

HOUSE BILL 1458

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2001 Regular Session
(11r3053)

ENROLLED BILL

-- Commerce and Government Matters/Economic and Environmental Affairs --

Introduced by **Delegates Arnick and Kittleman (Special Committee on Voting Systems and Election Procedures in Maryland)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Statewide Voter Registration - Provisional Ballots**

3 FOR the purpose of ~~providing that certain registered voters remain registered when~~
4 ~~moving to a new county in the State; providing for certain registered voters,~~
5 ~~under certain circumstances, to change party affiliation or change to or from a~~
6 ~~decline; authorizing a local board, under certain circumstances, to change the~~
7 ~~name or address of certain registered voters; authorizing a local board to~~
8 ~~remove, under certain circumstances, certain registered voters for from the~~
9 ~~voter registry; authorizing a local board, under certain circumstances, to add~~
10 ~~certain registered voters to the voter registry; clarifying certain provisions of the~~
11 ~~election code addressing voter registration; and generally relating to statewide~~
12 ~~voter registration altering certain procedures used by local election boards for the~~
13 ~~registration of voters who move between and within counties in the State to allow~~
14 ~~a voter's registration to follow the voter under certain circumstances; altering the~~
15 ~~required provisions to be included on in voter registration applications;~~
16 providing that certain information be made available to an applicant completing

1 voter registration applications; altering the procedures for ~~registering~~ applying
 2 to register to vote at the Motor Vehicle Administration; requiring the Motor
 3 Vehicle Administration and the State Board of Elections jointly to establish
 4 certain procedures; altering the procedures for completing a temporary
 5 ~~certification~~ certificate of registration; providing for the required content of a
 6 provisional ballot; establishing certain procedures for voting by means of a
 7 provisional ballot; requiring the budget of the State Board of Elections to include
 8 funding to support any additional personnel costs associated with the
 9 provisional ballot system under certain circumstances; providing for a certain
 10 penalty for violating provisions addressing voting by provisional ballots;
 11 establishing certain procedures for canvassing provisional ballots; establishing
 12 certain appeal procedures for contested provisional ballots; authorizing the
 13 State Board of Elections to establish certain guidelines and regulations; defining
 14 a certain term; and generally relating to voter registration and provisional
 15 ballots.

16 ~~BY repealing and reenacting, with amendments,~~
 17 ~~Article 33 - Election Code~~
 18 ~~Section 3-101, 3-301, 3-303, 3-304, and 3-504~~
 19 ~~Annotated Code of Maryland~~
 20 ~~(1997 Replacement Volume and 2000 Supplement)~~

21 BY renumbering
 22 Article 33 - Election Code
 23 Section 1-101(ff) through (qq), respectively
 24 to be Section 1-101(gg) through (rr), respectively
 25 Annotated Code of Maryland
 26 (1997 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, with amendments,
 28 Article 33 - Election Code
 29 Section ~~3-101~~, 3-202, 3-203, 3-301, 3-303(b), 3-304, 3-504(b) and (c), 3-601,
 30 and 9-213
 31 Annotated Code of Maryland
 32 (1997 Replacement Volume and 2000 Supplement)

33 BY adding to
 34 Article 33 - Election Code
 35 Section 1-101(ff); 9-401 through 9-408, inclusive, to be under the new subtitle
 36 "Subtitle 4. Provisional Ballots"; 11-302.1 and 11-303.1
 37 Annotated Code of Maryland
 38 (1997 Replacement Volume and 2000 Supplement)

39 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 40 MARYLAND, That the Laws of Maryland read as follows: Section(s) 1-101(ff) through

1 (qq), respectively, of Article 33 - Election Code of the Annotated Code of Maryland be
 2 renumbered to be Section(s) 1-101(gg) through (rr), respectively.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 4 read as follows:

5 **Article 33 - Election Code**

6 1-101.

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

10 3-101.

11 (a) [(1) The local board in each county shall register voters of that county.

12 (2) A local board shall review each voter registration application it
 13 receives and determine whether the applicant meets the qualifications for voter
 14 registration] THE LOCAL BOARD IN EACH COUNTY SHALL:

15 (1) REGISTER UNREGISTERED VOTERS WHO RESIDE IN THAT COUNTY;
 16 AND

17 (2) ADD TO THE VOTER REGISTRY ALL CURRENTLY REGISTERED
 18 VOTERS WHO MOVE INTO THE COUNTY FROM ANOTHER COUNTY IN THE STATE.

