

HOUSE BILL 288

G1

11r1242

By: **Delegates Afzali, Boteler, Fisher, Glass, Hershey, Hogan, Hough, Jacobs, McComas, McDermott, Otto, Ready, Schulz, Serafini, Smigiel, Stocksdale, and Vitale**

Introduced and read first time: February 1, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Qualification of Voters – Proof of Identity**

3 FOR the purpose of requiring an election judge to establish certain information with
4 regard to certain voters; requiring an election judge to qualify a voter by
5 requesting the voter to present a certain form of identification; requiring an
6 election judge to authorize an individual to vote a regular ballot under certain
7 circumstances; allowing a voter who is unable to present a certain form of
8 identification to vote by provisional ballot under certain circumstances;
9 prohibiting a person from voting or attempting to vote under a false form of
10 identification; requiring the Motor Vehicle Administration to issue an
11 identification card to certain voters at no charge; providing for a delayed
12 effective date; and generally relating to proof of identity of voters.

13 BY repealing and reenacting, with amendments,

14 Article – Election Law
15 Section 10–310 and 16–201
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

18 BY repealing and reenacting, without amendments,

19 Article – Transportation
20 Section 12–301(a) and (h)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2010 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Transportation
25 Section 12–301(b)
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2010 Supplement)

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

4 **Article – Election Law**

5 10–310.

6 (a) For each individual who seeks to vote, an election judge, in accordance
7 with instructions provided by the local board, shall:

8 (1) locate the individual’s name in the election register and locate the
9 preprinted voting authority card and then [authorize the individual to vote a regular
10 ballot] **ESTABLISH THE VOTER’S IDENTITY AND VERIFY THE VOTER’S ADDRESS**
11 **AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND**

12 (2) (i) if the individual’s name is not found on the election register,
13 search the inactive list and if the name is found, [authorize the individual to vote a
14 regular ballot] **ESTABLISH THE VOTER’S IDENTITY AND VERIFY THE VOTER’S**
15 **ADDRESS AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; 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 **(B) THE ELECTION JUDGE SHALL:**

19 ~~[(3)]~~ **(1)** establish the **VOTER’S** identity [of the voter] by:

20 **(I)** requesting the voter to state the month and day of the
21 voter’s birth and comparing the response to the information listed in the election
22 register; **AND**

23 **(II) REQUIRING THE VOTER TO PRESENT A CURRENT**
24 **GOVERNMENT–ISSUED PHOTO IDENTIFICATION;**

25 ~~[(4)]~~ **(2)** (i) except if a voter’s personal information has been
26 deemed confidential by the local board, verify the address of the voter’s residence; or

27 (ii) conduct an alternative verification as established by the
28 State Board, if the voter’s personal information has been deemed confidential by the
29 local board; **AND**

30 ~~[(5)]~~ **(3)** if any changes to the voting authority card are indicated by
31 **[a] THE voter[;]:**

1 **(I)** make the appropriate changes in information on the card or
2 other appropriate form **SPECIFIED BY THE STATE BOARD**; and

3 **[(6)] (II)** have the voter sign the voting authority card [and either
4 issue the voter a ballot or send the voter to a machine to vote] **OR OTHER**
5 **APPROPRIATE FORM SPECIFIED BY THE STATE BOARD.**

6 **[(b)] (C) (1)** **[On] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**
7 **SECTION, ON** the completion of the procedures set forth in [subsection (a)]
8 **SUBSECTIONS (A) AND (B)** of this section, **[a] THE ELECTION JUDGE SHALL**
9 **AUTHORIZE THE INDIVIDUAL TO VOTE A REGULAR BALLOT.**

10 **(2)** A voter may vote **A REGULAR BALLOT** in accordance with the
11 procedures appropriate to the voting system used in the polling place.

