

HOUSE BILL 1162

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2001 Regular Session
11r2073
CF 11r2403

By: **Delegates R. Baker, Frush, Howard, Brown, Moe, and Proctor**
Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Maryland Voter's Bill of Rights**

3 FOR the purpose of establishing a Maryland Voter's Bill of Rights; altering the
4 qualifications for voter registration for certain felons; authorizing a voter to
5 alter the voter's voter registration information in a certain manner; altering
6 certain requirements regarding specimen ballots; requiring local boards of
7 elections to provide specimen ballots to each voter prior to an election; requiring
8 the State Board of Elections to ensure that certain voting systems meet certain
9 standards and provide the voter, prior to finalizing the voter's ballot, with
10 certain information; repealing certain qualifications regarding voting by
11 absentee ballot; requiring that on election day election officials at polling places
12 have access through the Internet or similar electronic medium to a certain voter
13 registry; prohibiting an election judge at the polling place from requesting or
14 requiring a voter to produce or submit certain identification or information prior
15 to qualifying the individual to vote; and generally relating to the Maryland
16 Voter's Bill of Rights.

17 BY repealing and reenacting, with amendments,
18 Article 33 - Election Code
19 Section 1-201, 3-102, 3-201, 8-102, 9-102 , 9-203, 9-214, 9-304 , 10-302, and
20 10-310
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 2000 Supplement)

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

25 **Article 33 - Election Code**

26 1-201.

27 (A) The intention of this article is that the conduct of elections should inspire
28 public confidence and trust by assuring that:

1 (1) All persons served by the election system are treated fairly and
2 equitably;

3 (2) All qualified persons may register and vote and that those who are
4 not qualified do not vote;

5 (3) Those who administer elections are well-trained, that they serve
6 both those who vote and those who seek votes, and that they put the public interest
7 ahead of partisan interests;

8 (4) Full information on elections is provided to the public, including
9 disclosure of campaign receipts and expenditures;

10 (5) Citizen convenience is emphasized in all aspects of the election
11 process;

12 (6) Security and integrity are maintained in the casting of ballots,
13 canvass of votes, and reporting of election results; and

14 (7) The prevention of fraud and corruption is diligently pursued, and any
15 offenses that occur are prosecuted.

16 (B) IT IS THE FURTHER INTENTION OF THIS ARTICLE THAT THE ELECTION
17 PROCESS AND PROCEDURES IN THE STATE ASSURE THAT:

18 (1) EVERY VOTER HAS EQUAL, FAIR, AND UNINHIBITED ACCESS TO A
19 POLLING PLACE REGARDLESS OF THE VOTER'S RACE, SEX, OR PHYSICAL HANDICAP;

20 (2) EVERY QUALIFIED VOTER WHO HAS SUBMITTED TO A STATE OR
21 LOCAL GOVERNMENT AGENCY AUTHORIZED TO REGISTER OR ASSIST IN THE
22 REGISTRATION OF VOTERS, THE INFORMATION REQUIRED TO QUALIFY THE
23 INDIVIDUAL TO REGISTER TO VOTE, IS NOT DISENFRANCHISED FROM VOTING AT
24 ANY ELECTION;

25 (3) ANY PERSON WHO HAS COMPLETED THE COURT-ORDERED
26 SENTENCE IMPOSED FOR A CONVICTION, INCLUDING PROBATION, PAROLE,
27 COMMUNITY SERVICE, RESTITUTION, AND FINE, SHALL BE DEEMED QUALIFIED TO
28 REGISTER TO VOTE;

29 (4) UPON REQUEST, ANY QUALIFIED VOTER MAY VOTE BY ABSENTEE
30 BALLOT WITHOUT INQUIRY BY ANY ELECTION OFFICIAL;

31 (5) EVERY VOTER HAS ACCESS TO A VOTING SYSTEM THAT IS ACCURATE
32 SO THAT THE VOTER'S RIGHT TO VOTE AND THE VOTER'S ACTUAL VOTE IS NOT
33 COMPROMISED OR INFLUENCED BY THE GEOGRAPHIC OR DEMOGRAPHIC QUALITIES
34 OF THE COUNTY IN WHICH THE VOTER VOTES;

35 (6) ANY VOTING SYSTEM USED IN THE STATE PROVIDES THE VOTER
36 WITH NOTICE AND AN OPPORTUNITY TO CHANGE THE VOTER'S SPECIFIED CHOICES,
37 BEFORE THE VOTER'S BALLOT IS FINALIZED AND CAST, IF:

1 (I) THE VOTER FAILS TO CAST A VOTE FOR ANY OFFICE OR
2 QUESTION FOR WHICH THE VOTER IS ELIGIBLE TO VOTE;