19 (b) Registration shall be conducted continuously under the supervision of the
 20 State Board and in accordance with the provisions of this title, applicable federal law,
 21 and regulations adopted by the State Board.

22 (c) The local board for each county shall maintain the voter registry for that
 23 county and shall be responsible for its accuracy and currency.

24 (d) A [registered voter may] VOTER:

25 (1) IF ~~THE VOTER HAS~~ REGISTERED IN A COUNTY IN THE STATE,
 26 ~~REMAINS SHALL REMAIN~~ REGISTERED WHEN THE VOTER MOVES TO ANOTHER
 27 COUNTY IN THE STATE; AND

28 (2) MAY not be required to register again unless the VOTER'S registration
 29 is canceled pursuant to Subtitle 5 of this title.

30 3-202.

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

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

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

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

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

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

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

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

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

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

22 (I) THE QUALIFICATIONS TO BECOME A REGISTERED VOTER;

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

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

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

32 [(2)] (3) The statewide voter registration application may not require:

33 (i) Notarization or other formal authentication; or

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

1 ~~[(3)]~~ (4) (i) A statewide voter registration application shall be
 2 produced exclusively by the State Board.

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

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

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

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

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

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

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

16 3-203.

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

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

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

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

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

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

34 (II) ANY ADDITIONAL NECESSARY INFORMATION SHALL BE
 35 OBTAINED BY THE MOTOR VEHICLE ADMINISTRATION AND MAY NOT DUPLICATE

1 ANY INFORMATION ALREADY OBTAINED WHILE COMPLETING A TRANSACTION
2 UNDER SUBSECTION (A) OF THIS SECTION; AND

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

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

9 1. AFFIRMATIVELY INDICATING AS SUCH ON THE
10 APPLICATION; OR

11 2. FAILING TO SIGN THE VOTER REGISTRATION
12 APPLICATION.

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

16 (4) WITHIN 5 DAYS OF THE RECEIPT OF AN APPLICATION UNDER
17 SUBSECTION (A) OF THIS SECTION, THE MOTOR VEHICLE ADMINISTRATION SHALL
18 FORWARD TO THE STATE BOARD THE VOTER REGISTRATION INFORMATION IN A
19 MANNER AND FORMAT SPECIFIED JOINTLY BY THE MOTOR VEHICLE
20 ADMINISTRATION AND THE STATE BOARD.

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

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

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

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

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

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

1 1. To prevent duplicate voter registration; and
2 2. To enable the appropriate election official to assess the
3 eligibility of an applicant and to administer voter registration and other aspects of the
4 election process.

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

7 (D) (1) IF A DRIVER'S LICENSE RENEWAL OR A CHANGE OF NAME OR
8 ADDRESS IS NOT COMPLETED IN PERSON WITH A CUSTOMER SERVICE
9 REPRESENTATIVE AT A MOTOR VEHICLE ADMINISTRATION OFFICE, THE MOTOR
10 VEHICLE ADMINISTRATION SHALL STATE CLEARLY THAT:

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

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

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

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

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

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

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

32 3-301.

33 (a) When a voter registration application is received by a local board, the local
34 board shall:

35 (1) [Determine] IF THE APPLICANT RESIDES IN ~~THAT~~ THE COUNTY OF
36 THE LOCAL BOARD, DETERMINE whether the applicant is qualified to become a
37 registered voter; or

1 (2) If the applicant resides in a different county in the State,
2 immediately forward the application to the proper county.

3 (b) [Qualified applicants] A QUALIFIED APPLICANT shall be added to the
4 VOTER registry IN THE VOTER'S COUNTY OF RESIDENCE unless registration is closed
5 pursuant to § 3-302 of this subtitle.

6 (c) (1) The election director IN THE COUNTY WHERE AN APPLICANT
7 RESIDES shall send a voter acknowledgment notice, in a format prescribed by the
8 State Board, to each applicant informing the applicant whether he or she is qualified
9 to become registered, and, if not qualified, the reasons why.

10 (2) (i) A voter notification card sent to a qualified applicant may serve
11 as a voter acknowledgment notice.

12 (ii) 1. The voter notification card shall contain the name and
13 address of the voter, the date of issue, and the district or ward and precinct of the
14 voter.

15 2. The card is evidence that the individual to whom it is
16 issued is a registered voter on the date appearing on the card.

17 3. The election director shall issue a replacement card on
18 request of the voter and a new card when a relevant change is made in the voter's
19 registration record.

20 3-303.

