

# HOUSE BILL 801

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By: **Delegate Reznik**

Introduced and read first time: February 6, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election - Voter Registration at the Polling Place and Voting on Election Day**

3 FOR the purpose of authorizing certain individuals to apply to register to vote on  
4 election day at certain polling places and, on satisfaction of certain conditions,  
5 to vote a regular ballot; specifying conditions governing the authority of certain  
6 individuals to register to vote on election day and the manner in which an  
7 individual may prove residence for purposes of voter registration on election  
8 day; clarifying certain provisions of law regarding the closing of voter  
9 registration; and generally relating to voter registration at the polling place and  
10 voting on election day.

11 BY repealing and reenacting, without amendments,  
12 Article - Election Law  
13 Section 3-102, 3-202, and 3-301  
14 Annotated Code of Maryland  
15 (2003 Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Election Law  
18 Section 3-201 and 3-302  
19 Annotated Code of Maryland  
20 (2003 Volume and 2007 Supplement)

21 BY adding to  
22 Article - Election Law  
23 Section 3-204.1  
24 Annotated Code of Maryland  
25 (2003 Volume and 2007 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**Article – Election Law**

2 3–102.

3 (a) Except as provided in subsection (b) of this section, an individual may  
4 become registered to vote if the individual:

5 (1) is a citizen of the United States;

6 (2) is at least 18 years old or will be 18 years old on or before the day  
7 of the next succeeding general or special election;

8 (3) is a resident of the State as of the day the individual seeks to  
9 register; and

10 (4) registers pursuant to this title.

11 (b) An individual is not qualified to be a registered voter if the individual:

12 (1) has been convicted of a felony and is actually serving a  
13 court-ordered sentence of imprisonment, including any term of parole or probation, for  
14 the conviction;

15 (2) is under guardianship for mental disability; or

16 (3) has been convicted of buying or selling votes.

17 3–201.

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

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

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

21 (3) by mail;

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

24 (5) when applying for services at a voter registration agency; [or]

25 **(6) ON ELECTION DAY AT THE POLLING PLACE IN THE PRECINCT**  
26 **IN WHICH THE INDIVIDUAL RESIDES; OR**

1            [(6)] (7)        with the assistance of a volunteer authorized by the State or  
2 local board.

3            (b)     An individual who is at least 18 years old or will be 18 years old on or  
4 before the day of the next succeeding general or special election may be a volunteer  
5 under subsection [(a)(6)] (A)(7) of this section.

6     3–202.

7            (a)     (1)     The statewide voter registration application shall:

8                            (i)     require the signature of the applicant, subject to the  
9 penalties of perjury, by which the applicant swears or affirms that the information  
10 contained in the registration application is true and that the applicant meets all of the  
11 qualifications to become a registered voter;

12                            (ii)    state the penalties for the submission of a false application;  
13 and

14                            (iii)   provide the applicant with the opportunity to cancel a  
15 current registration.

16            (2)     The following information shall be made available to each  
17 applicant who is completing a statewide voter registration application:

18                            (i)     the qualifications to become a registered voter;

19                            (ii)    if an individual declines to register, this fact will remain  
20 confidential and be used only for voter registration purposes;

21                            (iii)   if an individual registers to vote, the office at which the  
22 application is submitted will remain confidential and will be used only for voter  
23 registration purposes; and

24                            (iv)    notification to the applicant that submission of the form to  
25 an individual other than an official, employee, or agent of a local board does not assure  
26 that the form will be filed or filed in a timely manner.

27            (3)     The statewide voter registration application may not require:

28                            (i)     notarization or other formal authentication; or

29                            (ii)    any additional information, other than the information  
30 necessary to enable election officials to determine the eligibility of the applicant and to  
31 administer voter registration and other parts of the election process.

1 (4) (i) A statewide voter registration application shall be produced  
2 exclusively by the State Board.

3 (ii) No other registration form may be used for registration  
4 purposes except:

5 1. a voter registration application produced by a local  
6 board with the approval of the State Board;

7 2. as provided in subsection (b) of this section;

8 3. as provided in § 3-203(b) of this subtitle;

9 4. any other form prescribed by federal law for voter  
10 registration; or

11 5. a federal write-in absentee ballot if used by a voter  
12 authorized to vote a federal write-in absentee ballot under federal law.

