

# SENATE BILL 99

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(PRE-FILED)

4r1458  
CF 4r1821

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By: **Senator Kagan**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Affiliating With a Party and Voting – Unaffiliated Voters**

3 FOR the purpose of authorizing unaffiliated voters to request to affiliate with a political  
4 party at an early voting center during a primary election and vote a provisional ballot  
5 for the voter's preferred political party; and generally relating to affiliating with a  
6 political party and voting in a primary election.

7 BY repealing and reenacting, with amendments,

8 Article – Election Law

9 Section 3–303, 3–305(a) and (e), 9–404(b), and 11–303(d)(4)

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2023 Supplement)

12 BY adding to

13 Article – Election Law

14 Section 3–305(e)

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2023 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 3–303.

21 (a) Notification of a change of party affiliation or a change to or from a decline  
22 may be made:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) by information provided on a voter registration application by the same  
2 methods provided for registration under Subtitle 2 of this title;

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

6 (3) by making application in person at the office of the local board in the  
7 county where the voter's current voter registration address is located or to which the voter  
8 has moved;

9 (4) by information on a voter authority card or other appropriate form filled  
10 out in a polling place; or

11 (5) by changing a name or address with the Motor Vehicle Administration.

12 (b) Party affiliation changes or changes to or from a decline:

13 (1) shall be processed at any time that registration is open; and

14 (2) except as provided in subsection (c) of this section, may not be processed  
15 when registration is closed.

16 (c) (1) If a local board receives a request for a party affiliation change after the  
17 close of registration, the local board shall make the change and it shall become effective for  
18 the next election provided:

19 [(1)] (I) there is sufficient evidence, as determined by the local boards  
20 pursuant to regulations adopted by the State Board, that the request was mailed on or  
21 before the close of registration for that election; or

22 [(2)] (II) the request was submitted by the voter to the Motor Vehicle  
23 Administration, a voter registration agency, another local board, or the State Board on or  
24 before the close of registration for that election.

25 (2) **DURING A PRIMARY ELECTION, A VOTER WHO HAS DECLINED TO**  
26 **AFFILIATE WITH A POLITICAL PARTY MAY REQUEST TO AFFILIATE WITH A POLITICAL**  
27 **PARTY AT AN EARLY VOTING CENTER.**

28 3-305.

29 (a) (1) During early voting, an individual may appear in person at an early  
30 voting center in the individual's county of residence and apply to register to vote or change  
31 the voter's address on an existing voter registration.

1           **(2) DURING EARLY VOTING BEFORE A PRIMARY ELECTION, AN**  
2 **INDIVIDUAL WHO HAS DECLINED TO AFFILIATE WITH A POLITICAL PARTY MAY**  
3 **APPEAR IN PERSON AT AN EARLY VOTING CENTER IN THE INDIVIDUAL'S COUNTY OF**  
4 **RESIDENCE AND APPLY TO CHANGE THE VOTER'S EXISTING VOTER REGISTRATION**  
5 **TO AFFILIATE WITH A POLITICAL PARTY.**

6           **(E) (1) WHEN A VOTER WHO HAS DECLINED TO AFFILIATE WITH A**  
7 **POLITICAL PARTY APPLIES TO CHANGE THE VOTER'S EXISTING VOTER**  
8 **REGISTRATION TO AFFILIATE WITH A POLITICAL PARTY DURING EARLY VOTING**  
9 **BEFORE A PRIMARY ELECTION, THE ELECTION JUDGE SHALL DETERMINE WHETHER**  
10 **THE VOTER RESIDES IN THE COUNTY IN WHICH THE VOTER SEEKS TO VOTE.**

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

13                   **(I) ISSUE THE VOTER A VOTER AUTHORITY CARD;**

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

15                   **(III) ISSUE THE VOTER A PROVISIONAL BALLOT FOR THE**  
16 **APPROPRIATE POLITICAL PARTY.**

17           **[(e)] (F)** The State Board shall adopt regulations and procedures in accordance  
18 with the requirements of this section for the administration of voter registration during  
19 early voting.

20 9-404.

21           (b) An individual is eligible to cast a provisional ballot if:

22                   (1) the individual declares in a written affirmation submitted with the  
23 provisional ballot that the individual is a registered voter in the State and is eligible to vote  
24 in that election; and

25                   (2) (i) the individual's name does not appear on the election register;

26                   (ii) an election official asserts that the individual is not eligible to  
27 vote; [or]

28                   (iii) the individual does not have the necessary identification; **OR**

29                   **(IV) THE INDIVIDUAL HAS DECLINED TO AFFILIATE WITH A**  
30 **POLITICAL PARTY AND APPLIES TO CHANGE THE VOTER'S EXISTING VOTER**  
31 **REGISTRATION TO AFFILIATE WITH A POLITICAL PARTY DURING EARLY VOTING**  
32 **BEFORE A PRIMARY ELECTION.**

1 11-303.

2 (d) (4) For the purposes of this section, an individual is qualified to vote the  
3 provisional ballot cast if the local board determines that:

4 (i) the individual is registered in the State;

5 (ii) if the provisional ballot was cast because the voter failed to  
6 provide required identification, the individual who cast the provisional ballot has met the  
7 identification requirements established by the State Board; [and]

8 (iii) if the provisional ballot was cast during a period covered by a  
9 court order or other order extending the time for closing the polls, the order has not been  
10 invalidated by a subsequent court order; AND

11 (IV) IF THE PROVISIONAL BALLOT WAS CAST DURING EARLY  
12 VOTING BEFORE A PRIMARY ELECTION BY AN INDIVIDUAL WHO WAS NOT  
13 AFFILIATED WITH A POLITICAL PARTY, THE INDIVIDUAL APPLIED TO AFFILIATE  
14 WITH A POLITICAL PARTY.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 January 1, 2025.