

SENATE BILL 279

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CF 3lr0141

By: **The President (By Request – Administration) and Senators Raskin, Benson, Conway, Ferguson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Pinsky, Pugh, Rosapepe, Young, and Zirkin**

Introduced and read first time: January 18, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Improving Access to Voting**

3 FOR the purpose of providing an exception to the voter registration deadline to allow
4 an individual to register to vote or update an existing voter registration address
5 and vote during early voting; requiring proof of residency to register or update
6 an existing voter registration address during early voting; providing the types of
7 acceptable proof; requiring the State Board of Elections to adopt regulations and
8 establish procedures for the administration of voter registration during early
9 voting; providing for certain methods of requesting an absentee ballot, including
10 through the use of an online application; requiring a local board of elections to
11 provide a voter with an absentee ballot in the manner requested by the voter;
12 requiring the State Board to provide an optional online ballot marking tool;
13 specifying certain certification requirements for the ballot marking tool;
14 authorizing an absentee ballot to be sent by the Internet or facsimile
15 transmission and requiring certain information to be provided with the ballot;
16 altering the number of early voting centers for a county with a certain number
17 of registered voters; altering the dates and times for early voting during certain
18 elections; and generally relating to election law and improving access to voting.

19 BY repealing and reenacting, with amendments,
20 Article – Election Law
21 Section 3–302, 9–305, 9–306, 9–308, 9–310, and 10–301.1
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2012 Supplement)

24 BY adding to
25 Article – Election Law
26 Section 3–305
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2010 Replacement Volume and 2012 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 3–302.

6 (a) [Registration] **EXCEPT AS PROVIDED UNDER § 3–305 OF THIS**
7 **SUBTITLE, REGISTRATION** is closed beginning at 9 p.m. on the 21st day preceding an
8 election until the 11th day after that election.

9 (b) A voter registration application received when registration is closed shall
10 be accepted and retained by a local board, but the registration of the applicant does
11 not become effective until registration reopens.

12 (c) A voter registration application that is received by the local board after
13 the close of registration shall be considered timely received for the next election
14 provided:

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

18 (2) the application was submitted by the voter to the Motor Vehicle
19 Administration, a voter registration agency, another local board, or the State Board
20 prior to the close of registration.

21 **3–305.**

22 (A) **DURING EARLY VOTING, AN INDIVIDUAL MAY APPEAR IN PERSON AT**
23 **AN EARLY VOTING CENTER IN THE INDIVIDUAL’S COUNTY OF RESIDENCE AND**
24 **APPLY TO REGISTER TO VOTE OR CHANGE THE VOTER’S ADDRESS ON AN**
25 **EXISTING VOTER REGISTRATION.**

26 (B) (1) **WHEN APPLYING TO REGISTER TO VOTE OR CHANGE AN**
27 **ADDRESS ON AN EXISTING REGISTRATION DURING EARLY VOTING, THE**
28 **APPLICANT SHALL PROVIDE PROOF OF RESIDENCY.**

29 (2) **THE APPLICANT SHALL PROVE RESIDENCY BY SHOWING THE**
30 **ELECTION JUDGE:**

1 **(I) A MARYLAND DRIVER'S LICENSE OR MARYLAND**
2 **IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS;**
3 **OR**

4 **(II) IF THE APPLICANT DOES NOT HAVE A DRIVER'S LICENSE**
5 **OR IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT**
6 **ADDRESS, A COPY OF AN OFFICIAL DOCUMENT THAT:**

7 **1. MEETS THE REQUIREMENTS ESTABLISHED BY THE**
8 **STATE BOARD; AND**

9 **2. CONTAINS THE APPLICANT'S NAME AND CURRENT**
10 **ADDRESS.**

11 **(C) (1) WHEN AN INDIVIDUAL APPLIES TO REGISTER TO VOTE AT AN**
12 **EARLY VOTING CENTER, THE ELECTION JUDGE SHALL DETERMINE WHETHER**
13 **THE APPLICANT RESIDES IN THE COUNTY IN WHICH THE APPLICANT APPLIED**
14 **AND IS QUALIFIED TO BECOME A REGISTERED VOTER.**

15 **(2) IF THE VOTER IS A RESIDENT OF THE COUNTY AND IS**
16 **QUALIFIED TO REGISTER TO VOTE, THE ELECTION JUDGE SHALL:**

17 **(I) ISSUE THE VOTER A VOTING AUTHORITY CARD;**

18 **(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;**
19 **AND**

20 **(III) ISSUE THE VOTER A BALLOT.**

21 **(D) (1) WHEN A VOTER APPLIES TO CHANGE THE VOTER'S ADDRESS**
22 **DURING EARLY VOTING, THE ELECTION JUDGE SHALL DETERMINE WHETHER**
23 **THE VOTER RESIDES IN THE COUNTY IN WHICH THE VOTER SEEKS TO VOTE.**

24 **(2) IF THE VOTER IS A RESIDENT OF THE COUNTY, THE ELECTION**
25 **JUDGE SHALL:**

26 **(I) ISSUE THE VOTER A VOTING AUTHORITY CARD;**

27 **(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;**
28 **AND**

29 **(III) ISSUE THE VOTER THE APPROPRIATE BALLOT FOR THE**
30 **VOTER'S NEW ADDRESS.**

1 **(E) THE STATE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES**
2 **IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE**
3 **ADMINISTRATION OF VOTER REGISTRATION DURING EARLY VOTING.**

4 9–305.