21 (a) ~~Except as provided in subsection (b) of this section, a local board, at the~~
22 ~~signed request of a registered voter, shall change that voter's party affiliation, or~~
23 ~~change the voter to or from a decline, at any time that registration is open unless the~~
24 ~~request is received during the following time periods:~~

25 (1) ~~From 9 p.m. on the Monday, or the next regular business day if the~~
26 ~~Monday is a legal holiday, that is 12 weeks before the day on which a primary election~~
27 ~~is to be held under § 8-201 of this article, until and including the day on which the~~
28 ~~registration reopens after the primary election is held; and~~

29 (2) ~~From and including the day of issuance of a gubernatorial~~
30 ~~proclamation calling a special election, pursuant to § 8-709 of this article, or from 5~~
31 ~~p.m. on the next regular business day if the day of issuance is a legal holiday, until~~
32 ~~and including the day on which that special election is held.~~

33 (b) If a registered voter [changes residence] HAS MOVED from one county to
34 another COUNTY within the State SINCE THE LAST GENERAL ELECTION, the voter
35 may change party affiliation or change to or from a decline [at any time when
36 registering with the new county of residence] UNDER THE TIME PERIOD SPECIFIED
37 IN SUBSECTION (A) OF THIS SECTION.

1 (e) ~~An individual whose registration has been canceled at the individual's~~
2 ~~request within a period closed to changes in party affiliation may not reregister in the~~
3 ~~same county during the same period with a party affiliation or nonaffiliation different~~
4 ~~from the previous registration.~~

5 3-304.

6 (a) (1) Notification of a change of address [within the county] or of a change
7 of name may be made:

8 (i) By information provided on a voter registration application by
9 the same methods provided for registration pursuant to Subtitle 2 of this title;

10 (ii) By written notice, signed by the voter and sent by mail or
11 otherwise delivered to the [proper] local board IN THE COUNTY WHERE THE VOTER
12 IS CURRENTLY REGISTERED OR TO WHICH THE VOTER HAS MOVED;

13 (iii) By making application in person at the office of the local board
14 IN THE COUNTY WHERE THE VOTER IS CURRENTLY REGISTERED OR TO WHICH THE
15 VOTER HAS MOVED;

16 (iv) By information on a voter authority card or other appropriate
17 form filled out in a polling place; or

18 (v) By changing a name or address with the Motor Vehicle
19 Administration.

20 (2) Except as provided by regulations adopted by the State Board, name
21 and address changes may not be effected by the local board when registration is
22 closed.

23 (b) (1) A local board, pursuant to regulations adopted by the State Board,
24 shall determine whether a request for a name or address change is from the
25 registered voter.

26 (2) If the local board is satisfied that the request for a name or address
27 change is from the voter, the local board [shall] SHALL:

28 (I) IF THE REQUEST IS FROM A VOTER CURRENTLY REGISTERED
29 IN AND CONTINUING TO RESIDE IN THAT COUNTY, change the voter's record and send
30 the voter a new voter notification [card] CARD;

31 (II) IF THE REQUEST IS FROM A VOTER CURRENTLY REGISTERED
32 IN THAT COUNTY BUT MOVING TO ANOTHER COUNTY IN THE STATE, FORWARD A
33 COPY OF THE REQUEST TO THE NEW COUNTY OF RESIDENCE AND, ~~UPON~~ ON RECEIPT
34 OF CONFIRMATION FROM THE NEW COUNTY OF RESIDENCE, REMOVE THE VOTER
35 FROM THE COUNTY VOTER REGISTRY;

1 (III) IF THE REQUEST IS FROM A VOTER CURRENTLY REGISTERED
2 IN THAT COUNTY BUT MOVING OUTSIDE THE STATE, REMOVE THE VOTER FROM THE
3 COUNTY VOTER REGISTRY; OR

4 (IV) IF THE REQUEST IS FROM A VOTER CURRENTLY REGISTERED
5 IN ANOTHER COUNTY IN THE STATE BUT MOVING TO THAT COUNTY, ADD THE VOTER
6 TO THE COUNTY VOTER REGISTRY AND SEND THE VOTER A NEW VOTER
7 NOTIFICATION CARD.

8 3-504.

