

HOUSE BILL 1392

G1

9lr0112

By: **Chair, Ways and Means Committee (By Request - Departmental - Elections, State Board of)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 2, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2009

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Miscellaneous ~~Technical and Clarifying Corrections~~**
3 **Revisions**

4 FOR the purpose of altering a certain requirement for establishment of certain
5 election precincts; ~~requiring an election director to remove a voter from the~~
6 ~~statewide voter registration list under certain circumstances;~~ authorizing an
7 address change to be processed without the voter's signature if notification of
8 the change is provided by the U.S. Department of Defense; requiring the State
9 Administrator of Elections to make arrangements to receive reports of
10 individuals convicted of certain crimes from certain other courts; clarifying
11 certain requirements for retention and use of certain personal identification
12 numbers; ~~requiring the State Board of Elections to adopt regulations for local~~
13 ~~boards to provide notice of elections;~~ ~~repealing certain provisions requiring a~~
14 ~~local board to provide notice of certain elections using certain methods;~~
15 ~~repealing the requirement that a local board shall determine certain~~
16 ~~qualifications of a board of education candidate;~~ clarifying that certain
17 provisions applicable to an absentee ballot also apply to a provisional ballot;
18 altering the forms a voter may use to apply for an absentee ballot; repealing the
19 formula for ordering ballots; requiring the State Administrator to determine, in
20 consultation with the local boards, the quantity of ballots and arrange for the
21 printing of ballots; clarifying how a local board may provide a voter with an
22 absentee ballot; ~~altering certain standards for determining when a second~~
23 ~~absentee ballot may be issued to a voter;~~ ~~clarifying certain procedures for~~
24 ~~marking and sending a certain absentee ballot;~~ repealing certain requirements

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 concerning the mailing of absentee ballots; requiring the State Board to adopt
 2 guidelines for the distribution and return of absentee ballots; clarifying that a
 3 vacancy in the polling place staff may not delay the opening of the polling place;
 4 clarifying the instructions that are to be followed by certain election judges;
 5 altering the procedures to be followed to determine whether an individual at a
 6 polling place may vote a ballot; ~~altering certain procedures for validating~~
 7 ~~absentee ballots~~; altering the quantum of fault required for violation of certain
 8 provisions relating to concealment, damage, or destruction of voting equipment;
 9 clarifying that a certain provision is applicable to the unauthorized possession
 10 of a computer password; clarifying certain prohibitions on removing certain
 11 equipment or supplies; clarifying that certain provisions are applicable to
 12 certain electronic hardware; clarifying which election authority may authorize
 13 an individual to access certain voting systems or possess certain voting system
 14 components; prohibiting a person from possessing a voting unit unless
 15 authorized to do so by the appropriate election authority; making certain
 16 technical changes; and generally relating to the election laws.

17 BY repealing and reenacting, with amendments,

18 Article – Election Law

19 Section ~~2-303(a), 3-501, 3-304,~~ 3-504(a), 3-505, ~~8-102, 8-803,~~ 9-204(b),
 20 9-215(b), 9-305(a), 9-306(b) and (d), ~~9-307(b),~~ 9-406(b), 10-305, 10-310,
 21 ~~11-302(d),~~ 16-801(a), 16-802(b), 16-803(a), and 16-804(a)

22 Annotated Code of Maryland

23 (2003 Volume and 2008 Supplement)

24 BY repealing

25 Article – Election Law

26 Section 9-310

27 Annotated Code of Maryland

28 (2003 Volume and 2008 Supplement)

29 BY adding to

30 Article – Election Law

31 Section 9-310

32 Annotated Code of Maryland

33 (2003 Volume and 2008 Supplement)

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

36 **Article – Election Law**

37 2-303.

38 (a) (1) Subject to paragraph (2) of this subsection, as it deems it expedient
 39 for the convenience of voters, a local board may:

40 (i) create and alter the boundaries for precincts in the county;

1 (ii) designate the location for polling places in any election
2 district, ward, or precinct in the county; and

3 (iii) combine or abolish precincts.

4 (2) (i) Except as provided under subparagraph (iii) of this
5 paragraph, a local board shall establish a separate precinct on campus or within
6 one-half mile of the campus to specifically serve a public or private institution of
7 higher education if the local board determines that at least 500 students, faculty, and
8 staff who attend or work at the institution are registered voters in the precinct in
9 which the institution is located.