5 (a) [An application for] **A VOTER MAY REQUEST** an absentee ballot[, signed
6 by the voter, may be made] **BY COMPLETING AND SUBMITTING:**

7 (1) [on a form produced by the local board and supplied to the voter]
8 **THE STATE BOARD APPROVED ABSENTEE BALLOT APPLICATION;**

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

10 (3) [in] a written request that includes:

11 (i) the voter’s name [and], residence address, **AND**
12 **SIGNATURE;** and

13 (ii) the address to which the ballot is to be mailed, if different
14 from the residence address; **OR**

15 **(4) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY**
16 **THE STATE BOARD.**

17 (b) [Except for a late application under subsection (c) of this section, an] **AN**
18 application for an absentee ballot must be received by a local board:

19 **(1) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY**
20 **MAIL OR FACSIMILE TRANSMISSION,** not later than the Tuesday preceding the
21 election, at the time specified in the guidelines;

22 **(2) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY**
23 **THE INTERNET, NOT LATER THAN THE FRIDAY PRECEDING THE ELECTION, AT**
24 **THE TIME SPECIFIED IN THE GUIDELINES; OR**

25 **(3) IF THE VOTER OR THE VOTER’S DULY AUTHORIZED AGENT**
26 **APPLIES FOR AN ABSENTEE BALLOT IN PERSON AT THE LOCAL BOARD OFFICE,**
27 **NOT LATER THAN THE CLOSING OF THE POLLS ON ELECTION DAY.**

28 [(c) (1) Beginning on the Wednesday preceding the election, through the
29 closing of the polls on election day, a registered voter or the voter’s duly authorized
30 agent may apply in person for an absentee ballot at the office of the local board.

1 (2) A special application for an absentee ballot issued under this
2 subsection shall be supplied by the staff of the local board to the voter or the voter's
3 duly authorized agent.

4 (3) The application shall be made under penalty of perjury but without
5 a formal oath.

6 (4) After review of the application, the staff shall issue an absentee
7 ballot to the voter or the voter's duly authorized agent.]

8 9-306.

9 (a) Promptly after receipt of an application, the election director shall review
10 the application and determine whether the applicant qualifies to vote by absentee
11 ballot.

12 (b) If the applicant qualifies to vote by absentee ballot, the local board shall
13 **[send] PROVIDE the ballot BY ONE OF THE FOLLOWING METHODS REQUESTED BY**
14 **THE VOTER:**

15 **(1) MAIL;**

16 **(2) FACSIMILE TRANSMISSION;**

17 **(3) THE INTERNET; OR**

18 **(4) BY HAND DURING AN IN-PERSON TRANSACTION.**

19 **(C) ONCE BALLOTS ARE AVAILABLE, THE LOCAL BOARD SHALL**
20 **PROVIDE THE BALLOT TO A QUALIFIED APPLICANT:**

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

22 (2) [if the ballots have not been received from the printer, as soon as
23 practicable after the local board receives delivery of the ballots] **IMMEDIATELY FOR**
24 **AN IN-PERSON TRANSACTION WITH A VOTER OR THE VOTER'S DULY**
25 **AUTHORIZED AGENT.**

26 **[(c)] (D)** (1) If the members of the local board determine that the
27 applicant is not entitled to vote by absentee ballot, the local board shall notify the
28 applicant as soon as practicable after receipt of the application of the reasons for the
29 rejection.

1 (2) (i) The local board may delegate the determination under
2 paragraph (1) of this subsection to the staff of the local board.

3 (ii) If the determination has been delegated, the applicant may
4 appeal the rejection to the members of the local board, who shall decide the appeal as
5 expeditiously as practicable.

6 **[(d)] (E)** Not more than one absentee ballot may be issued to a voter unless
7 the election director of the local board has reasonable grounds to believe that an
8 absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

9 9–308.

10 (a) A voter who requires assistance in casting an absentee ballot by reason of
11 disability, inability to write, or inability to read the ballot may be assisted by any
12 individual other than:

13 (1) a candidate who is on that ballot;

14 (2) the voter’s employer or an agent of the employer; or

15 (3) an officer or agent of the voter’s union.

16 (b) An individual rendering assistance under this section shall execute a
17 certification as prescribed by the State Board and included in the instructions under §
18 9–309 of this subtitle.

