

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1458

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 3 down through “registration” in line 12 and substitute “altering certain procedures used by local election boards for the registration of voters who move between and within counties in the State to allow a voter’s registration to follow the voter under certain circumstances”; in line 12, strike “to be included on” and substitute “in”; in line 15, strike “registering” and substitute “applying to register”; in the same line, after the semicolon insert “requiring the Motor Vehicle Administration and the State Board of Elections jointly to establish certain procedures;”; in line 16, strike “certification” and substitute “certificate”; in lines 17, 22, and 23, in each instance, after “establishing” insert “certain”; in line 21, after “a” insert “certain”; and in line 24, after “establish” insert “certain”.

On page 2, strike in their entirety lines 2 through 6, inclusive; in line 15, after “Section” insert “3-101”; and in the same line, after “3-203,” insert “3-301, 3-303(b), 3-304, 3-504(b) and (c),”.

AMENDMENT NO. 2

On page 2, in line 25, strike “the Laws of Maryland read as follows:” and substitute “Section(s) 1-101(ff) through (qq), respectively, of Article 33 - Election Code of the Annotated Code of Maryland be renumbered to be Section(s) 1-101(gg) through (rr), respectively.”; after line 25, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”;

after line 26, insert:

“1-101.”

(Over)

(FF) “PROVISIONAL BALLOT” MEANS A BALLOT DISTRIBUTED TO AN INDIVIDUAL ON ELECTION DAY BY THE LOCAL BOARD AT THE PRECINCT WHERE THE INDIVIDUAL HAS COMPLETED A TEMPORARY CERTIFICATE OF REGISTRATION.”;

and in line 34, after “ALL” insert “CURRENTLY”.

AMENDMENT NO. 3

On page 3, after line 11, insert:

“3-202.

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

(i) [State the qualifications to become a registered voter;

(ii)] Require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;

[(iii)] (II) State the penalties for the submission of a false application;

[(iv) State that if an individual declines to register, this fact will remain confidential and be used only for voter registration purposes;

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

(vi) Notify the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner;

(vii)] (III) Provide the applicant with the opportunity to cancel a current registration]; and

(viii) Use identically sized print for the information that is required to be stated by this paragraph].

(2) THE FOLLOWING INFORMATION SHALL BE MADE AVAILABLE TO EACH APPLICANT WHO IS COMPLETING A STATEWIDE VOTER REGISTRATION APPLICATION:

(I) THE QUALIFICATIONS TO BECOME A REGISTERED VOTER;

(II) IF AN INDIVIDUAL DECLINES TO REGISTER, THIS FACT WILL REMAIN CONFIDENTIAL AND BE USED ONLY FOR VOTER REGISTRATION PURPOSES;

(III) IF AN INDIVIDUAL REGISTERS TO VOTE, THE OFFICE AT WHICH THE APPLICATION IS SUBMITTED WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES; AND

(IV) NOTIFICATION TO THE APPLICANT THAT SUBMISSION OF THE FORM TO AN INDIVIDUAL OTHER THAN AN OFFICIAL, EMPLOYEE, OR AGENT OF A LOCAL BOARD DOES NOT ASSURE THAT THE FORM WILL BE FILED OR FILED IN A TIMELY MANNER.

[2] (3) The statewide voter registration application may not require:

(i) Notarization or other formal authentication; or

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

[3] (4) (i) A statewide voter registration application shall be produced exclusively by the State Board.

(Over)

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

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

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

3. As provided in § 3-203(b) of this subtitle; or

4. Any other form prescribed by federal law for voter registration.

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

(c) The applications described in this section may be used by registered voters to change their name, address, or party affiliation.

3-203.

(A) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE THE OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD TO EACH INDIVIDUAL WHO:

(1) APPLIES FOR OR RENEWS A DRIVER'S LICENSE OR IDENTIFICATION CARD; OR

(2) CHANGES A NAME OR ADDRESS ON AN EXISTING DRIVER'S LICENSE OR IDENTIFICATION CARD.

(B) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL INQUIRE ORALLY OR IN WRITING WHETHER THE APPLICANT WISHES TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD DURING THE TRANSACTIONS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION.