10 (ii) If, in accordance with subparagraph (i) of this paragraph, a
11 polling place is established at an institution of higher education that receives State
12 funds, that institution shall:

13 1. provide without charge to the local board a facility for
14 use as a polling place that meets all applicable requirements under this article and as
15 established by the State Board; and

16 2. provide assistance to the local board in recruiting
17 election judges to staff the polling place.

18 (iii) A local board may not be required to establish a separate
19 precinct as provided under subparagraph (i) of this paragraph if there is an
20 established [precinct] **POLLING PLACE** within one-half mile of the public or private
21 institution of higher education's campus that serves the voters who attend or work at
22 the public or private institution of higher education.

23 3-304.

24 (a) (1) [Notification] SUBJECT TO PARAGRAPH (2) OF THIS
25 SUBSECTION, NOTIFICATION of a change of address or of a change of name may be
26 made:

27 (i) by information provided on a voter registration application
28 by the same methods provided for registration pursuant to Subtitle 2 of this title;

29 (ii) by written notice, signed by the voter and sent by mail or
30 otherwise delivered to the local board in the county where the voter's current voter
31 registration address is located or to which the voter has moved;

32 (iii) by making application in person at the office of the local
33 board in the county where the voter's current voter registration address is located or to
34 which the voter has moved;

1 (iv) by information on a voter authority card or other
 2 appropriate form filled out in a polling place; or

3 (v) by changing a name or address with the Motor Vehicle
 4 Administration.

5 **(2) AS PROVIDED BY REGULATIONS ADOPTED BY THE STATE**
 6 **BOARD, AN ADDRESS CHANGE MAY BE PROCESSED WITHOUT THE VOTER'S**
 7 **SIGNATURE IF NOTIFICATION OF THE CHANGE IS PROVIDED BY THE U.S.**
 8 **DEPARTMENT OF DEFENSE.**

9 [(2)] (3) Except as provided by regulations adopted by the State
 10 Board, name and address changes may not be processed when registration is closed.

11 (b) The local board in the county in which the voter resides shall
 12 electronically enter the change of name or address into the statewide voter
 13 registration list on an expedited basis at the time the information is provided to the
 14 local board.

15 ~~3-501.~~

16 ~~An election director [may] SHALL remove a voter from the statewide voter~~
 17 ~~registration list only:~~

18 ~~(1) at the request of the voter, provided the request is:~~

19 ~~(i) signed by the voter;~~

20 ~~(ii) authenticated by the election director; and~~

21 ~~(iii) in a format acceptable to the State Board or on a~~
 22 ~~cancellation notice provided by the voter on a voter registration application;~~

23 ~~(2) upon determining, based on information provided pursuant to~~
 24 ~~[\\$ 3-503] § 3-504 of this subtitle, that the voter is no longer eligible because:~~

25 ~~(i) the voter is not qualified to be a registered voter as provided~~
 26 ~~in § 3-102(b) of this title; or~~

27 ~~(ii) the voter is deceased;~~

28 ~~(3) if the voter has moved outside the State, as determined by~~
 29 ~~conducting the procedures established in § 3-502 of this subtitle; [or]~~

30 ~~(4) if, in accordance with the administrative complaint process under §~~
 31 ~~3-602 of this title, the [local board has determined] STATE ADMINISTRATOR OR~~

1 ~~THE STATE ADMINISTRATOR'S DESIGNEE HAS DETERMINED~~ that the voter is not
 2 ~~qualified to be registered to vote; OR~~

3 ~~(5) IF THE LOCAL BOARD DETERMINES THAT:~~

4 ~~(I) THE ADDRESS PROVIDED BY THE VOTER IS A~~
 5 ~~COMMERCIAL ADDRESS, BASED ON EVIDENCE PROVIDED TO THE BOARD,~~
 6 ~~INCLUDING A BUSINESS THAT RENTS MAILBOXES;~~

7 ~~(II) AT LEAST TWO NOTICES HAVE BEEN MAILED TO THE~~
 8 ~~VOTER REQUESTING THE VOTER'S RESIDENCE ADDRESS; AND~~

9 ~~(III) THE VOTER HAS NOT PROPERLY RESPONDED TO THE~~
 10 ~~NOTICES.~~

11 3-504.

