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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

| | Δ $ \mathbf{X} $ | ΔU | concerning |
|---|-------------------------|--------------|------------|
| 1 | $\Delta \mathbf{M}$ | Λ CI | CONCOMM |
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| 2 | Election Law | - Maryland | Voter's Bill | of Rights |
|---|---------------------|------------|--------------|-----------|
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| | 3 | FOR the purpose of | establishing a Maryland | Voter's Bill of Rights; altering the |
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- 4 qualifications for voter registration for certain felons; authorizing a voter to
- 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
- absentee ballot; requiring that on election day election officials at polling places
- have access through the Internet or similar electronic medium to a certain voter
- registry; prohibiting an election judge at the polling place from requesting or
- requiring a voter to produce or submit certain identification or information prior
- 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:

(6)

HOUSE BILL 1162 1 (1) All persons served by the election system are treated fairly and 2 equitably; (2) All qualified persons may register and vote and that those who are 4 not qualified do not vote; 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; Full information on elections is provided to the public, including 8 (4) 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. IT IS THE FURTHER INTENTION OF THIS ARTICLE THAT THE ELECTION 16 (B) PROCESS AND PROCEDURES IN THE STATE ASSURE THAT: EVERY VOTER HAS EQUAL, FAIR, AND UNINHIBITED ACCESS TO A 18 (1)19 POLLING PLACE REGARDLESS OF THE VOTER'S RACE, SEX, OR PHYSICAL HANDICAP; 20 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 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; (4) UPON REQUEST, ANY QUALIFIED VOTER MAY VOTE BY ABSENTEE 29 30 BALLOT WITHOUT INQUIRY BY ANY ELECTION OFFICIAL; EVERY VOTER HAS ACCESS TO A VOTING SYSTEM THAT IS ACCURATE 31 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 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:

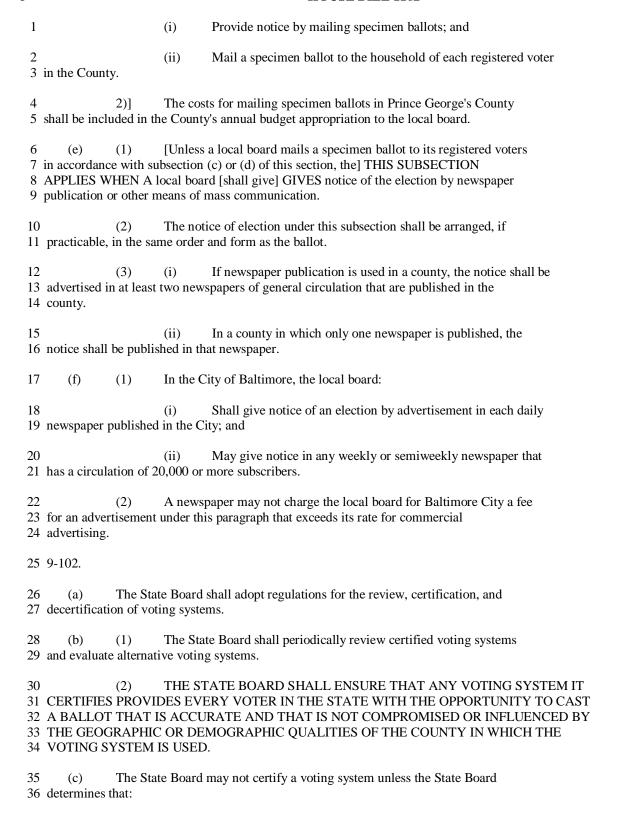
| 1 2 | QUESTION | FOR WI | | THE VOTER FAILS TO CAST A VOTE FOR ANY OFFICE OR E VOTER IS ELIGIBLE TO VOTE; |
|----------|----------------------|---------------|------------------|--|
| 3 | FOR WHICH | H THE V | (II) OTER IS | THE VOTER CASTS A VOTE FOR A CANDIDATE OR QUESTION INELIGIBLE TO VOTE; OR |
| | NUMBER O VOTE; | F CAND | (III) OIDATES | THE VOTER CASTS A VOTE FOR MORE THAN THE ALLOWABLE OR QUESTIONS FOR WHICH THE VOTER IS ELIGIBLE TO |
| | HAVE ACC CENTRALI | | ROUGH | ECTION DAY, ELECTION OFFICIALS AT EVERY POLLING PLACE THE INTERNET OR BY OTHER ELECTRONIC MEDIUM TO A GISTRY; |
| | PRODUCE ARTICLE; | (8) OR SUB | | AT THE POLLING PLACE, NO VOTER MAY BE COMPELLED TO Y IDENTIFICATION THAT IS NOT REQUIRED BY THIS |
| 14 15 | EACH ELE | (9) CTION; | | VOTER IS PROVIDED WITH A SPECIMEN BALLOT PRIOR TO |
| | REGISTRA | | ECORD T | ER MAY CONFIRM OR ALTER THE VOTER'S VOTER THROUGH A SECURED INTERNET WEBSITE OR OTHER AINTAINED BY THE STATE BOARD. |
| 19 | 3-102. | | | |
| 20 21 | (a) become regi | | | ed in subsection (b) of this section, an individual may e individual: |
| 22 | | (1) | Is a citiz | en of the United States; |
| 23 24 | | | | st 18 years old or will be 18 years old on or before the day of special election; |
| 25 26 | register; and | (3) | Is a resid | lent of the county as of the day the individual seeks to |
| 27 | | (4) | Register | s pursuant to this title. |
| 28 | (b) | An indiv | idual is r | not qualified to be a registered voter if the individual: |
| 29 30 | individual: | (1) | Has been | n convicted of theft or other infamous crime, unless the |
| 31 | | | (i) | Has been pardoned; or |
| | | | | [In connection with a first conviction, has] HAS completed the iction, including [probation] PROBATION, PAROLE, ESTITUTION, AND FINES; |

