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

Rules suspended
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Rules suspended
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 2001

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 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; requiring the budget of
19 the State Board of Elections to include funding to support any additional
20 personnel costs associated with the provisional ballot system under certain
21 circumstances; providing for a penalty for violating provisions addressing voting
22 by provisional ballots; establishing procedures for canvassing provisional
23 ballots; establishing appeal procedures for contested provisional ballots;
24 authorizing the State Board of Elections to establish guidelines and regulations;
25 defining a certain term; and generally relating to voter registration and

1 provisional ballots.

2 BY repealing and reenacting, with amendments,
3 Article 33 - Election Code
4 Section 3-101, 3-301, 3-303, 3-304, and 3-504
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 2000 Supplement)

7 BY renumbering
8 Article 33 - Election Code
9 Section 1-101(ff) through (qq), respectively
10 to be Section 1-101(gg) through (rr), respectively
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 33 - Election Code
15 Section 3-202, 3-203, 3-601, and 9-213
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2000 Supplement)

18 BY adding to
19 Article 33 - Election Code
20 Section 1-101(ff); 9-401 through 9-408, inclusive, to be under the new subtitle
21 "Subtitle 4. Provisional Ballots"; 11-302.1 and 11-303.1
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 2000 Supplement)

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

26 **Article 33 - Election Code**

27 3-101.

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

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

32 (1) REGISTER UNREGISTERED VOTERS WHO RESIDE IN THAT COUNTY;
33 AND

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

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

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

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

7 (1) ~~IF THE VOTER HAS REGISTERED IN A COUNTY IN THE STATE,~~
8 ~~REMAINS SHALL REMAIN REGISTERED WHEN THE VOTER MOVES TO ANOTHER~~
9 ~~COUNTY IN THE STATE; AND~~

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

12 3-301.

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

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

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

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

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

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

29 (ii) 1. The voter notification card shall contain the name and
30 address of the voter, the date of issue, and the district or ward and precinct of the
31 voter.

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

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

1 3-303.

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

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

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

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

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

23 3-304.

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

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

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

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

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

36 (v) By changing a name or address with the Motor Vehicle
37 Administration.

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

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

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

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

12 (II) IF THE REQUEST IS FROM A VOTER REGISTERED IN THAT
13 COUNTY BUT MOVING TO ANOTHER COUNTY IN THE STATE, FORWARD A COPY OF
14 THE REQUEST TO THE NEW COUNTY OF RESIDENCE AND, UPON RECEIPT OF
15 CONFIRMATION FROM THE NEW COUNTY OF RESIDENCE, REMOVE THE VOTER FROM
16 THE COUNTY VOTER REGISTRY;

17 (III) IF THE REQUEST IS FROM A VOTER REGISTERED IN THAT
18 COUNTY BUT MOVING OUTSIDE THE STATE, REMOVE THE VOTER FROM THE COUNTY
19 VOTER REGISTRY; OR

20 (IV) IF THE REQUEST IS FROM A VOTER REGISTERED IN ANOTHER
21 COUNTY IN THE STATE BUT MOVING TO THAT COUNTY, ADD THE VOTER TO THE
22 COUNTY VOTER REGISTRY AND SEND THE VOTER A NEW VOTER NOTIFICATION
23 CARD.

24 3-504.

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

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

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

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

35 (c) If it appears from information provided by the postal service or an agency
36 specified in § 3-505(b) of this subtitle that a voter has moved to a different [residence
37 not within the local board's jurisdiction] ADDRESS OUTSIDE THE COUNTY, the

1 election director shall send the voter a confirmation notice informing the voter of his
2 or her potential inactive status as described in subsection (f) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

32 **Article 33 - Election Code**

33 1-101.

34 (FF) "PROVISIONAL BALLOT" MEANS A BALLOT DISTRIBUTED TO AN
35 INDIVIDUAL ON ELECTION DAY BY THE LOCAL BOARD AT THE PRECINCT WHERE THE

1 INDIVIDUAL HAS COMPLETED A TEMPORARY ~~CERTIFICATION~~ CERTIFICATE OF
2 REGISTRATION.

3 3-202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 [(2)] (3) The statewide voter registration application may not require:

2 (i) Notarization or other formal authentication; or

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

6 [(3)] (4) (i) A statewide voter registration application shall be
7 produced exclusively by the State Board.

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

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

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

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

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

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

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

21 3-203.