3 (II) THE VOTER CASTS A VOTE FOR A CANDIDATE OR QUESTION
4 FOR WHICH THE VOTER IS INELIGIBLE TO VOTE; OR

5 (III) THE VOTER CASTS A VOTE FOR MORE THAN THE ALLOWABLE
6 NUMBER OF CANDIDATES OR QUESTIONS FOR WHICH THE VOTER IS ELIGIBLE TO
7 VOTE;

8 (7) ON ELECTION DAY, ELECTION OFFICIALS AT EVERY POLLING PLACE
9 HAVE ACCESS THROUGH THE INTERNET OR BY OTHER ELECTRONIC MEDIUM TO A
10 CENTRALIZED VOTER REGISTRY;

11 (8) WHILE AT THE POLLING PLACE, NO VOTER MAY BE COMPELLED TO
12 PRODUCE OR SUBMIT ANY IDENTIFICATION THAT IS NOT REQUIRED BY THIS
13 ARTICLE;

14 (9) EVERY VOTER IS PROVIDED WITH A SPECIMEN BALLOT PRIOR TO
15 EACH ELECTION; AND

16 (10) A VOTER MAY CONFIRM OR ALTER THE VOTER'S VOTER
17 REGISTRATION RECORD THROUGH A SECURED INTERNET WEBSITE OR OTHER
18 ELECTRONIC MEDIUM MAINTAINED BY THE STATE BOARD.

19 3-102.

20 (a) Except as provided in subsection (b) of this section, an individual may
21 become registered to vote if the individual:

22 (1) Is a citizen of the United States;

23 (2) Is at least 18 years old or will be 18 years old on or before the day of
24 the next succeeding general or special election;

25 (3) Is a resident of the county as of the day the individual seeks to
26 register; and

27 (4) Registers pursuant to this title.

28 (b) An individual is not qualified to be a registered voter if the individual:

29 (1) Has been convicted of theft or other infamous crime, unless the
30 individual:

31 (i) Has been pardoned; or

32 (ii) [In connection with a first conviction, has] HAS completed the
33 sentence imposed for the conviction, including [probation] PROBATION, PAROLE,
34 COMMUNITY SERVICE, RESTITUTION, AND FINES;

1 (2) Is under guardianship for mental disability; or

2 (3) Has been convicted of buying or selling votes.

3 3-201.

4 (A) An individual may apply to become a registered voter:

5 (1) At a local board office or the State Board office;

6 (2) At a registration site administered by a local board;

7 (3) By mail;

8 (4) When applying to the Motor Vehicle Administration for the issuance,
9 renewal, or modification of a driver's license or identification card;

10 (5) When applying for services at a voter registration agency; or

11 (6) With the assistance of a volunteer authorized by the State or local
12 board.

13 (B) A VOTER MAY CONFIRM OR ALTER THE VOTER'S REGISTRATION
14 INFORMATION THROUGH A SECURED INTERNET WEBSITE OR OTHER ELECTRONIC
15 MEDIUM MAINTAINED BY THE STATE BOARD.

16 8-102.

17 (a) Except as required under subsections (d) and (f) of this section, a local
18 board shall provide notice of each election in its county to the registered voters of the
19 county by [either]:

20 (1) Specimen ballot mailed at least 1 week before the election; [or] AND

21 (2) Publication or dissemination by mass communication during the
22 calendar week preceding the election.

23 (b) The notice shall include:

24 (1) The time and place of the election; and

25 (2) The offices, candidate names, and questions contained on the ballot.

26 (c) (1) [If] WHEN a local board provides notice by mailing specimen ballots,
27 a specimen ballot shall be mailed to all registered voters in the county who are
28 eligible to vote in the election.

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

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

- 1 (i) Provide notice by mailing specimen ballots; and
2 (ii) Mail a specimen ballot to the household of each registered voter
3 in the County.

4 2)] The costs for mailing specimen ballots in Prince George's County
5 shall be included in the County's annual budget appropriation to the local board.

6 (e) (1) [Unless a local board mails a specimen ballot to its registered voters
7 in accordance with subsection (c) or (d) of this section, the] THIS SUBSECTION
8 APPLIES WHEN A local board [shall give] GIVES notice of the election by newspaper
9 publication or other means of mass communication.

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

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

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

17 (f) (1) In the City of Baltimore, the local board:

18 (i) Shall give notice of an election by advertisement in each daily
19 newspaper published in the City; and

20 (ii) May give notice in any weekly or semiweekly newspaper that
21 has a circulation of 20,000 or more subscribers.

22 (2) A newspaper may not charge the local board for Baltimore City a fee
23 for an advertisement under this paragraph that exceeds its rate for commercial
24 advertising.