(2) IF THE APPLICANT CHOOSES TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD:

(I) ALL APPLICABLE INFORMATION RECEIVED BY THE MOTOR VEHICLE ADMINISTRATION IN THE COURSE OF COMPLETING A TRANSACTION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE TRANSFERRED TO A VOTER REGISTRATION APPLICATION;

(II) ANY ADDITIONAL NECESSARY INFORMATION SHALL BE OBTAINED BY THE MOTOR VEHICLE ADMINISTRATION AND MAY NOT DUPLICATE ANY INFORMATION ALREADY OBTAINED WHILE COMPLETING A TRANSACTION UNDER SUBSECTION (A) OF THIS SECTION; AND

(III) A VOTER REGISTRATION APPLICATION WITH ALL OF THE APPLICANT'S VOTER REGISTRATION INFORMATION SHALL BE PRESENTED TO THE APPLICANT TO SIGN OR AFFIRM ELECTRONICALLY.

(3) (I) AN APPLICANT MAY DECLINE TO REGISTER TO VOTE, UPDATE THE APPLICANT'S VOTER REGISTRATION RECORD, OR CHANGE THE APPLICANT'S NAME OR ADDRESS BY:

1. AFFIRMATIVELY INDICATING AS SUCH ON THE APPLICATION; OR

2. FAILING TO SIGN THE VOTER REGISTRATION APPLICATION.

(II) THE MOTOR VEHICLE ADMINISTRATION SHALL MAINTAIN DECLINATION INFORMATION IN A MANNER SPECIFIED JOINTLY BY THE MOTOR VEHICLE ADMINISTRATION AND THE STATE BOARD.

(4) WITHIN 5 DAYS OF THE RECEIPT OF AN APPLICATION UNDER SUBSECTION (A) OF THIS SECTION, THE MOTOR VEHICLE ADMINISTRATION SHALL

FORWARD TO THE STATE BOARD THE VOTER REGISTRATION INFORMATION IN A MANNER AND FORMAT SPECIFIED JOINTLY BY THE MOTOR VEHICLE ADMINISTRATION AND THE STATE BOARD.

[(a) If an applicant for issuance or renewal of a driver's license or an identification card signs the voter registration portion of the application, the application shall serve as an application to register to vote or as an update of a previous voter registration.

(b)] (C) (1) (i) In consultation with the Motor Vehicle Administration, the State Board shall prepare [an] A VOTER REGISTRATION application [for the issuance or renewal of a driver's license or an identification card that shall also serve as a voter registration application] TO BE USED FOR VOTER REGISTRATION AT THE MOTOR VEHICLE ADMINISTRATION.

(ii) Except as provided in this section, the voter registration portion of the application may not require information that duplicates information required in the driver's license or identification card portion of the application.

(2) The voter registration portion of the application shall:

(i) Contain the same information as the statewide voter registration application prescribed in § 3-202(b) of this subtitle; and

(ii) Require only the minimum amount of information necessary, INCLUDING THE APPLICANT'S TELEPHONE NUMBER:

1. To prevent duplicate voter registration; and

2. To enable the appropriate election official to assess the eligibility of an applicant and to administer voter registration and other aspects of the election process.

(3) The application shall contain a box for the applicant to check, with the statement, "I do not wish to register to vote at this time".

(D) (1) IF A DRIVER'S LICENSE RENEWAL OR A CHANGE OF NAME OR

ADDRESS IS NOT COMPLETED IN PERSON WITH A CUSTOMER SERVICE REPRESENTATIVE AT A MOTOR VEHICLE ADMINISTRATION OFFICE, THE MOTOR VEHICLE ADMINISTRATION SHALL STATE CLEARLY THAT:

[(c) (1) Unless a registrant declares otherwise, a change of address or name form submitted to the Motor Vehicle Administration for driver's license or identification card purposes shall also serve as notice of a change of address or name for voter registration purposes.

(2) The change of address or name form shall state clearly that:]

(i) The [form] INFORMATION [may] WILL be used for voter registration purposes; and

(ii) The registrant has the right to declare that the [change of address or name] INFORMATION [is] MAY not BE USED for purposes of voter registration.

