in the State; **OR**

20 **2. IF THE INDIVIDUAL APPLIED TO REGISTER TO**
21 **VOTE AT AN EARLY VOTING CENTER UNDER § 3-204.2 OF THIS ARTICLE, THAT**
22 **THE INDIVIDUAL IS QUALIFIED TO BECOME A REGISTERED VOTER;**

23 (ii) if the provisional ballot was cast because the voter failed to
24 provide required identification, the individual who cast the provisional ballot has met
25 the identification requirements established by the State Board; and

26 (iii) if the provisional ballot was cast during a period covered by
27 a court order or other order extending the time for closing the polls, the order has not
28 been invalidated by a subsequent court order.

29 (e) A local board shall count:

30 (1) the entire provisional ballot if the address on the provisional ballot
31 application **OR VOTER REGISTRATION APPLICATION** is within the precinct where
32 the provisional ballot was cast; or

1 (2) only the votes cast by the voter for each candidate or question
2 applicable to the precinct in which the voter resides, as determined by the address on
3 the provisional ballot application **OR VOTER REGISTRATION APPLICATION** of the
4 voter.

5 (f) (1) The State Board shall ensure the establishment of a system that
6 any individual who casts a provisional ballot may access without cost to discover
7 whether the ballot was counted and, if not counted, the reason it was not.

8 (2) The system established under paragraph (1) of this subsection
9 shall ensure the confidentiality of the individual who accesses the system and the
10 secrecy of each ballot.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2013.