12 (a) (1) (i) Information from the agencies specified in this paragraph
 13 shall be reported to the State Administrator in a format and at times prescribed by the
 14 State Board.

15 (ii) The Department of Health and Mental Hygiene shall report
 16 the names and residence addresses (if known) of all individuals at least 16 years of age
 17 reported deceased within the State since the date of the last report.

18 (iii) The clerk of the circuit court for each county and the
 19 administrative clerk for each District Court shall report the names and addresses of
 20 all individuals convicted, in the respective court, of a felony since the date of the last
 21 report.

22 (iv) The clerk of the circuit court for each county shall report the
 23 former and present names and residence addresses (if known) of all individuals whose
 24 names have been changed by decree or order of the court since the date of the last
 25 report.

26 (2) The State Administrator shall make arrangements with the clerk
 27 of the United States District Court for the District of Maryland, **COURTS OF OTHER**
 28 **STATES, AND OTHER UNITED STATES DISTRICT COURTS** to receive reports of
 29 names and addresses, if available, of individuals convicted of a felony in that court.

30 3-505.

31 (a) The State Board shall adopt regulations for the retention and storage of
 32 and reasonable access to original voter registration applications and other voter
 33 registration records the State Board considers appropriate.

1 (b) (1) [Voter] **SUBJECT TO SUBSECTIONS (C)(2) AND (D) OF THIS**
 2 **SECTION, VOTER** registration records stored and retained in a local board office shall
 3 be open to public inspection.

4 (2) For the purpose of public inspection, original voter registration
 5 records:

6 (i) subject to § 4–527(b) of the Family Law Article and except
 7 upon the special order of the local board, shall be available at all times when a local
 8 board is open; and

9 (ii) may not be removed from the office of the local board except:

10 1. on order of a court; or

11 2. for temporary removal solely for purposes of data
 12 processing.

13 (c) (1) Consistent with regulations adopted by the State Board, local
 14 boards shall maintain for at least 2 years all records concerning programs to ensure
 15 the accuracy and currency of the statewide voter registration list.

16 (2) Except for records concerning a declination to register or the
 17 identity of a voter registration agency through which a particular voter applies for
 18 registration, the records described in paragraph (1) of this subsection are accessible
 19 under Title 10, Subtitle 6, Part III of the State Government Article (Access to Public
 20 Records).

21 **(D) (1) IN THIS SUBSECTION, “PERSONAL IDENTIFICATION NUMBER”**
 22 **MEANS AN INDIVIDUAL’S:**

23 **(I) MOTOR VEHICLE ADMINISTRATION DRIVER’S LICENSE**
 24 **OR IDENTIFICATION CARD NUMBER; OR**

25 **(II) FULL SOCIAL SECURITY NUMBER.**

26 **(2) A PERSONAL IDENTIFICATION NUMBER IS NOT SUBJECT TO**
 27 **PUBLIC DISCLOSURE AND MAY BE USED ONLY FOR VOTER REGISTRATION**
 28 **PURPOSES.**

29 ~~§ 102.~~

30 ~~[(a) Except as required under subsection (d) of this section]~~ **IN ACCORDANCE**
 31 **WITH REGULATIONS ADOPTED BY THE STATE BOARD,** a local board shall provide
 32 notice of each election ~~[in its county to the registered voters of the county by either:~~

1 ~~(1) specimen ballot mailed at least 1 week before the election; or~~

2 ~~(2) publication or dissemination by mass communication during the~~
3 ~~calendar week preceding the election.~~

4 ~~(b) The notice shall include:~~

5 ~~(1) the time and place of the election; and~~

6 ~~(2) the offices, candidate names, and questions contained on the ballot.~~

7 ~~(c) (1) If a local board provides notice by mailing specimen ballots, a~~
8 ~~specimen ballot shall be mailed to all registered voters in the county who are eligible~~
9 ~~to vote in the election.~~

10 ~~(2) The specimen ballot shall be a facsimile of the ballot that the voter~~
11 ~~is entitled to vote in the election.~~

12 ~~(d) (1) In Prince George's County for the general election, the Board shall:~~

