

SENATE BILL 63

G1

71r0654

By: **Senators Lenett, Frosh, and Madaleno**

Introduced and read first time: January 19, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2007

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Voter’s Bill of Rights**

3 FOR the purpose of ~~requiring that certain voting systems produce an accessible~~
4 ~~voter-verified paper audit trail of a voter’s ballot choices and provide the voter~~
5 ~~with an opportunity to inspect the accessible voter-verified paper audit trail;~~
6 ~~requiring that the accessible voter-verified paper audit trails be preserved at~~
7 ~~the polling place in a certain manner for certain purposes; requiring the State~~
8 ~~Board of Elections to conduct a comparison of certain ballots in a random~~
9 ~~sampling of election districts; establishing the Voter’s Bill of Rights; requiring~~
10 each local board of elections to post a copy of the Voter’s Bill of Rights document
11 at each polling place on election day, to include a copy of the Voter’s Bill of
12 Rights document with each sample ballot it distributes, to offer a copy of the
13 Voter’s Bill of Rights document to voters at the polling place, and to make the
14 Voter’s Bill of Rights document available in a language other than English in
15 certain precincts; ~~prohibiting a person from willfully or knowingly influencing or~~
16 ~~attempting to influence an individual from registering to vote or from engaging~~
17 ~~in certain voter activity through the use of fraud, stratagem, or ruse; and~~
18 generally relating to voter protections requiring the Voter’s Bill of Rights
19 document to include instructions on how to contact local boards of elections for
20 certain purposes; and generally relating to the Voter’s Bill of Rights.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article – Election Law~~
 3 ~~Section 1–101(e)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2003 Volume and 2006 Supplement)~~

6 ~~BY adding to~~
 7 ~~Article – Election Law~~
 8 ~~Section 9–106~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2003 Volume and 2006 Supplement)~~

11 BY repealing and reenacting, with amendments,
 12 Article – Election Law
 13 Section 9–201 ~~and 16–201~~
 14 Annotated Code of Maryland
 15 (2003 Volume and 2006 Supplement)

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

18 **Article – Election Law**

19 ~~1–101.~~

20 ~~(e) (1) “Document ballot” means a ballot used with a voting system in~~
 21 ~~which the voter individually is issued a ballot on which to indicate one or more votes.~~

22 ~~(2) “Document ballot” includes:~~

23 ~~(i) a machine read ballot, such as an optically scanned ballot;~~

24 ~~and~~

25 ~~(ii) a hand counted paper ballot.~~

26 ~~9–106.~~

27 ~~(A) (1) A VOTING SYSTEM THAT DOES NOT USE A DOCUMENT BALLOT~~
 28 ~~SHALL PRODUCE AN ACCESSIBLE VOTER VERIFIED PAPER AUDIT TRAIL THAT~~
 29 ~~SHALL BE MADE AVAILABLE FOR INSPECTION AND VERIFICATION BY THE VOTER~~
 30 ~~AT THE TIME THE VOTE IS CAST.~~

1 ~~(2) THE ACCESSIBLE VOTER VERIFIED PAPER AUDIT TRAIL~~
2 ~~SHALL BE PRESERVED WITHIN THE POLLING PLACE IN THE MANNER THAT ALL~~
3 ~~OTHER DOCUMENT BALLOTS ARE PRESERVED WITHIN THE POLLING PLACE ON~~
4 ~~ELECTION DAY FOR LATER USE IN ANY MANUAL RECOUNT.~~

5 ~~(B) A VOTER MAY REVIEW THE ACCESSIBLE VOTER VERIFIED PAPER~~
6 ~~AUDIT TRAIL AND CORRECT ANY ERROR MADE BY THE SYSTEM BEFORE THE~~
7 ~~ACCESSIBLE VOTER VERIFIED PAPER AUDIT TRAIL IS PRESERVED FOR USE IN~~
8 ~~ANY MANUAL RECOUNT.~~

9 ~~(C) THE ACCESSIBLE VOTER VERIFIED PAPER AUDIT TRAIL PRODUCED~~
10 ~~UNDER SUBSECTION (A) OF THIS SECTION SHALL BE AVAILABLE AS AN OFFICIAL~~
11 ~~RECORD AND SHALL BE THE OFFICIAL RECORD USED FOR ANY RECOUNT~~
12 ~~CONDUCTED WITH RESPECT TO ANY ELECTION WHEN THE SYSTEM IS USED.~~