(2) THE MOTOR VEHICLE ADMINISTRATION SHALL FOLLOW THE PROCEDURES ESTABLISHED JOINTLY BY THE MOTOR VEHICLE ADMINISTRATION AND THE STATE BOARD TO PROCESS THE VOTER REGISTRATION INFORMATION RECEIVED UNDER THIS SUBSECTION.

[(d) Within 5 days of the receipt of the application, renewal, or change of address or name form, the Motor Vehicle Administration shall forward the application, renewal, or change of address or name form as well as a copy of the relevant part of the license application to the appropriate election official.]

(e) Information relating to the failure of an applicant for a driver's license or identification card to register to vote may not be used for any purpose other than the maintenance of registration statistics”;

and in line 15, strike “THAT” and substitute “THE”.

On page 4, strike in their entirety lines 2 through 13, inclusive; strike in their entirety lines 19

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through 22, inclusive; and in lines 30 and 32, in each instance, after “IS” insert “CURRENTLY”.

On page 5, in lines 9, 12, 17, 20, and 31, in each instance, after “VOTER” insert “CURRENTLY”; in line 14, strike “UPON” and substitute “ON”; and strike in their entirety lines 25 through 29, inclusive.

AMENDMENT NO. 4

On page 6, strike in their entirety lines 3 through 26, inclusive; and after line 26, insert:
“3-601.

(a) [A registered voter] AN INDIVIDUAL whose voter registration information is not included in the precinct register shall be allowed to vote BY A PROVISIONAL BALLOT upon receiving AND COMPLETING a temporary certificate of registration.

(b) A temporary certificate of registration shall be issued [if] BY AN ELECTION JUDGE AT THE PRECINCT IF THE INDIVIDUAL:

(1) PROVIDES PROOF OF IDENTITY, AS PRESCRIBED BY THE STATE BOARD BY REGULATION; AND

(2) COMPLETES AN APPLICATION FOR A TEMPORARY CERTIFICATE OF REGISTRATION IN WHICH THE APPLICANT AFFIRMS UNDER PENALTY OF PERJURY THAT THE APPLICANT:

(I) HAS NOT VOTED IN THE CURRENT ELECTION IN ANY OTHER PRECINCT IN THE STATE OR ANY OTHER STATE;

(II) HAS, WITHIN THE LAST 2 YEARS, MADE A GOOD FAITH EFFORT TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD AS DEMONSTRATED BY THE APPLICANT INDICATING:

1. THE VOTER REGISTRATION AGENCY WHERE THE APPLICANT REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION RECORD;

2. THE APPROXIMATE DATE WHEN THE APPLICANT REGISTERED OR UPDATED A VOTER REGISTRATION RECORDS; AND

3. ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE BOARD;

(III) IDENTIFIES ANY COUNTIES IN MARYLAND WHERE THE APPLICANT HAS VOTED IN PAST ELECTIONS;

(IV) IS A CURRENT RESIDENT OF THE COUNTY IN WHICH THE APPLICANT SEEKS TO VOTE;

(V) PROVIDES THE APPLICANT'S CURRENT ADDRESS AND TELEPHONE NUMBER;

(VI) MEETS THE QUALIFICATIONS TO REGISTER TO VOTE; AND

(VII) MEETS ANY OTHER CRITERIA DEVELOPED BY THE STATE BOARD FOR A TEMPORARY CERTIFICATE OF REGISTRATION.

[(1) The local board is able to establish that the voter is registered; or

(2) The local board is satisfied that the registration information is not missing due to fraud or malfeasance by the voter.]

[(c) The State Board shall adopt the procedures that must be followed by the local board prior to authorizing a temporary certificate of registration, including:

(1) The proof of identity that must be shown by the voter; and

(2) Guidelines for the determination by the local board that the absence of voter registration information is not due to fraud or malfeasance on the part of the voter.]

The content of [the] BOTH AN absentee ballot AND A PROVISIONAL BALLOT issued to a voter shall be identical to the ballot used in the polling place of the voter's residence.

SUBTITLE 4. PROVISIONAL BALLOTS.

9-401.

(A) THIS SUBTITLE APPLIES TO EVERY ELECTION GOVERNED BY THIS ARTICLE.

