

SENATE BILL 740

Unofficial Copy
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2001 Regular Session
(11r2115)

ENROLLED BILL

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

Introduced by **Senator Van Hollen**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Election Procedure Reform Act Law - Statewide Voter Registration -**
3 **Provisional Ballots**

4 FOR the purpose of altering certain procedures used by local election boards for the
5 registration of voters who move between and within counties in the State to
6 allow a voter's registration to follow the voter under certain circumstances;
7 altering the required provisions ~~to be included on~~ in voter registration
8 applications; providing that certain information be made available to an
9 applicant completing voter registration applications; altering the procedures for
10 registering applying to register to vote at the Motor Vehicle Administration;
11 requiring the Motor Vehicle Administration and the State Board of Elections
12 jointly to establish certain procedures; altering the procedures for completing a
13 temporary ~~certification~~ certificate of registration; providing for the required
14 content of a provisional ballot; establishing certain procedures for voting by
15 means of a provisional ballot; requiring the budget of the State Board of
16 Elections to include funding to support any additional personnel costs associated
17 with the provisional ballot system under certain circumstances; providing for a

1 certain penalty for violating provisions addressing voting by provisional ballots;
 2 establishing certain procedures for canvassing provisional ballots; establishing
 3 certain appeal procedures for contested provisional ballots; authorizing the
 4 State Board of Elections to establish certain guidelines and regulations; defining
 5 a certain terms term; and generally relating to voter ~~registrations~~ registration
 6 and provisional ballots.

7 BY renumbering
 8 Article 33 - Election Code
 9 Section 1-101(ff) through 1-101(qq), respectively
 10 to be Section 1-101(gg) through 1-101(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~~ Section 3-101, 3-202, 3-203, 3-301,
 16 3-303(b), 3-304, 3-504(b) and (c), 3-601, and 9-213
 17 Annotated Code of Maryland
 18 (1997 Replacement Volume and 2000 Supplement)

19 BY adding to
 20 Article 33 - Election Code
 21 Section 1-101(ff); 9-401 through 9-408, inclusive, to be under the new subtitle
 22 "Subtitle 4. Provisional Ballots"; 11-302.1 and 11-303.1
 23 Annotated Code of Maryland
 24 (1997 Replacement Volume and 2000 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 26 MARYLAND, That Section(s) 1-101(ff) through 1-101(qq), respectively, of Article 33 -
 27 Election Code of the Annotated Code of Maryland be renumbered to be Section(s)
 28 1-101(gg) through 1-101(rr), respectively.

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

31 **Article 33 - Election Code**

32 1-101.

33 (FF) "PROVISIONAL BALLOT" MEANS A BALLOT DISTRIBUTED TO AN
 34 INDIVIDUAL ON ELECTION DAY BY THE LOCAL BOARD AT THE PRECINCT WHERE THE
 35 INDIVIDUAL HAS COMPLETED A TEMPORARY ~~CERTIFICATION~~ CERTIFICATE OF
 36 REGISTRATION.

1 3-101.

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

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

6 (1) REGISTER CURRENTLY UNREGISTERED VOTERS WHO RESIDE IN
 7 THAT COUNTY; AND

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

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

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

15 (d) A [registered] voter:

16 (1) ~~REMAINS IF REGISTERED IN A COUNTY IN THE STATE, SHALL~~
 17 REMAIN REGISTERED WHEN THE VOTER MOVES TO A NEW ANOTHER COUNTY IN THE
 18 STATE IF THE VOTER HAS PREVIOUSLY REGISTERED IN ANY COUNTY IN THE STATE;
 19 AND

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

22 3-202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 [(2)] (3) The statewide voter registration application may not require:

22 (i) Notarization or other formal authentication; or

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

26 [(3)] (4) (i) A statewide voter registration application shall be
 27 produced exclusively by the State Board.

28 (ii) No other registration form may be used for registration
 29 purposes except:

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

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

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

34 4. Any other form prescribed by federal law for voter
 35 registration.

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

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

6 3-203.