13 ~~(D) IN A RANDOM SAMPLING OF 5% OF THE TOTAL NUMBER OF~~
14 ~~PRECINCTS WITHIN EACH LEGISLATIVE DISTRICT THAT PRODUCE AN~~
15 ~~ACCESSIBLE VOTER VERIFIED PAPER AUDIT TRAIL, THE STATE BOARD SHALL~~
16 ~~COMPARE THE ACCESSIBLE VOTER VERIFIED PAPER AUDIT TRAIL AGAINST THE~~
17 ~~ELECTRONICALLY RECORDED RESULTS IN THOSE DISTRICTS TO VERIFY THAT~~
18 ~~THE ELECTRONICALLY RECORDED RESULTS EQUAL THE ACCESSIBLE~~
19 ~~VOTER VERIFIED PAPER AUDIT TRAIL.~~

20 9-201.

21 (a) In any election conducted under this article:

22 (1) all voting shall be by ballot; and

23 (2) only votes cast on a ballot may be counted.

24 (b) All ballots shall comply with the provisions of this subtitle.

25 (c) A ballot may not be used for any purpose not authorized by this article.

26 (D) (1) IN ACCORDANCE WITH THE REGULATIONS AND PROCEDURES
27 ADOPTED BY THE STATE BOARD UNDER § 10-306 OF THIS ARTICLE, EACH
28 LOCAL BOARD SHALL POST IN A CONSPICUOUS PLACE AT EACH POLLING PLACE
29 ON ELECTION DAY THE “VOTER’S BILL OF RIGHTS” DOCUMENT ESTABLISHED
30 BELOW:

1 **(11) HAVE COMPLAINTS ABOUT AN ALLEGED VOTING RIGHTS**
 2 **VIOLATION RESOLVED FAIRLY, ACCURATELY, AND EFFICIENTLY.”.**

3 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,**
 4 **EACH LOCAL BOARD SHALL:**

5 **(I) INCLUDE A COPY OF THE “VOTER’S BILL OF RIGHTS”**
 6 **DOCUMENT WITH EACH OFFICIAL SAMPLE BALLOT IT DISTRIBUTES;**

7 **(II) OFFER A COPY OF THE “VOTER’S BILL OF RIGHTS”**
 8 **DOCUMENT TO VOTERS AT THE POLLING PLACE ON ELECTION DAY; AND**

9 **(III) MAKE THE “VOTER’S BILL OF RIGHTS” DOCUMENT**
 10 **AVAILABLE IN A LANGUAGE OTHER THAN ENGLISH IN ANY PRECINCT WHERE**
 11 **THE BALLOT IS REQUIRED TO BE MADE AVAILABLE IN A LANGUAGE OTHER**
 12 **THAN ENGLISH BY FEDERAL OR STATE LAW.**

13 **(3) THE “VOTER’S BILL OF RIGHTS” DOCUMENT SHALL INCLUDE**
 14 **INSTRUCTIONS ON HOW TO CONTACT THE APPROPRIATE LOCAL BOARD IF A**
 15 **VOTER’S RIGHTS ARE ALLEGED TO HAVE BEEN VIOLATED AND A TOLL-FREE**
 16 **TELEPHONE NUMBER FOR THAT PURPOSE.**

17 ~~16-201.~~

18 ~~(a) A person may not willfully and knowingly:~~

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

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

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

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

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

1 ~~(5) influence or attempt to influence [a] AN INDIVIDUAL TO REFRAIN~~
2 ~~FROM REGISTERING TO VOTE, OR INFLUENCE OR ATTEMPT TO INFLUENCE A~~
3 ~~voter's voting decision, through the use of:~~

4 ~~(I) force, FRAUD, threat, menace, intimidation, bribery, reward,~~
5 ~~or offer of reward; OR~~

6 ~~(II) STRATAGEM OR RUSE;~~

7 ~~(6) influence or attempt to influence a voter's decision whether to go to~~
8 ~~the polls to cast a vote OR FROM VOTING AT THE PROPER PLACE OR TIME through~~
9 ~~the use of:~~

10 ~~(I) force, fraud, threat, menace, intimidation, bribery, reward,~~
11 ~~or offer of reward; or~~

12 ~~(II) STRATAGEM OR RUSE; OR~~

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 ~~October~~ July 1, 2007.