13 ~~(i) provide notice by mailing specimen ballots; and~~

14 ~~(ii) mail a specimen ballot to the household of each registered~~
15 ~~voter in the county.~~

16 ~~(2) The costs for mailing specimen ballots in Prince George's County~~
17 ~~shall be included in the county's annual budget appropriation to the local board.~~

18 ~~(e) (1) Unless a local board mails a specimen ballot to its registered voters~~
19 ~~in accordance with subsection (c) or (d) of this section, the local board shall give notice~~
20 ~~of the election by newspaper publication or other means of mass communication.~~

21 ~~(2) The notice of election under this subsection shall be arranged, if~~
22 ~~practicable, in the same order and form as the ballot.~~

23 ~~(3) (i) If newspaper publication is used in a county, the notice shall~~
24 ~~be advertised in at least two newspapers of general circulation that are published in~~
25 ~~the county.~~

26 ~~(ii) In a county in which only one newspaper is published, the~~
27 ~~notice shall be published in that newspaper.~~

28 ~~§ 803.~~

29 ~~[(a) Before certifying the name of a board of education candidate to appear on~~
30 ~~the ballot, the local board shall determine whether the candidate qualifies as provided~~
31 ~~under Title 3 of the Education Article and Title 5 of this article.~~

~~(b) Unless Title 3 of the Education Article requires a partisan election, an individual may not qualify as a board of education candidate or nominee by filing a petition or being nominated by a political party.~~

9-204.

(b) Except as otherwise specifically provided in this title, or unless a provision is clearly inappropriate to absentee ballots **AND PROVISIONAL BALLOTS**, the provisions of this subtitle relating to ballot content and arrangement shall apply to the arrangement of absentee **AND PROVISIONAL** ballots.

9-215.

(b) [Each local board shall arrange to have printed a supply of ballots that is at least the number that is the product of] **THE STATE ADMINISTRATOR SHALL:**

(1) [the percentage of voters in the county who voted in the election that was 4 years prior, plus 10%; multiplied by] **IN CONSULTATION WITH THE LOCAL BOARDS, DETERMINE THE QUANTITY OF BALLOTS NEEDED FOR EACH ELECTION; AND**

(2) [the current number of registered voters in the county] **ARRANGE TO HAVE THE BALLOTS PRINTED.**

9-305.

(a) An application for an absentee ballot, signed by the voter, may be made:

(1) on a form [produced by the local board and supplied to the voter] **PRESCRIBED BY THE STATE BOARD;**

(2) on a form provided under federal law; or

(3) in [a] **AN INFORMAL** written request that [includes] **SATISFIES THE REQUIREMENTS OF REGULATIONS ADOPTED BY THE STATE BOARD[:**

(i) the voter's name and residence address; and

(ii) the address to which the ballot is to be mailed, if different from the residence address].

9-306.

(b) If the applicant qualifies to vote by absentee ballot, the local board shall [send] **PROVIDE THE VOTER WITH** the ballot:

1 (1) as soon as practicable after receipt of the request; or

2 (2) if the ballots have not been received from the printer, as soon as
3 practicable after the local board receives delivery of the ballots.

4 (d) Not more than one absentee ballot may be issued to a voter unless:

5 ~~(1)~~ the election director [of the local board] has reasonable grounds to
6 believe that an absentee ballot previously issued to the voter has been lost, destroyed,
7 or spoiled; ~~OR~~

8 ~~(2) AFTER THE ABSENTEE BALLOT HAS BEEN ISSUED TO THE~~
9 ~~VOTER;~~

10 ~~(I) A BALLOT CHANGE OCCURS;~~

11 ~~(II) A CANDIDATE IS DISQUALIFIED;~~

12 ~~(III) A CANDIDATE DIES; OR~~

13 ~~(IV) ANOTHER CHANGE AFFECTING THE CONTENT OF THE~~
14 ~~BALLOT OCCURS.~~

15 ~~9-307.~~

16 ~~(b) An agent of the voter under this section:~~

17 ~~(1) must be at least 18 years old;~~

18 ~~(2) may not be a candidate on that ballot;~~

19 ~~(3) shall be designated in a writing signed by the voter under penalty~~
20 ~~of perjury; and~~

21 ~~(4) shall execute an affidavit under penalty of perjury that the ballot~~
22 ~~was:~~

23 ~~(i) delivered to the voter who submitted the application; AND~~

24 ~~(ii) IF APPLICABLE, marked and placed in an envelope by the~~
25 ~~voter, or with assistance as allowed by regulation, in the agent's presence[;] and~~

26 ~~[(iii)] returned to the local board by the agent.~~

27 [9-310.

