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**By: Delegate Barve**

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voters - Accompaniment in Voting Booth or Machine**

3 FOR the purpose of increasing the minimum age at which a child may be allowed to  
4 accompany an adult into a voting booth or machine without the necessity of  
5 obtaining an affidavit indicating that the voter needs the child's assistance to vote.

6 BY repealing and reenacting, with amendments,  
7 Article 33 - Election Code  
8 Section 16-12  
9 Annotated Code of Maryland  
10 (1993 Replacement Volume and 1996 Supplement)

11 Preamble

12 WHEREAS, It is important that our children be exposed to and learn about the  
13 responsibilities of citizenship at an early age; and

14 WHEREAS, One of the most compelling and sacred responsibilities and traditions  
15 of American citizenship is the exercise of the right to vote for candidates and issues of  
16 one's choice in national, State, and local elections; and

17 WHEREAS, The opportunity for young people to accompany a parent or other  
18 adult voter into the voting booth or machine on election day can provide a vivid and  
19 concrete experience in participatory democracy that likely will have a lasting impact; and

20 WHEREAS, Permitting young children to accompany an adult voter into the voting  
21 booth or machine on election day is unlikely to cause disruption or inconvenience to  
22 election officials working the polls or other voters seeking to vote on election day; now,  
23 therefore,

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

26 **Article 33 - Election Code**

27 16-12.

28 (a) With the aid of the diagrams authorized in § 16-10(c)(1) of this article and the  
29 mechanically operated model, the judges, if requested by the voter, shall instruct each

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1 such voter, before he enters the voting machine booth, regarding the operation of the  
2 machine, and shall give the voter opportunity personally to operate the model.

3 (b) Any voter who requires assistance to vote by reason of blindness, disability, or  
4 inability to read the English language or write may be given assistance by a person of the  
5 voter's choice, not to include the voter's employer or agent of that employer or officer or  
6 agent of the voter's union.

7 (c) (1) Assistance in marking their ballots or operating a voting machine shall  
8 be given to voters who shall declare under oath to the judges that by reason of blindness,  
9 disability, or inability to read the English language or write they are unable without  
10 assistance to mark their ballots or operate the voting machine. No ballot shall be marked  
11 under this section or voting machine operated until a majority of the judges shall be  
12 satisfied of the truth of the fact stated in such affidavit. Upon making and filing with the  
13 judges such affidavit, the voter shall retire to one of said booths or voting machines with  
14 any person of the voter's choice, not to include the voter's employer or agent of that  
15 employer or officer or agent of the voter's union, or with two judges of opposite political  
16 parties. Then and there the person whom the voter has selected, or in case the voter has  
17 selected no one, one of said judges in the presence of the other, shall mark the ballot or  
18 operate the voting machine as such voter shall direct. The only assistance which it shall be  
19 lawful for said person or for the said judges to give the voter is to mark the ballot or  
20 operate the voting machine, as the voter shall direct, without prompting or suggestion  
21 from them, or either of them.

22 (2) If, however, any voter, after entering the voting machine booth, shall ask  
23 for further instructions concerning the manner of voting, then two of the judges of  
24 opposite political parties shall give him such instructions, but no such judge shall, in any  
25 manner, request, or suggest, or seek to persuade or induce any such voter to vote any  
26 particular ticket, or for any particular candidate, or for or against any particular question.  
27 After giving such instructions, the judges shall retire, and the voter shall forthwith vote.

28 (d) A voter may not be accompanied into a voting booth or voting machine by any  
29 person over the age of [five] 16 years unless the affidavit required by subsection (c) OF  
30 THIS SECTION has been accepted by the election judges.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1997.