In Prince George's County for the general election, the Board shall:

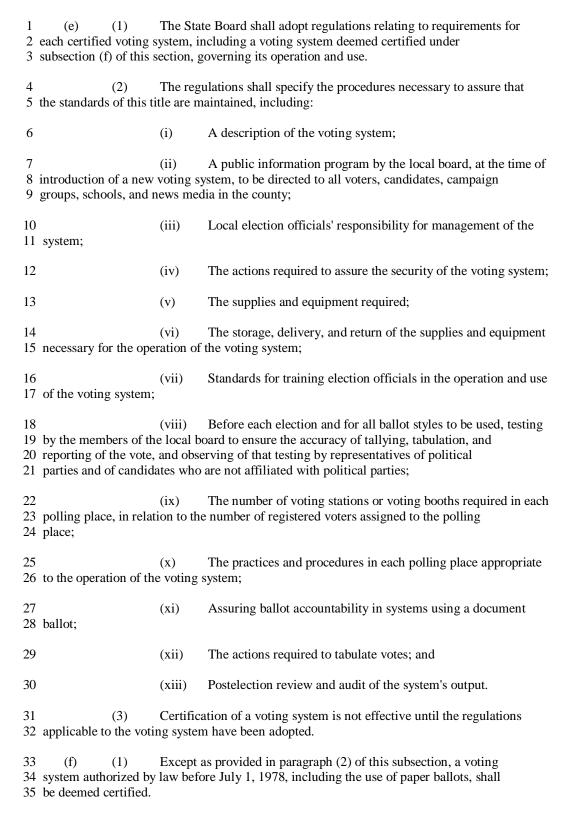
31

(d)

[(1)]

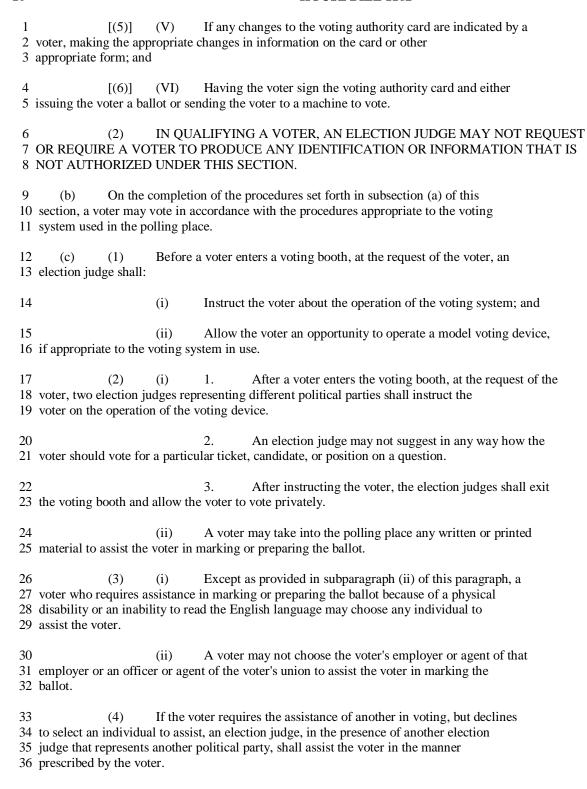


| 1 | | (1) | The voti | ng system will: |
|----------|-------------------------------|--------------|-------------------|--|
| 2 | | | (i) | Protect the secrecy of the ballot; |
| 3 | | | (ii) | Protect the security of the voting process; |
| 4 | | | (iii) | Count and record all votes accurately; |
| 5 | | | (iv) | Accommodate any ballot used under this article; and |
| 6 | | | (v) | Protect all other rights of voters and candidates; |
| 7 | | (2) | The voti | ng system has been: |
| 8 9 | approved by t | he Natio | (i) mal Asso | Examined by an independent testing laboratory that is ciation of State Election Directors; and |
| | test standards Commissions | | (ii) tronic vo | Shown by the testing laboratory to meet the performance and ting systems established by the Federal Election |
| 13 14 | system. | (3) | The pub | lic interest will be served by the certification of the voting |
| 15 16 | (d) State Board s | | | hether a voting system meets the required standards, the |
| 17 18 | and compone | (1) ents; | The com | mercial availability of the system and its replacement parts |
| 19 | | (2) | The avai | lability of continuing service for the system; |
| 20 | | (3) | The cost | of implementing the system; |
| 21 | | (4) | The effic | ciency of the system; |
| 22 | | (5) | The like | lihood of breakdown; |
| 23 | | (6) | The syst | em's ease of understanding for the voter; |
| 24 | | (7) | The con | venience of voting afforded by the system; |
| 25 | | (8) | The time | eliness of the tabulation and reporting of election returns; |
| 26 | | (9) | The pote | ential for an alternative means of verifying the tabulation; |
| 27 | | (10) | Accessib | pility for disabled voters; and |
| 28 | | (11) | Any oth | er factor that the State Board considers relevant. |



