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

Rules suspended

Introduced and read first time: March 17, 2001

Rules suspended

Assigned to: Commerce and Government Matters

A BILL ENTITLED

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 the voter
9 registry; authorizing a local board, under certain circumstances, to add certain
10 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 the required provisions to be included on voter
13 registration applications; providing that certain information be made available
14 to an applicant completing voter registration applications; altering the
15 procedures for registering to vote at the Motor Vehicle Administration; altering
16 the procedures for completing a temporary certification of registration;
17 providing for the required content of a provisional ballot; establishing
18 procedures for voting by means of a provisional ballot; providing for a penalty for
19 violating provisions addressing voting by provisional ballots; establishing
20 procedures for canvassing provisional ballots; establishing appeal procedures for
21 contested provisional ballots; authorizing the State Board of Elections to
22 establish guidelines and regulations; defining a certain term; and generally
23 relating to voter registration and provisional ballots.

24 BY repealing and reenacting, with amendments,
25 Article 33 - Election Code
26 Section 3-101, 3-301, 3-303, 3-304, and 3-504
27 Annotated Code of Maryland
28 (1997 Replacement Volume and 2000 Supplement)

29 BY renumbering
30 Article 33 - Election Code

1 Section 1-101(ff) through (qq), respectively
2 to be Section 1-101(gg) through (rr), respectively
3 Annotated Code of Maryland
4 (1997 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article 33 - Election Code
7 Section 3-202, 3-203, 3-601, and 9-213
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 2000 Supplement)

10 BY adding to
11 Article 33 - Election Code
12 Section 1-101(ff); 9-401 through 9-408, inclusive, to be under the new subtitle
13 "Subtitle 4. Provisional Ballots"; 11-302.1 and 11-303.1
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2000 Supplement)

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

18 **Article 33 - Election Code**

19 3-101.

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

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

24 (1) REGISTER UNREGISTERED VOTERS WHO RESIDE IN THAT COUNTY;
25 AND

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

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

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

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

1 (1) IF THE VOTER HAS REGISTERED IN A COUNTY IN THE STATE
2 REMAINS REGISTERED WHEN THE VOTER MOVES TO ANOTHER COUNTY IN THE
3 STATE; AND

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

6 3-301.

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

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

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

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

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

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

23 (ii) 1. The voter notification card shall contain the name and
24 address of the voter, the date of issue, and the district or ward and precinct of the
25 voter.

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

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

31 3-303.

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

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

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

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

14 (c) An individual whose registration has been canceled at the individual's
15 request within a period closed to changes in party affiliation may not reregister in the
16 same county during the same period with a party affiliation or nonaffiliation different
17 from the previous registration.

18 3-304.

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

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

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

26 (iii) By making application in person at the office of the local board
27 IN THE COUNTY WHERE THE VOTER IS REGISTERED OR TO WHICH THE VOTER HAS
28 MOVED;

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

31 (v) By changing a name or address with the Motor Vehicle
32 Administration.

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

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

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

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

6 (II) IF THE REQUEST IS FROM A VOTER REGISTERED IN THAT
7 COUNTY BUT MOVING TO ANOTHER COUNTY IN THE STATE, FORWARD A COPY OF
8 THE REQUEST TO THE NEW COUNTY OF RESIDENCE AND, UPON RECEIPT OF
9 CONFIRMATION FROM THE NEW COUNTY OF RESIDENCE, REMOVE THE VOTER FROM
10 THE COUNTY VOTER REGISTRY;

11 (III) IF THE REQUEST IS FROM A VOTER REGISTERED IN THAT
12 COUNTY BUT MOVING OUTSIDE THE STATE, REMOVE THE VOTER FROM THE COUNTY
13 VOTER REGISTRY; OR

14 (IV) IF THE REQUEST IS FROM A VOTER REGISTERED IN ANOTHER
15 COUNTY IN THE STATE BUT MOVING TO THAT COUNTY, ADD THE VOTER TO THE
16 COUNTY VOTER REGISTRY AND SEND THE VOTER A NEW VOTER NOTIFICATION
17 CARD.

18 3-504.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1-101(ff)
22 through (qq), respectively, of Article 33 - Election Code of the Annotated Code of
23 Maryland be renumbered to be Section(s) 1-101(gg) through (rr), respectively.

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

26 **Article 33 - Election Code**

27 1-101.