9 (a) (1) ~~In this section the following words have the meanings indicated.~~

10 (2) ~~"Confirmation notice" means a notice, approved by the State Board,
11 that is sent by forwardable mail with a return card.~~

12 (3) ~~"Return card" means a postage prepaid and preaddressed card on
13 which the voter may report the voter's current address.~~

14 (b) Upon [identifying a voter who has reportedly changed address within the
15 local board's jurisdiction] RECEIVING ANY INFORMATION THAT A VOTER CURRENTLY
16 REGISTERED IN A COUNTY HAS MOVED TO A DIFFERENT ADDRESS WITHIN THE
17 COUNTY, the election director shall change the voter's [address] RECORD
18 TEMPORARILY and send the voter a confirmation notice.

19 (c) If it appears from information provided by the postal service or an agency
20 specified in § 3-505(b) of this subtitle that a voter has moved to a different [residence
21 not within the local board's jurisdiction] ADDRESS OUTSIDE THE COUNTY, the
22 election director shall send the voter a confirmation notice informing the voter of his
23 or her potential inactive status as described in subsection (f) of this section.

24 (d) ~~Upon receipt of a return card, the election director shall make any needed
25 corrections in the Board's records to reflect the voter's current residence.~~

26 (e) ~~The election director may not remove a voter from the registry on the
27 grounds of a change of address unless:~~

28 (1) ~~The voter confirms in writing that the voter has changed residence to
29 a location outside the county in which the voter is registered; or~~

30 (2) (i) ~~The voter has failed to respond to the confirmation notice; and~~

31 (ii) ~~The voter has not voted or appeared to vote (and, if necessary,
32 corrected the record of the voter's address) in an election during the period beginning
33 with the date of the notice through the next two general elections.~~

34 (f) (1) ~~If a voter fails to respond to a confirmation notice sent based on
35 information that the voter moved to a different residence outside the local board's
36 jurisdiction, the voter's name shall be placed on a list of inactive voters.~~

1 (2) Upon written affirmation that an inactive voter remains a resident of
 2 the same county, the voter may be allowed to vote either at the election district or
 3 precinct for the voter's current residence or the voter's previous residence, as
 4 determined by the State Board, and shall be restored to the registry.

5 (3) An inactive voter who fails to vote in an election in the period ending
 6 with the second general election shall be removed from the registry.

7 (4) Individuals whose names have been placed on the inactive list may
 8 not be counted as part of the registry.

9 (5) Registrants placed on the inactive list shall be counted only for
 10 purposes of voting and not for such official administrative purposes as petition
 11 signature verification, establishing precincts, and reporting official statistics.

12 3-601.

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

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

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

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

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

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

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

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

32 3. ANY ADDITIONAL INFORMATION REQUIRED BY THE
 33 STATE BOARD;

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

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

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

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

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

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

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

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

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

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

17 9-213.

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

21 SUBTITLE 4. PROVISIONAL BALLOTS.

22 9-401.

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

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

27 (1) THIS SUBTITLE; AND

28 (2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

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

1 9-402.

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

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

6 (2) THE APPROPRIATE BALLOT STYLE; AND

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

8 9-403.

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

11 (B) THE GUIDELINES SHALL PROVIDE FOR:

12 (1) THE TEMPORARY CERTIFICATE REGISTRATION PROCESS;

13 (2) BALLOT SECURITY, INCLUDING STORAGE OF RETURNED BALLOTS;

14 (3) THE CANVASS PROCESS;

15 (4) NOTICE OF THE CANVASS TO CANDIDATES, POLITICAL PARTIES,
16 CAMPAIGN ORGANIZATIONS, NEWS MEDIA, AND THE GENERAL PUBLIC;

17 (5) OBSERVERS OF THE PROCESS;

18 (6) REVIEW OF VOTED BALLOTS AND ENVELOPES FOR COMPLIANCE
19 WITH THE LAW AND FOR MACHINE TABULATION ACCEPTABILITY;

20 (7) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE
21 CANVASS; AND

22 (8) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND
23 CERTIFICATION.

24 (C) THE STATE BOARD SHALL:

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

27 (2) REVISE THE GUIDELINES IF INDICATED.

28 9-404.

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

1 9-405.

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

5 9-406.

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

9 (1) A CANDIDATE WHO IS ON THAT BALLOT;

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

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

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

15 9-407.

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

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

20 9-408.

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

24 11-302.1.

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

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

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

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

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

5 (I) THE LOCAL BOARD DETERMINES THAT THE TEMPORARY
6 CERTIFICATE OF REGISTRATION THAT CORRESPONDS TO THE PROVISIONAL BALLOT
7 IS NOT VALID;

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

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

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

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

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

20 11-303.1.