| lever machin | (2) nes may n | On or after January 1, 2002, a voting system that uses mechanical not be deemed certified. |
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| 9-203. | | |
| (A) | Each ba | llot shall: |
| | (1) | Be easily understandable by voters; |
| manner; | (2) | Present all candidates and questions in a fair and nondiscriminatory |
| voter's choic | (3) es among | Permit the voter to easily record a vote on questions and on the g candidates; |
| | (4) | Protect the secrecy of each voter's choices; and |
| | (5) | Facilitate the accurate tabulation of the choices of the voters. |
| VOTER WI | TH NOT | CASTING A BALLOT, THE VOTING SYSTEM SHALL PROVIDE THE TICE AND AN OPPORTUNITY TO CHANGE THE VOTER'S SPECIFIC THE VOTER'S BALLOT IS FINALIZED AND CAST, IF: |
| | (1) H THE V | THE VOTER FAILS TO CAST A VOTE FOR ANY OFFICE OR QUESTION VOTER IS ELIGIBLE TO VOTE; |
| | (2) E VOTE | THE VOTER CASTS A VOTE FOR A CANDIDATE OR QUESTION FOR ER IS INELIGIBLE TO VOTE; OR |
| NUMBER (| (3) OF CANI | THE VOTER CASTS A VOTE FOR MORE THAN THE ALLOWABLE DIDATES OR QUESTIONS FOR WHICH THE VOTER IS ELIGIBLE TO |
| 9-214. | | |
| | | shall provide specimen ballots, so labeled, for all ballots to be : |
| mailing of s | (1) pecimen | For mailing to registered voters under Title 8 of this article[, if ballots is chosen or required in the county]; and |
| | (2) | For other informational purposes in accordance with the provisions of |
| 9-304. | | |
| | | ON REQUEST, A registered voter may vote by absentee ballot at f the voter: |
| registered; | (1) | Will be absent on election day from the county in which the voter is |
| | 9-203. (A) manner; voter's choic (B) VOTER WI CHOICES I FOR WHICH WHICH TH NUMBER (VOTE. 9-214. Each locused in each mailing of s this article. 9-304. (a) [an] ANY e | lever machines may respectively and services are serviced as a service of the services of the se |

| 1 2 | (2) Because of accident, illness, or physical disability, will be unable to go to the polling place on election day; |
|----------|--|
| 3 4 | (3) Because of confinement in or restriction to an institution, will be prevented from going to the polling place on election day; |
| 5 6 | (4) Because of a death or serious illness in the voter's immediate family, will be unable to go to the polling place on election day; |
| | (5) Is a full-time student at an institution of higher education located outside the voter's precinct but within the county of registration, and academic requirements prevent the voter from going to the polling place on election day; or |
| | (6) Because of employment by or service as an official of the State Board or a local board, is required to be absent from the precinct in which the voter is registered to vote on election day]. |
| 13 14 | (b) An individual may vote by absentee ballot if authorized under an applicable federal law. |
| 15 | 10-302. |
| | (A) In a timely manner for each election, the local board shall provide for the delivery to each polling place the supplies, records, and equipment necessary for the conduct of the election. |
| 21 | (B) THE STATE BOARD SHALL ENSURE THAT, ON EACH ELECTION DAY, THE ELECTION OFFICIALS AT EVERY POLLING PLACE HAVE ACCESS THROUGH THE INTERNET OR BY OTHER ELECTRONIC MEDIUM TO A CENTRALIZED VOTER REGISTRY. 10-310. |
| 23 24 | (a) (1) In accordance with instructions provided by the local board, an election judge shall qualify a voter by: |
| 25 26 | [(1)] (I) Locating the voter's name in the precinct register and locating the preprinted voting authority card; |
| | [(2) (i)] (II) 1. If the voter's name is not found on the precinct register, searching the inactive list and if the name is found, qualifying the voter for voting as instructed; or |
| | [(ii)] 2. If the voter's name is not on the inactive list, contacting the local board office and, if authorized, issuing a temporary certificate of registration, as provided in § 3-601 of this article; |
| | [(3)] (III) Establishing the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register; |
| 36 | [(4)] (IV) Verifying the address of the voter's residence; |
| | |



- 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.