22 (A) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE THE
23 OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR TO UPDATE A VOTER
24 REGISTRATION RECORD TO EACH INDIVIDUAL WHO COMES TO AN OFFICE OF THAT
25 AGENCY TO:

26 (1) APPLY APPLIES FOR OR RENEW RENEWS A DRIVER'S LICENSE OR
27 IDENTIFICATION CARD; OR

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

30 (B) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL REQUIRE EACH
31 CUSTOMER SERVICE REPRESENTATIVE TO INQUIRE ORALLY, OR IN WRITING IF THE
32 APPLICANT IS HEARING IMPAIRED, INQUIRE ORALLY OR IN WRITING WHETHER THE
33 APPLICANT WISHES TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION
34 RECORD DURING THE COMPLETION OF THE FORMS TRANSACTIONS SPECIFIED
35 UNDER SUBSECTION (A) OF THIS SECTION.

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

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

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

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

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

17 1. AFFIRMATIVELY INDICATING AS SUCH ON THE
18 APPLICATION; OR

19 2. FAILING TO SIGN THE VOTER REGISTRATION
20 APPLICATION.

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

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

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

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

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

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

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

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

9 1. To prevent duplicate voter registration; and

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

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

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

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

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

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

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

29 (2) ~~IF THE APPLICANT INDICATES THAT THE INFORMATION SHOULD BE~~
30 ~~USED FOR VOTER REGISTRATION PURPOSES, THE MOTOR VEHICLE ADMINISTRATION~~
31 ~~SHALL FOLLOW THE PROCEDURES ESTABLISHED JOINTLY BY THE MOTOR VEHICLE~~
32 ~~ADMINISTRATION AND THE STATE BOARD TO PROCESS THE VOTER REGISTRATION~~
33 ~~INFORMATION RECEIVED UNDER THIS SUBSECTION.~~

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

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

4 3-601.

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

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

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

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

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

17 (II) HAS, WITHIN THE LAST 2 YEARS, MADE A GOOD FAITH EFFORT
18 TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD ~~AT A STATE~~
19 ~~BOARD OF ELECTION, A LOCAL BOARD, OR THROUGH THE MOTOR VEHICLE~~
20 ~~ADMINISTRATION OR OTHER VOTER REGISTRATION AGENCIES SET FORTH UNDER §§~~
21 ~~3-203 AND 3-204 OF THIS TITLE AS DEMONSTRATED BY THE APPLICANT INDICATING:~~

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

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

26 3. ANY ADDITIONAL INFORMATION REQUIRED BY THE
27 STATE BOARD;

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

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

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

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

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

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

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

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

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

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

10 9-213.

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

14 SUBTITLE 4. PROVISIONAL BALLOTS.

15 9-401.

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

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

20 (1) THIS SUBTITLE; AND

21 (2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

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

26 9-402.

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

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

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

33 (3) (2) THE APPROPRIATE BALLOT STYLE;

1 (4) ~~THE DATE AND TIME OF THE RECEIPT OF A VOTED PROVISIONAL~~
2 ~~BALLOT; AND~~

3 (5) (3) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.
4 9-403.

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

7 (B) THE GUIDELINES SHALL PROVIDE FOR:

8 (1) THE TEMPORARY CERTIFICATE REGISTRATION PROCESS;

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

10 (3) THE CANVASS PROCESS;

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

13 (5) OBSERVERS OF THE PROCESS;

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

16 (7) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE
17 CANVASS; AND

18 (8) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND
19 CERTIFICATION.

20 (C) THE STATE BOARD SHALL:

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

23 (2) REVISE THE GUIDELINES IF INDICATED.

24 9-404.

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

28 9-405.

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

1 9-406.

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

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

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

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

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

11 9-407.

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

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

16 9-408.

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

20 11-302.1.

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

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

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

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

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

1 (I) THE LOCAL BOARD DETERMINES THAT THE TEMPORARY
2 ~~CERTIFICATION~~ CERTIFICATE OF REGISTRATION THAT CORRESPONDS TO THE
3 PROVISIONAL BALLOT IS NOT VALID;

4 (II) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE
5 TEMPORARY CERTIFICATE OF REGISTRATION;

6 (III) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE
7 PROVISIONAL BALLOT ENVELOPE;

8 ~~(IV)~~ (IV) THE INDIVIDUAL RECEIVED MORE THAN ONE BALLOT
9 FOR THE SAME ELECTION; OR

10 ~~(V)~~ (V) THE LOCAL BOARD DETERMINES THAT A PROVISIONAL
11 BALLOT IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY
12 EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE
13 BALLOT.

14 11-303.1.

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

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

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

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

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

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

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

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