12 **(D) THE ELECTION JUDGE SHALL REFER THE INDIVIDUAL FOR**
13 **PROVISIONAL BALLOT VOTING UNDER § 9-404 OF THIS ARTICLE IF:**

14 **(1) THE VOTER IS UNABLE TO PROVIDE IDENTIFICATION AS**
15 **REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION; OR**

16 **(2) THE VOTER INDICATES A CHANGE OF RESIDENCE.**

17 **[(c)] (E) (1)** Before a voter enters a voting booth, at the request of the
18 voter, an election judge shall:

19 (i) instruct the voter about the operation of the voting system;
20 and

21 (ii) allow the voter an opportunity to operate a model voting
22 device, if appropriate to the voting system in use.

23 (2) (i) 1. After a voter enters the voting booth, at the request of
24 the voter, two election judges representing different political parties shall instruct the
25 voter on the operation of the voting device.

26 2. An election judge may not suggest in any way how the
27 voter should vote for a particular ticket, candidate, or position on a question.

28 3. After instructing the voter, the election judges shall
29 exit the voting booth and allow the voter to vote privately.

30 (ii) A voter may take into the polling place any written or
31 printed material to assist the voter in marking or preparing the ballot.

1 (3) (i) Except as provided in subparagraph (ii) of this paragraph, a
2 voter who requires assistance in marking or preparing the ballot because of a physical
3 disability or an inability to read the English language may choose any individual to
4 assist the voter.

5 (ii) A voter may not choose the voter's employer or agent of that
6 employer or an officer or agent of the voter's union to assist the voter in marking the
7 ballot.

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

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

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

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

20 16–201.

21 (a) A person may not willfully and knowingly:

22 (1) (i) impersonate another person in order to vote or attempt to
23 vote; [or]

24 (ii) vote or attempt to vote under a false name; **OR**

25 **(III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**
26 **IDENTIFICATION;**

27 (2) vote more than once for a candidate for the same office or for the
28 same ballot question;

29 (3) vote or attempt to vote more than once in the same election, or vote
30 in more than one election district or precinct;

31 (4) vote in an election district or precinct without the legal authority
32 to vote in that election district or precinct;

1 (5) influence or attempt to influence a voter's voting decision through
2 the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

3 (6) influence or attempt to influence a voter's decision whether to go to
4 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,
5 bribery, reward, or offer of reward; or

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

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

12 (c) A person who violates this section is subject to § 5–106(b) of the Courts
13 Article.

14 Article – Transportation

15 12–301.

16 (a) On application, the Administration shall issue an identification card to
17 any applicant who:

18 (1) Is a resident of this State;

19 (2) Does not have a driver's license;

20 (3) Presents a birth certificate or other proof of age and identity
21 acceptable to the Administration;

22 (4) Provides satisfactory documentary evidence that the applicant has
23 lawful status;

24 (5) (i) Provides satisfactory documentary evidence that the
25 applicant has a valid Social Security number by presenting the applicant's Social
26 Security Administration account card or, if the Social Security Administration account
27 card is not available, any of the following documents bearing the applicant's Social
28 Security number:

29 1. A current W–2 form;

30 2. A current SSA–1099 form;

31 3. A current non–SSA–1099 form; or

1 4. A current pay stub with the applicant's name and
2 Social Security number on it; or

3 (ii) Provides satisfactory documentary evidence that the
4 applicant is not eligible for a Social Security number; and

5 (6) Presents a completed application for an identification card on a
6 form furnished by the Administration.

7 (b) (1) Except as provided in paragraph (2) of this subsection, the
8 Administration shall establish a fee for the issuance of an identification card and for
9 issuance of a duplicate identification card.

10 (2) A fee is not required if the applicant for the card:

11 (i) Is 65 years old or older;

12 (ii) Is legally blind;

13 (iii) Has permanently lost the use of a leg or an arm;

14 (iv) Is permanently disabled so severely that the applicant
15 cannot move without the aid of crutches or a wheelchair; [or]

16 (v) Has a physical or mental impairment that substantially
17 limits a "major life activity" as defined in the federal Americans with Disabilities Act;
18 **OR**

19 **(VI) IS AT LEAST 18 YEARS OLD AND OBTAINS THE CARD FOR**
20 **USE AS A VOTER IDENTIFICATION CARD WHEN VOTING.**

21 (h) An identification card may be used as legal identification of the
22 individual to whom it is issued for any purpose.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 January 1, 2012.