1 (a) An absentee ballot shall be enclosed in specially printed envelopes, the
2 form and content of which shall be prescribed by the State Board.

3 (b) (1) A local board may use either two envelopes or three envelopes.

4 (2) If two envelopes are used, the inner envelope shall be designated
5 the "ballot/return envelope", and, when issued, it shall fit inside the envelope
6 designated the "outgoing envelope".

7 (3) If three envelopes are used, the innermost envelope shall be
8 designated the "ballot envelope", which shall fit inside the envelope designated the
9 "return envelope", both of which, when issued, shall fit inside the envelope designated
10 the "outgoing envelope".

11 (c) When voted and returned to the local board, an absentee ballot shall be
12 enclosed in a ballot envelope or ballot/return envelope, on which has been printed an
13 oath prescribed by the State Board.]

14 **9-310.**

15 **THE STATE BOARD SHALL ADOPT GUIDELINES FOR THE DISTRIBUTION**
16 **AND RETURN OF ABSENTEE BALLOTS.**

17 9-406.

18 (b) An individual rendering assistance under this section shall execute a
19 certification as prescribed by the State Board and included in the instructions under [§
20 9-408] § **9-407** of this subtitle.

21 10-305.

22 **(A) A VACANCY IN THE POLLING PLACE STAFF MAY NOT DELAY THE**
23 **OPENING OF THE POLLING PLACE.**

24 [(a)] **(B)** If there is a vacancy in the polling place staff during voting hours:

25 (1) the local board may fill the vacancy with a substitute election judge
26 who has been recruited and trained; or

27 (2) an election judge who is present at the polling place may fill the
28 position of the absent election judge by appointing a person registered with the same
29 party affiliation as the absent election judge.

30 [(b)] **(C)** If a substitute election judge is appointed under subsection [(a)]
31 **(B)** of this section:

1 (1) either the election director, the election director's designee, or the
2 election judge making the substitute appointment shall administer the oath required
3 under § 10-204 of this title; and

4 (2) a chief election judge shall document any change in the polling
5 place staff in the records of the polling place.

6 10-310.

7 (a) For each individual who seeks to vote, an election judge, in accordance
8 with [instructions provided by the local board] **THE INSTRUCTION MANUAL ISSUED**
9 **UNDER § 10-206 OF THIS ARTICLE**, shall:

10 (1) locate the individual's name in the precinct register [and locate the
11 preprinted voting authority card and then authorize the individual to vote a regular
12 ballot];

13 (2) [(i) if the individual's name is not found on the precinct register,
14 search the inactive list and if the name is found, authorize the individual to vote a
15 regular ballot; or

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

18 (3)] establish the identity of the voter by requesting the voter to state
19 the month and day of the voter's birth and comparing the response to the information
20 listed in the precinct register;

21 [(4)] **(3)** (i) except if a voter's personal information has been
22 deemed confidential by the local board, [verify] **REQUEST THAT THE VOTER STATE**
23 the address of the voter's residence; or

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

27 [(5) if any changes to the voting authority card are indicated by a voter,
28 make the appropriate changes in information on the card or other appropriate form;
29 and]

30 **(4) DETERMINE WHETHER THE VOTER MAY VOTE A REGULAR**
31 **BALLOT OR IS REQUIRED TO VOTE A PROVISIONAL BALLOT UNDER § 9-404 OF**
32 **THIS ARTICLE;**

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

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

7 (6) If a voter requires assistance under paragraph (4) or (5) of this
 8 subsection, the election judge shall record, on a form prescribed by the State Board,
 9 the name of the voter who required assistance and the name of the individual
 10 providing assistance to the voter.

11 (7) Except as provided in paragraph (3) or (4) of this subsection, an
 12 individual over the age of 12 years may not accompany a voter into a voting booth.