19 **(C) (1) THE STATE BOARD SHALL PROVIDE AN OPTIONAL ONLINE**
20 **BALLOT MARKING TOOL FOR A VOTER WHO REQUESTED TO HAVE THE**
21 **ABSENTEE BALLOT SENT BY THE INTERNET.**

22 **(2) (I) THE STATE BOARD SHALL CERTIFY THE ONLINE**
23 **BALLOT MARKING TOOL IN ACCORDANCE WITH THE APPLICABLE**
24 **CERTIFICATION STANDARDS UNDER § 9–102(D) OF THIS TITLE.**

25 **(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS**
26 **PARAGRAPH, § 9–102(D)(2) OF THIS TITLE IS NOT APPLICABLE TO THE STATE**
27 **BOARD’S CERTIFICATION DETERMINATION IF THE U.S. ELECTION ASSISTANCE**
28 **COMMISSION HAS NOT APPROVED SPECIFIC PERFORMANCE AND TEST**
29 **STANDARDS FOR ONLINE BALLOT MARKING TOOLS.**

30 9–310.

31 (a) **(1) THIS SUBSECTION APPLIES ONLY TO AN ABSENTEE BALLOT**
32 **THAT IS SENT BY MAIL.**

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

3 **[(b) (1)] (3) (I)** A local board may use either two envelopes or three
4 envelopes.

5 **[(2)] (II)** If two envelopes are used, the inner envelope shall be
6 designated the “ballot/return envelope”, and, when issued, it shall fit inside the
7 envelope designated the “outgoing envelope”.

8 **[(3)] (III)** If three envelopes are used, the innermost envelope shall be
9 designated the “ballot envelope”, which shall fit inside the envelope designated the
10 “return envelope”, both of which, when issued, shall fit inside the envelope designated
11 the “outgoing envelope”.

12 **[(c)] (4)** When voted and returned to the local board, an absentee ballot
13 shall be enclosed in a ballot envelope or ballot/return envelope, on which has been
14 printed an oath prescribed by the State Board.

15 **(B) IF AN ABSENTEE BALLOT IS SENT BY THE INTERNET OR FACSIMILE**
16 **TRANSMISSION, THE LOCAL BOARD SHALL PROVIDE THE VOTER WITH AN**
17 **ENVELOPE TEMPLATE, THE OATH PRESCRIBED BY THE STATE BOARD, AND**
18 **INSTRUCTIONS FOR MARKING AND RETURNING THE ABSENTEE BALLOT.**

19 10-301.1.

20 (a) Except as provided under Title 9, Subtitle 3 of this article, during any
21 regularly scheduled primary or general election a voter may vote:

22 (1) in the voter’s assigned precinct on election day; or

23 (2) at an early voting center in the voter’s county of residence on any
24 early voting day in accordance with this section.

25 (b) (1) Each county shall have at least one early voting center established
26 in the county as prescribed in this subsection.

27 (2) A county with fewer than **[150,000] 125,000** registered voters
28 shall have one early voting center established in the county.

29 (3) A county with more than **[150,000] 125,000 REGISTERED**
30 **VOTERS** but fewer than 300,000 registered voters shall have three early voting
31 centers established in the county.

1 (4) A county with more than 300,000 registered voters **BUT FEWER**
2 **THAN 450,000 REGISTERED VOTERS** shall have five early voting centers established
3 in the county.

4 **(5) A COUNTY WITH MORE THAN 450,000 REGISTERED VOTERS**
5 **SHALL HAVE EIGHT EARLY VOTING CENTERS.**

6 (c) No later than 6 months before a primary election, the State Board, in
7 collaboration with the local board in each county, shall designate each early voting
8 center in that county.

9 (d) Each early voting center shall be open for voting as follows:

10 [(1) for the 2010 gubernatorial primary and general elections:

11 (i) beginning the second Friday before a primary or general
12 election through the Thursday before the elections, but excluding Sunday; and

13 (ii) during the hours between 10 a.m. and 8 p.m.; and

14 (2) for the 2012 presidential primary and general elections:

15 (i) beginning the second Saturday before a primary or general
16 election through the Thursday before the elections; and

17 (ii) 1. during the hours between 10 a.m. and 8 p.m. on the
18 Saturday and the Monday through the Thursday during the early voting period; and

19 2. during the hours between 12 noon and 6 p.m. on the
20 Sunday during the early voting period.]

21 **(1) BEGINNING THE SECOND THURSDAY BEFORE A PRIMARY OR**
22 **GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTION; AND**

23 **(2) DURING THE FOLLOWING HOURS:**

24 **(I) IN A PRESIDENTIAL GENERAL ELECTION, DURING THE**
25 **HOURS BETWEEN 8 A.M. AND 8 P.M. EACH EARLY VOTING DAY; AND**

26 **(II) IN ALL OTHER ELECTIONS, DURING THE HOURS**
27 **BETWEEN 10 A.M. AND 8 P.M. EACH EARLY VOTING DAY.**

28 (e) Each early voting center shall satisfy the requirements of § 10–101 of this
29 title.

1 (f) Beginning 30 days prior to each early voting period the State Board and
2 each local board shall undertake steps to inform the public about early voting and the
3 location of early voting centers in each county, including:

- 4 (1) a series of public service media announcements;
- 5 (2) mailings to all registered voters in each county; and
- 6 (3) other measures as appropriate.

7 (g) Except as expressly provided in this section, any provision of this article
8 that applies to voting on election day also applies to early voting.

9 (h) The State Board shall adopt regulations and guidelines in accordance
10 with the requirements of this section for the conduct of early voting.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2013.