(B) THE STATE BOARD SHALL PRESCRIBE ALL FORMS REQUIRED TO COMPLY WITH:

(1) THIS SUBTITLE; AND

(2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

(C) THE BUDGET OF THE STATE BOARD FOR EACH FISCAL YEAR SHALL INCLUDE FUNDING NECESSARY TO SUPPORT ANY ADDITIONAL PERSONNEL COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE PROVISIONAL BALLOT SYSTEM REQUIRED UNDER THIS ARTICLE.

9-402.

EACH LOCAL BOARD SHALL MAINTAIN A FULL RECORD OF PROVISIONAL BALLOT VOTING IN THE COUNTY, INCLUDING, FOR EACH VOTER WHO VOTES USING A PROVISIONAL BALLOT:

(1) THE ACTION TAKEN WITH REGARD TO THE REGISTRATION;

(2) THE APPROPRIATE BALLOT STYLE; AND

(3) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.

9-403.

(A) THE STATE BOARD SHALL ESTABLISH GUIDELINES FOR THE ADMINISTRATION OF PROVISIONAL BALLOT VOTING BY THE LOCAL BOARDS.

(B) THE GUIDELINES SHALL PROVIDE FOR:

- (1) THE TEMPORARY CERTIFICATE REGISTRATION PROCESS;
- (2) BALLOT SECURITY, INCLUDING STORAGE OF RETURNED BALLOTS;
- (3) THE CANVASS PROCESS;
- (4) NOTICE OF THE CANVASS TO CANDIDATES, POLITICAL PARTIES, CAMPAIGN ORGANIZATIONS, NEWS MEDIA, AND THE GENERAL PUBLIC;
- (5) OBSERVERS OF THE PROCESS;
- (6) REVIEW OF VOTED BALLOTS AND ENVELOPES FOR COMPLIANCE WITH THE LAW AND FOR MACHINE TABULATION ACCEPTABILITY;
- (7) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE CANVASS; AND
- (8) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND CERTIFICATION.

(C) THE STATE BOARD SHALL:

- (1) IN CONSULTATION WITH THE LOCAL BOARDS, ASSESS THE GUIDELINES BEFORE EACH PRIMARY ELECTION; AND

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(2) REVISE THE GUIDELINES IF INDICATED.

9-404.

AN INDIVIDUAL MAY VOTE USING A PROVISIONAL BALLOT ON ELECTION DAY IF THE INDIVIDUAL MEETS THE REQUIREMENTS FOR A TEMPORARY CERTIFICATE OF REGISTRATION SET FORTH UNDER § 3-601 OF THIS ARTICLE.

9-405.

AN INDIVIDUAL REQUESTING A PROVISIONAL BALLOT SHALL COMPLETE AND SIGN A TEMPORARY CERTIFICATE OF REGISTRATION AS PROVIDED UNDER § 3-601 OF THIS ARTICLE.

9-406.

(A) A VOTER WHO REQUIRES ASSISTANCE IN CASTING A PROVISIONAL BALLOT BY REASON OF DISABILITY, INABILITY TO WRITE, OR INABILITY TO READ THE BALLOT MAY BE ASSISTED BY ANY INDIVIDUAL OTHER THAN:

(1) A CANDIDATE WHO IS ON THAT BALLOT;

(2) THE INDIVIDUAL'S EMPLOYER OR AN AGENT OF THE EMPLOYER;

OR

(3) AN OFFICER OR AGENT OF THE INDIVIDUAL'S UNION.

(B) AN INDIVIDUAL RENDERING ASSISTANCE UNDER THIS SECTION SHALL EXECUTE A CERTIFICATION AS PRESCRIBED BY THE STATE BOARD AND INCLUDED IN THE INSTRUCTIONS UNDER § 9-408 OF THIS SUBTITLE.

9-407.

(A) A PROVISIONAL BALLOT SHALL BE ACCOMPANIED BY INSTRUCTIONS, PRESCRIBED BY THE STATE BOARD, FOR MARKING AND RETURNING THE BALLOT.