25 9-102.

26 (a) The State Board shall adopt regulations for the review, certification, and
27 decertification of voting systems.

28 (b) (1) The State Board shall periodically review certified voting systems
29 and evaluate alternative voting systems.

30 (2) THE STATE BOARD SHALL ENSURE THAT ANY VOTING SYSTEM IT
31 CERTIFIES PROVIDES EVERY VOTER IN THE STATE WITH THE OPPORTUNITY TO CAST
32 A BALLOT THAT IS ACCURATE AND THAT IS NOT COMPROMISED OR INFLUENCED BY
33 THE GEOGRAPHIC OR DEMOGRAPHIC QUALITIES OF THE COUNTY IN WHICH THE
34 VOTING SYSTEM IS USED.

35 (c) The State Board may not certify a voting system unless the State Board
36 determines that:

- 1 (1) The voting system will:
- 2 (i) Protect the secrecy of the ballot;
- 3 (ii) Protect the security of the voting process;
- 4 (iii) Count and record all votes accurately;
- 5 (iv) Accommodate any ballot used under this article; and
- 6 (v) Protect all other rights of voters and candidates;
- 7 (2) The voting system has been:
- 8 (i) Examined by an independent testing laboratory that is
- 9 approved by the National Association of State Election Directors; and
- 10 (ii) Shown by the testing laboratory to meet the performance and
- 11 test standards for electronic voting systems established by the Federal Election
- 12 Commission; and
- 13 (3) The public interest will be served by the certification of the voting
- 14 system.
- 15 (d) In determining whether a voting system meets the required standards, the
- 16 State Board shall consider:
- 17 (1) The commercial availability of the system and its replacement parts
- 18 and components;
- 19 (2) The availability of continuing service for the system;
- 20 (3) The cost of implementing the system;
- 21 (4) The efficiency of the system;
- 22 (5) The likelihood of breakdown;
- 23 (6) The system's ease of understanding for the voter;
- 24 (7) The convenience of voting afforded by the system;
- 25 (8) The timeliness of the tabulation and reporting of election returns;
- 26 (9) The potential for an alternative means of verifying the tabulation;
- 27 (10) Accessibility for disabled voters; and
- 28 (11) Any other factor that the State Board considers relevant.

1 (e) (1) The State Board shall adopt regulations relating to requirements for
2 each certified voting system, including a voting system deemed certified under
3 subsection (f) of this section, governing its operation and use.

4 (2) The regulations shall specify the procedures necessary to assure that
5 the standards of this title are maintained, including:

6 (i) A description of the voting system;

7 (ii) A public information program by the local board, at the time of
8 introduction of a new voting system, to be directed to all voters, candidates, campaign
9 groups, schools, and news media in the county;

10 (iii) Local election officials' responsibility for management of the
11 system;

12 (iv) The actions required to assure the security of the voting system;

13 (v) The supplies and equipment required;

14 (vi) The storage, delivery, and return of the supplies and equipment
15 necessary for the operation of the voting system;

16 (vii) Standards for training election officials in the operation and use
17 of the voting system;

18 (viii) Before each election and for all ballot styles to be used, testing
19 by the members of the local board to ensure the accuracy of tallying, tabulation, and
20 reporting of the vote, and observing of that testing by representatives of political
21 parties and of candidates who are not affiliated with political parties;

22 (ix) The number of voting stations or voting booths required in each
23 polling place, in relation to the number of registered voters assigned to the polling
24 place;

25 (x) The practices and procedures in each polling place appropriate
26 to the operation of the voting system;

27 (xi) Assuring ballot accountability in systems using a document
28 ballot;

29 (xii) The actions required to tabulate votes; and

30 (xiii) Postelection review and audit of the system's output.

31 (3) Certification of a voting system is not effective until the regulations
32 applicable to the voting system have been adopted.

33 (f) (1) Except as provided in paragraph (2) of this subsection, a voting
34 system authorized by law before July 1, 1978, including the use of paper ballots, shall
35 be deemed certified.

1 (2) On or after January 1, 2002, a voting system that uses mechanical
2 lever machines may not be deemed certified.

3 9-203.

4 (A) Each ballot shall:

5 (1) Be easily understandable by voters;

6 (2) Present all candidates and questions in a fair and nondiscriminatory
7 manner;

8 (3) Permit the voter to easily record a vote on questions and on the
9 voter's choices among candidates;

10 (4) Protect the secrecy of each voter's choices; and

11 (5) Facilitate the accurate tabulation of the choices of the voters.