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

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

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

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

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

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

4 (I) THE QUALIFICATIONS TO BECOME A REGISTERED VOTER;

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

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

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

14 ~~{(2)}~~ (3) The statewide voter registration application may not require:

15 (i) Notarization or other formal authentication; or

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

19 ~~{(3)}~~ (4) (i) A statewide voter registration application shall be
20 produced exclusively by the State Board.

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

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

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

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

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

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

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

1 ~~3-203.~~

2 (A) ~~THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE THE~~
 3 ~~OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR TO UPDATE A VOTER~~
 4 ~~REGISTRATION RECORD TO EACH INDIVIDUAL WHO COMES TO AN OFFICE OF THAT~~
 5 ~~AGENCY TO:~~

6 (1) ~~APPLY APPLIES FOR OR RENEW RENEWS A DRIVER'S LICENSE OR~~
 7 ~~IDENTIFICATION CARD; OR~~

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

10 (B) (1) ~~THE MOTOR VEHICLE ADMINISTRATION SHALL REQUIRE EACH~~
 11 ~~CUSTOMER SERVICE REPRESENTATIVE TO INQUIRE ORALLY, OR IN WRITING IF THE~~
 12 ~~APPLICANT IS HEARING IMPAIRED, INQUIRE ORALLY OR IN WRITING WHETHER THE~~
 13 ~~APPLICANT WISHES TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION~~
 14 ~~RECORD DURING THE COMPLETION OF THE FORMS TRANSACTIONS SPECIFIED~~
 15 ~~UNDER SUBSECTION (A) OF THIS SECTION.~~

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

18 (I) ~~ALL APPLICABLE INFORMATION RECEIVED BY THE MOTOR~~
 19 ~~VEHICLE ADMINISTRATION IN THE COURSE OF FILLING OUT THE FORMS~~
 20 ~~COMPLETING A TRANSACTION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE~~
 21 ~~TRANSFERRED TO A VOTER REGISTRATION APPLICATION;~~

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

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

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

32 1. ~~AFFIRMATIVELY INDICATING AS SUCH ON THE~~
 33 ~~APPLICATION; OR~~

34 2. ~~FAILING TO SIGN THE VOTER REGISTRATION~~
 35 ~~APPLICATION.~~

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

1 (4) WITHIN 5 DAYS OF THE RECEIPT OF AN APPLICATION UNDER
 2 ~~SUBSECTION (A) OF THIS SECTION, THE MOTOR VEHICLE ADMINISTRATION SHALL~~
 3 ~~FORWARD TO THE STATE BOARD THE VOTER REGISTRATION INFORMATION IN A~~
 4 ~~MANNER AND FORMAT SPECIFIED JOINTLY BY THE MOTOR VEHICLE~~
 5 ~~ADMINISTRATION AND THE STATE BOARD.~~

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

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

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

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

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

21 (ii) ~~Require only the minimum amount of information necessary;~~
 22 ~~INCLUDING THE APPLICANT'S TELEPHONE NUMBER.~~

23 1. ~~To prevent duplicate voter registration; and~~

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

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

29 (D) (1) ~~IF A DRIVER'S LICENSE RENEWAL OR A CHANGE OF NAME OR~~
 30 ~~ADDRESS IS NOT COMPLETED IN PERSON WITH A CUSTOMER SERVICE~~
 31 ~~REPRESENTATIVE AT A MOTOR VEHICLE ADMINISTRATION OFFICE, THE MOTOR~~
 32 ~~VEHICLE ADMINISTRATION SHALL STATE CLEARLY THAT:~~

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

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

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

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

6 (2) ~~IF THE APPLICANT INDICATES THAT THE INFORMATION SHOULD BE
7 USED FOR VOTER REGISTRATION PURPOSES, THE MOTOR VEHICLE ADMINISTRATION
8 SHALL FOLLOW THE PROCEDURES ESTABLISHED JOINTLY BY THE MOTOR VEHICLE
9 ADMINISTRATION AND THE STATE BOARD TO PROCESS THE VOTER REGISTRATION
10 INFORMATION RECEIVED UNDER THIS SUBSECTION.~~

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

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

18 ~~3-601.~~

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

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

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

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

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

31 (II) ~~HAS, WITHIN THE LAST 2 YEARS, MADE A GOOD FAITH EFFORT
32 TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD AT A STATE
33 BOARD OF ELECTION, A LOCAL BOARD, OR THROUGH THE MOTOR VEHICLE
34 ADMINISTRATION OR OTHER VOTER REGISTRATION AGENCIES SET FORTH UNDER §§
35 3-203 AND 3-204 OF THIS TITLE AS DEMONSTRATED BY THE APPLICANT INDICATING:~~