28 (FF) "PROVISIONAL BALLOT" MEANS A BALLOT DISTRIBUTED TO AN
29 INDIVIDUAL ON ELECTION DAY BY THE LOCAL BOARD AT THE PRECINCT WHERE THE
30 INDIVIDUAL HAS COMPLETED A TEMPORARY CERTIFICATION OF REGISTRATION.

31 3-202.

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

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

1 (ii) Require the signature of the applicant, subject to the penalties
2 of perjury, by which the applicant swears or affirms that the information contained in
3 the registration application is true and that the applicant meets all of the
4 qualifications to 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
13 individual other than an official, employee, or agent of a local board does not assure
14 that the form 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
18 to 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
36 to 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
4 purposes 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 REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION
19 RECORD TO EACH INDIVIDUAL WHO COMES TO AN OFFICE OF THAT AGENCY TO:

20 (1) APPLY FOR OR RENEW A DRIVER'S LICENSE OR IDENTIFICATION
21 CARD; OR

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

24 (B) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL REQUIRE EACH
25 CUSTOMER SERVICE REPRESENTATIVE TO INQUIRE ORALLY, OR IN WRITING IF THE
26 APPLICANT IS HEARING IMPAIRED, WHETHER THE APPLICANT WISHES TO REGISTER
27 TO VOTE OR UPDATE A VOTER REGISTRATION RECORD DURING THE COMPLETION OF
28 THE FORMS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION.

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

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

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

1 INFORMATION ALREADY OBTAINED WHILE COMPLETING THE FORMS UNDER
2 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.

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 BY THE STATE BOARD.

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

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

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

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

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

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

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

36 1. To prevent duplicate voter registration; and

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

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

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

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

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

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

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

19 (2) IF THE APPLICANT INDICATES THAT THE INFORMATION SHOULD BE
20 USED FOR VOTER REGISTRATION PURPOSES, THE MOTOR VEHICLE ADMINISTRATION
21 SHALL FOLLOW THE PROCEDURES ESTABLISHED BY THE STATE BOARD.

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

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

29 3-601.

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

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

35 (1) PROVIDES PROOF OF IDENTITY, AS PRESCRIBED BY THE BOARD.

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

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

6 (II) HAS, WITHIN THE LAST 2 YEARS, MADE A GOOD FAITH EFFORT
7 TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD AT A STATE
8 BOARD OF ELECTION, A LOCAL BOARD, OR THROUGH THE MOTOR VEHICLE
9 ADMINISTRATION OR OTHER VOTER REGISTRATION AGENCIES SET FORTH UNDER §§
10 3-203 AND 3-204 OF THIS TITLE;

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

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

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

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

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

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

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

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

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

28 9-213.

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

SUBTITLE 4. PROVISIONAL BALLOTS.

1
2 9-401.

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

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

7 (1) THIS SUBTITLE; AND

8 (2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

9 9-402.

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

13 (1) THE TIME OF RECEIPT OF A TEMPORARY CERTIFICATE OF
14 REGISTRATION FOR A PROVISIONAL BALLOT;

15 (2) THE ACTION TAKEN WITH REGARD TO THE REGISTRATION;

16 (3) THE APPROPRIATE BALLOT STYLE;

17 (4) THE DATE AND TIME OF THE RECEIPT OF A VOTED PROVISIONAL
18 BALLOT; AND

19 (5) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.

20 9-403.

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

23 (B) THE GUIDELINES SHALL PROVIDE FOR:

24 (1) THE TEMPORARY CERTIFICATE REGISTRATION PROCESS;

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

26 (3) THE CANVASS PROCESS;

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

29 (5) OBSERVERS OF THE PROCESS;

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

3 (7) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE
4 CANVASS; AND

5 (8) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND
6 CERTIFICATION.

7 (C) THE STATE BOARD SHALL:

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

10 (2) REVISE THE GUIDELINES IF INDICATED.

11 9-404.

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

15 9-405.

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

19 9-406.

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

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

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

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

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

29 9-407.

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

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

1 9-408.

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

5 11-302.1.

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

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

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

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

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

20 (I) THE LOCAL BOARD DETERMINES THAT THE TEMPORARY
21 CERTIFICATION OF REGISTRATION THAT CORRESPONDS TO THE PROVISIONAL
22 BALLOT IS NOT VALID;

23 (II) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE
24 TEMPORARY CERTIFICATE OF REGISTRATION;

25 (III) THE INDIVIDUAL RECEIVED MORE THAN ONE BALLOT FOR THE
26 SAME ELECTION; OR

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

31 11-303.1.

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

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

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

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

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

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

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

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 June 1, 2001.