12 (B) WHEN CASTING A BALLOT, THE VOTING SYSTEM SHALL PROVIDE THE
13 VOTER WITH NOTICE AND AN OPPORTUNITY TO CHANGE THE VOTER'S SPECIFIC
14 CHOICES BEFORE THE VOTER'S BALLOT IS FINALIZED AND CAST, IF:

15 (1) THE VOTER FAILS TO CAST A VOTE FOR ANY OFFICE OR QUESTION
16 FOR WHICH THE VOTER IS ELIGIBLE TO VOTE;

17 (2) THE VOTER CASTS A VOTE FOR A CANDIDATE OR QUESTION FOR
18 WHICH THE VOTER IS INELIGIBLE TO VOTE; OR

19 (3) THE VOTER CASTS A VOTE FOR MORE THAN THE ALLOWABLE
20 NUMBER OF CANDIDATES OR QUESTIONS FOR WHICH THE VOTER IS ELIGIBLE TO
21 VOTE.

22 9-214.

23 Each local board shall provide specimen ballots, so labeled, for all ballots to be
24 used in each election:

25 (1) For mailing to registered voters under Title 8 of this article[, if
26 mailing of specimen ballots is chosen or required in the county]; and

27 (2) For other informational purposes in accordance with the provisions of
28 this article.

29 9-304.

30 (a) [A] UPON REQUEST, A registered voter may vote by absentee ballot at
31 [an] ANY election [if the voter:

32 (1) Will be absent on election day from the county in which the voter is
33 registered;

1 (2) Because of accident, illness, or physical disability, will be unable to go
2 to the polling place on election day;

3 (3) Because of confinement in or restriction to an institution, will be
4 prevented from going to the polling place on election day;

5 (4) Because of a death or serious illness in the voter's immediate family,
6 will be unable to go to the polling place on election day;

7 (5) Is a full-time student at an institution of higher education located
8 outside the voter's precinct but within the county of registration, and academic
9 requirements prevent the voter from going to the polling place on election day; or

10 (6) Because of employment by or service as an official of the State Board
11 or a local board, is required to be absent from the precinct in which the voter is
12 registered to vote on election day].

13 (b) An individual may vote by absentee ballot if authorized under an
14 applicable federal law.

15 10-302.

16 (A) In a timely manner for each election, the local board shall provide for the
17 delivery to each polling place the supplies, records, and equipment necessary for the
18 conduct of the election.

19 (B) THE STATE BOARD SHALL ENSURE THAT, ON EACH ELECTION DAY, THE
20 ELECTION OFFICIALS AT EVERY POLLING PLACE HAVE ACCESS THROUGH THE
21 INTERNET OR BY OTHER ELECTRONIC MEDIUM TO A CENTRALIZED VOTER REGISTRY.
22 10-310.

23 (a) (1) In accordance with instructions provided by the local board, an
24 election judge shall qualify a voter by:

25 [(1)] (I) Locating the voter's name in the precinct register and locating
26 the preprinted voting authority card;

27 [(2) (i)] (II) 1. If the voter's name is not found on the precinct
28 register, searching the inactive list and if the name is found, qualifying the voter for
29 voting as instructed; or

30 [(ii)] 2. If the voter's name is not on the inactive list, contacting
31 the local board office and, if authorized, issuing a temporary certificate of
32 registration, as provided in § 3-601 of this article;

33 [(3)] (III) Establishing the identity of the voter by requesting the voter to
34 state the month and day of the voter's birth and comparing the response to the
35 information listed in the precinct register;

36 [(4)] (IV) Verifying the address of the voter's residence;

1 [(5)] (V) If any changes to the voting authority card are indicated by a
2 voter, making the appropriate changes in information on the card or other
3 appropriate form; and

4 [(6)] (VI) Having the voter sign the voting authority card and either
5 issuing the voter a ballot or sending the voter to a machine to vote.

6 (2) IN QUALIFYING A VOTER, AN ELECTION JUDGE MAY NOT REQUEST
7 OR REQUIRE A VOTER TO PRODUCE ANY IDENTIFICATION OR INFORMATION THAT IS
8 NOT AUTHORIZED UNDER THIS SECTION.

9 (b) On the completion of the procedures set forth in subsection (a) of this
10 section, a voter may vote in accordance with the procedures appropriate to the voting
11 system used in the polling place.

12 (c) (1) Before a voter enters a voting booth, at the request of the voter, an
13 election judge shall:

14 (i) Instruct the voter about the operation of the voting system; and

15 (ii) Allow the voter an opportunity to operate a model voting device,
16 if appropriate to the voting system in use.

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

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

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

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

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

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

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

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

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

7 (7) Except as provided in paragraphs (3) or (4) of this subsection, a
8 person over the age of 10 years may not accompany a voter into a voting booth.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2001.