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

1 ~~2: THE APPROXIMATE DATE WHEN THE APPLICANT~~
2 ~~REGISTERED OR UPDATED A VOTER REGISTRATION RECORDS; AND~~

3 ~~3: ANY ADDITIONAL INFORMATION REQUIRED BY THE~~
4 ~~STATE BOARD;~~

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

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

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

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

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

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

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

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

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

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

23 ~~9-213.~~

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

27 ~~SUBTITLE 4. PROVISIONAL BALLOTS.~~

28 ~~9-401.~~

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

31 ~~(B) THE STATE BOARD SHALL PRESCRIBE ALL FORMS REQUIRED TO COMPLY~~
32 ~~WITH.~~

33 ~~(1) THIS SUBTITLE; AND~~

1 (2) ~~ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.~~

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

6 ~~9-402.~~

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

10 (1) ~~THE TIME OF RECEIPT OF A TEMPORARY CERTIFICATE OF~~
11 ~~REGISTRATION FOR A PROVISIONAL BALLOT;~~

12 (2) ~~THE ACTION TAKEN WITH REGARD TO THE REGISTRATION;~~

13 (3) ~~(2) THE APPROPRIATE BALLOT STYLE;~~

14 (4) ~~THE DATE AND TIME OF THE RECEIPT OF A VOTED PROVISIONAL~~
15 ~~BALLOT; AND~~

16 (5) ~~(3) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.~~

17 ~~9-403.~~

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

20 ~~(B) THE GUIDELINES SHALL PROVIDE FOR:~~

21 (1) ~~THE TEMPORARY CERTIFICATE REGISTRATION PROCESS;~~

22 (2) ~~BALLOT SECURITY, INCLUDING STORAGE OF RETURNED BALLOTS;~~

23 (3) ~~THE CANVASS PROCESS;~~

24 (4) ~~NOTICE OF THE CANVASS TO CANDIDATES, POLITICAL PARTIES,~~
25 ~~CAMPAIGN ORGANIZATIONS, NEWS MEDIA, AND THE GENERAL PUBLIC;~~

26 (5) ~~OBSERVERS OF THE PROCESS;~~

27 (6) ~~REVIEW OF VOTED BALLOTS AND ENVELOPES FOR COMPLIANCE~~
28 ~~WITH THE LAW AND FOR MACHINE TABULATION ACCEPTABILITY;~~

29 (7) ~~STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE~~
30 ~~CANVASS; AND~~

31 (8) ~~STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND~~
32 ~~CERTIFICATION.~~

1 ~~(C) THE STATE BOARD SHALL:~~

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

4 ~~(2) REVISE THE GUIDELINES IF INDICATED.~~

5 ~~9-404.~~

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

9 ~~9-405.~~

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

13 ~~9-406.~~

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

17 ~~(1) A CANDIDATE WHO IS ON THAT BALLOT;~~

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

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

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

23 ~~9-407.~~

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

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

28 ~~9-408.~~

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

1 ~~11-302.1.~~

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

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

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

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

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

16 (1) ~~THE LOCAL BOARD DETERMINES THAT THE TEMPORARY~~
17 ~~CERTIFICATION CERTIFICATE OF REGISTRATION THAT CORRESPONDS TO THE~~
18 ~~PROVISIONAL BALLOT IS NOT VALID;~~

19 (II) ~~THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE~~
20 ~~TEMPORARY CERTIFICATE OF REGISTRATION;~~

21 (III) ~~THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE~~
22 ~~PROVISIONAL BALLOT ENVELOPE;~~

23 (III) (IV) ~~THE INDIVIDUAL RECEIVED MORE THAN ONE BALLOT~~
24 ~~FOR THE SAME ELECTION; OR~~

25 (IV) (V) ~~THE LOCAL BOARD DETERMINES THAT A PROVISIONAL~~
26 ~~BALLOT IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY~~
27 ~~EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE~~
28 ~~BALLOT.~~

29 ~~11-303.1.~~

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

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

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

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

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

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

12 ~~(4) IF THE INTENT OF THE VOTER IS NOT CLEARLY DEMONSTRATED,~~
13 ~~THE LOCAL BOARD SHALL REJECT ONLY THE VOTE FOR THAT OFFICE OR QUESTION.~~

14 SECTION 4. ~~3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
15 effect June 1, 2001.