(B) WHEN VOTED, A PROVISIONAL BALLOT SHALL BE ENCLOSED IN AN ENVELOPE DESIGNATED "PROVISIONAL BALLOT/RETURN ENVELOPE".

9-408.

ANY PERSON WHO IS CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBTITLE IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

11-302.1.

(A) FOLLOWING AN ELECTION, EACH LOCAL BOARD SHALL MEET AT ITS DESIGNATED COUNTING CENTER TO CANVASS THE PROVISIONAL BALLOTS CAST IN THAT ELECTION IN ACCORDANCE WITH THE REGULATIONS AND GUIDELINES ESTABLISHED BY THE STATE BOARD.

(B) A LOCAL BOARD MAY NOT OPEN ANY ENVELOPE OF A PROVISIONAL BALLOT PRIOR TO 8 A.M. ON THE WEDNESDAY FOLLOWING ELECTION DAY.

(C) (1) THE STATE BOARD SHALL ADOPT REGULATIONS THAT REFLECT THE POLICY THAT THE CLARITY OF THE INTENT OF THE VOTER IS THE OVERRIDING CONSIDERATION IN DETERMINING THE VALIDITY OF A PROVISIONAL BALLOT OR THE VOTE CAST IN A PARTICULAR CONTEST.

(2) A LOCAL BOARD MAY NOT REJECT A PROVISIONAL BALLOT EXCEPT BY UNANIMOUS VOTE AND IN ACCORDANCE WITH REGULATIONS OF THE STATE BOARD.

(3) THE LOCAL BOARD SHALL REJECT A PROVISIONAL BALLOT IF:

(I) THE LOCAL BOARD DETERMINES THAT THE TEMPORARY

(Over)

CERTIFICATE OF REGISTRATION THAT CORRESPONDS TO THE PROVISIONAL BALLOT IS NOT VALID;

(II) THE LOCAL ELECTION BOARD DETERMINES THAT THE INDIVIDUAL IS NOT A REGISTERED VOTER;

(III) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE TEMPORARY CERTIFICATE OF REGISTRATION;

(IV) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE PROVISIONAL BALLOT ENVELOPE;

(V) THE INDIVIDUAL RECEIVED MORE THAN ONE BALLOT FOR THE SAME ELECTION; OR

(VI) THE LOCAL BOARD DETERMINES THAT A PROVISIONAL BALLOT IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE BALLOT.

11-303.1.

(A) A CANDIDATE OR INDIVIDUAL WHO VOTED USING A PROVISIONAL BALLOT AGGRIEVED BY THE DECISION OF A LOCAL BOARD TO REJECT, OR NOT TO REJECT, A PROVISIONAL BALLOT SHALL HAVE THE RIGHT OF APPEAL TO THE CIRCUIT COURT FOR THE COUNTY.

(B) THE APPEAL MUST BE FILED WITHIN 5 DAYS FROM THE DATE OF THE COMPLETION OF THE OFFICIAL CANVASS BY THE BOARD OF ALL THE VOTES CAST AT THE ELECTION.

(C) THE APPEAL SHALL BE HEARD DE NOVO, WITHOUT A JURY, AS SOON AS POSSIBLE.

(D) (1) THE DECISION OF THE CIRCUIT COURT MAY BE APPEALED TO THE COURT OF SPECIAL APPEALS, PROVIDED THE APPEAL IS TAKEN WITHIN 48 HOURS FROM THE ENTRY OF THE DECISION OF THE CIRCUIT COURT.

(2) THE APPEAL SHALL BE HEARD AND DECIDED ON THE ORIGINAL PAPERS, INCLUDING A WRITTEN TRANSCRIPT OF THE TESTIMONY TAKEN IN THE CASE.

(3) THE ORIGINAL PAPERS AND THE TRANSCRIPT SHALL BE TRANSMITTED TO THE COURT OF SPECIAL APPEALS WITHIN 5 DAYS FROM THE TAKING OF THE APPEAL, AND THE APPEAL SHALL BE HEARD AS SOON AS POSSIBLE.”.

On pages 6 through 15, strike in their entirety the lines beginning with line 27 on page 6 through line 32 on page 15, inclusive.

On page 15, in line 35, strike “4.” and substitute “3.”.