13 ~~11-302.~~

14 ~~(d) (1) The State Board shall adopt regulations that reflect the policy that~~
 15 ~~the clarity of the intent of the voter is the overriding consideration in determining the~~
 16 ~~validity of an absentee ballot or the vote cast in a particular contest.~~

17 ~~(2) A local board may not reject an absentee ballot except by~~
 18 ~~unanimous vote and in accordance with regulations of the State Board.~~

19 ~~(3) The local board shall reject an absentee ballot if:~~

20 ~~(i) before the ballot is canvassed, the local board determines~~
 21 ~~that the voter died before election day;~~

22 ~~(ii) the voter failed to sign the oath on the ballot envelope;~~

23 ~~(iii) the local board received more than one ballot from the same~~
 24 ~~individual for the same election in the same ballot envelope; or~~

25 ~~(iv) the local board determines that an absentee ballot is~~
 26 ~~intentionally marked with an identifying mark that is clearly evident and placed on~~
 27 ~~the ballot for the purpose of identifying the ballot.~~

28 ~~(4) (1) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF~~
 29 ~~THIS PARAGRAPH, IF the local board receives more than one legally sufficient ballot,~~
 30 ~~in separate envelopes, from the same individual, the local board shall:~~

31 ~~(i) count only the ballot with the latest properly signed oath;~~
 32 ~~and~~

1 (ii) ~~reject any other ballot.] REJECT ALL BALLOTS SUBMITTED~~
 2 ~~BY THAT INDIVIDUAL; AND~~

3 (H) ~~IF TWO ABSENTEE BALLOTS ARE RECEIVED FROM THE~~
 4 ~~SAME INDIVIDUAL, THE LOCAL BOARD SHALL ACCEPT THE BALLOT WITH THE~~
 5 ~~LATER DATE, IF:~~

6 1. ~~AFTER THE INDIVIDUAL CAST AND RETURNED~~
 7 ~~THE INDIVIDUAL'S BALLOT:~~

8 A. ~~A BALLOT CHANGE OCCURS;~~

9 B. ~~A CANDIDATE IS DISQUALIFIED;~~

10 C. ~~A CANDIDATE DIES; OR~~

11 D. ~~ANOTHER CHANGE AFFECTING THE CONTENT OF~~
 12 ~~THE BALLOT OCCURS; AND~~

13 2. ~~THE BALLOT WITH THE LATER DATE IS ISSUED~~
 14 ~~UNDER § 9-306(D) OF THIS ARTICLE.~~

15 (5) ~~If the intent of the voter is not clearly demonstrated, the local~~
 16 ~~board shall reject only the vote for that office or question.~~

17 (6) ~~[If] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF an~~
 18 ~~absentee voter casts a vote for an individual who has [ceased to be a candidate] BEEN~~
 19 ~~DISQUALIFIED OR DIES, the vote for that candidate may not be counted, but that~~
 20 ~~vote does not invalidate the remainder of the ballot.~~

21 16-801.

22 (a) A person may not willfully AND KNOWINGLY:

23 (1) conceal, damage, or destroy voting equipment used or intended to
 24 be used on the day of election; or

25 (2) remove voting equipment from the custody of the election judges or
 26 other election officials.

27 16-802.

28 (b) An unauthorized person may not make or have in the person's possession
 29 a key OR PASSWORD to any voting equipment that is used or will be used on the day
 30 of election.

1 16-803.

2 (a) A person may not remove, deface, or destroy equipment or supplies **USED**
3 **BY A LOCAL BOARD OFFICE OR** placed in a polling place by election officials during
4 an election.

5 16-804.

6 (a) When an electronic voting system is used, a person may not willfully and
7 knowingly:

8 (1) access the system **OR POSSESS VOTING SYSTEM FIRMWARE OR**
9 **SOFTWARE** unless authorized to do so by the [appropriate election authority] **STATE**
10 **ADMINISTRATOR; [or]**

11 **(2) POSSESS A VOTING UNIT UNLESS AUTHORIZED TO DO SO BY**
12 **THE APPROPRIATE ELECTION AUTHORITY; OR**

13 **[(2)] (3)** tamper with or alter the **VOTING SYSTEM’S FIRMWARE,**
14 hardware, system components, or software [utilized by the voting system, for the
15 purpose of affecting the vote count].

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.