13 (b) The voter registration application form prescribed pursuant to the  
14 National Voter Registration Act of 1993 shall be accepted by the appropriate election  
15 official for purposes of voter registration.

16 (c) The application described in this section may be used by a registered  
17 voter to change the voter's name, address, or party affiliation.

18 **3-204.1.**

19 (A) **AN INDIVIDUAL MAY APPLY TO BECOME A REGISTERED VOTER ON**  
20 **ELECTION DAY BY:**

21 (1) **APPEARING AT THE POLLING PLACE IN THE PRECINCT IN**  
22 **WHICH THE INDIVIDUAL RESIDES;**

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

25 (3) **MAKING OATH IN THE FORM PRESCRIBED BY THE STATE**  
26 **BOARD; AND**

27 (4) **PROVIDING PROOF OF RESIDENCE IN THE PRECINCT.**

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

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

1 (I) A VALID DRIVER'S LICENSE OR IDENTIFICATION CARD  
2 ISSUED BY THE DEPARTMENT OF TRANSPORTATION; OR

3 (II) A VALID UNITED STATES PASSPORT;

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

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

11 (4) SHOWING A TRIBAL IDENTIFICATION CARD;

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

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

16 (7) EXECUTING AN AFFIDAVIT:

17 (I) SIGNED BY THE REGISTRANT IN A FORM PRESCRIBED BY  
18 THE STATE BOARD; OR

19 (II) SIGNED BY A PERSON WHO IS REGISTERED TO VOTE IN  
20 THE PRECINCT.

21 (C) AN INDIVIDUAL WHO SATISFIES THE REQUIREMENTS OF THIS  
22 SECTION:

23 (1) IS ELIGIBLE TO VOTE ON ELECTION DAY; AND

24 (2) ON REQUEST SHALL BE ISSUED A REGULAR BALLOT AND  
25 ALLOWED TO VOTE.

26 3-301.

27 (a) When a voter registration application is received by a local board, the  
28 local board shall:

29 (1) if the applicant resides in the county of the local board, determine  
30 whether the applicant is qualified to become a registered voter; or

1 (2) if the applicant resides in a different county in the State,  
2 immediately forward the application to the proper county.

3 (b) A qualified applicant shall be electronically entered into the statewide  
4 voter registration list on an expedited basis at the time voter registration information  
5 is provided to the local board and shall be assigned to the county in which the  
6 applicant resides unless registration is closed pursuant to § 3–302 of this subtitle.

7 (c) (1) The election director in the county where an applicant resides shall  
8 send a voter acknowledgment notice, in a format prescribed by the State Board, to  
9 each applicant informing the applicant whether he or she is qualified to become  
10 registered, and, if not qualified, the reasons why.

11 (2) (i) A voter notification card sent to a qualified applicant may  
12 serve as a voter acknowledgment notice.

13 (ii) 1. The voter notification card shall contain the name and  
14 address of the voter, the date of issue, and the district or ward and precinct of the  
15 voter.

16 2. The card is evidence that the individual to whom it is  
17 issued is a registered voter on the date appearing on the card.

18 3. The election director shall issue a replacement card  
19 on request of the voter and a new card when a relevant change is made in the voter's  
20 registration record if the voter continues to reside in the county.

21 3–302.

22 (a) [Registration] **EXCEPT FOR REGISTRATION FOR THE PURPOSE OF**  
23 **VOTING ON ELECTION DAY AS PROVIDED UNDER § 3–201(A)(6) OF THIS TITLE,**  
24 **REGISTRATION** is closed beginning at 9 p.m. on the 21st day preceding an election  
25 until the 11th day after that election.

26 (b) **EXCEPT FOR A VOTER REGISTRATION APPLICATION SUBMITTED BY**  
27 **A VOTER AT THE POLLING PLACE ON ELECTION DAY IN ACCORDANCE WITH §**  
28 **3–204.1 OF THIS TITLE:**

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

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

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

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

7                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2008.