7 (A) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE THE
 8 OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR TO UPDATE A VOTER
 9 REGISTRATION RECORD TO EACH INDIVIDUAL WHO COMES TO AN OFFICE OF THAT
 10 AGENCY TO:

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

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

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

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

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

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

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

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

37 1. AFFIRMATIVELY INDICATING AS SUCH ON THE
 38 APPLICATION; OR

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

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

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

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

11 (2) ~~IF THE APPLICANT INDICATES THAT THE INFORMATION SHOULD BE~~
12 ~~USED FOR VOTER REGISTRATION PURPOSES, THE MOTOR VEHICLE ADMINISTRATION~~
13 ~~SHALL FOLLOW THE PROCEDURES ESTABLISHED BY THE STATE BOARD JOINTLY BY~~
14 ~~THE MOTOR VEHICLE ADMINISTRATION AND THE STATE BOARD TO PROCESS THE~~
15 ~~VOTER REGISTRATION INFORMATION RECEIVED UNDER THIS SUBSECTION.~~

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

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

23 3-301.

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

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

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

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

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

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

3 (ii) 1. The voter notification card shall contain the name and
4 address of the voter, the date of issue, and the district or ward and precinct of the
5 voter.

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

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

11 3-303.

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

17 3-304.

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

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

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

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

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

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

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

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

4 (2) If the local board is satisfied that the request for a name or address
 5 change is from the voter, the local board shall:

6 (I) IF THE REQUEST IS FROM A VOTER CURRENTLY REGISTERED
 7 IN AND CONTINUING TO RESIDE IN THAT COUNTY, change the voter's record and send
 8 the voter a new voter notification card;

9 (II) IF THE REQUEST IS FROM A VOTER CURRENTLY REGISTERED
 10 IN THAT COUNTY BUT MOVING TO ANOTHER COUNTY IN THE STATE, FORWARD A
 11 COPY OF THE REQUEST TO THE NEW COUNTY OF RESIDENCE AND, ON RECEIPT OF
 12 CONFIRMATION FROM THE NEW COUNTY OF RESIDENCE, REMOVE THE VOTER FROM
 13 THE COUNTY VOTER REGISTRY;

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

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

21 3-504.

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

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

32 3-601.

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

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

1 (1) PROVIDES PROOF OF IDENTITY, AS PRESCRIBED BY THE ~~BOARD~~
2 STATE BOARD BY REGULATION.

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

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

8 (II) HAS, WITHIN THE LAST 2 YEARS, MADE A GOOD FAITH EFFORT
9 TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD AT A STATE
10 ~~BOARD OF ELECTION, A LOCAL BOARD, OR THROUGH THE MOTOR VEHICLE~~
11 ~~ADMINISTRATION OR OTHER VOTER REGISTRATION AGENCIES SET FORTH UNDER §§~~
12 ~~3-203 AND 3-204 OF THIS TITLE;~~ AS DEMONSTRATED BY THE APPLICANT INDICATING:

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

15 2. THE APPROXIMATE DATE WHEN THE APPLICANT
16 REGISTERED OR UPDATED A VOTER REGISTRATION RECORD; AND

17 3. ANY ADDITIONAL INFORMATION REQUIRED BY THE
18 STATE BOARD;

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

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

23 (V) PROVIDES THE APPLICANT'S CURRENT ADDRESS AND
24 TELEPHONE NUMBER; ~~AND~~

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

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

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

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

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

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

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

4 9-213.

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

8 SUBTITLE 4. PROVISIONAL BALLOTS.

9 9-401.

10 (A) THIS SUBTITLE APPLIES TO EVERY ELECTION GOVERNED BY THIS
11 ARTICLE.

12 (B) THE STATE BOARD SHALL PRESCRIBE ALL FORMS REQUIRED TO COMPLY
13 WITH:

14 (1) THIS SUBTITLE; AND

15 (2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

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

20 9-402.

21 EACH LOCAL BOARD SHALL MAINTAIN A FULL RECORD OF PROVISIONAL
22 BALLOT VOTING IN THE COUNTY, INCLUDING, FOR EACH VOTER WHO VOTES USING A
23 PROVISIONAL BALLOT:

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

26 ~~(2)~~ (1) THE ACTION TAKEN WITH REGARD TO THE REGISTRATION;

27 ~~(3)~~ (2) THE APPROPRIATE BALLOT STYLE;

28 ~~(4) THE DATE AND TIME OF THE RECEIPT OF A VOTED PROVISIONAL~~
29 ~~BALLOT; AND~~

30 ~~(5)~~ (3) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.

31 9-403.

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

1 (B) THE GUIDELINES SHALL PROVIDE FOR:

2 (1) THE TEMPORARY CERTIFICATE REGISTRATION PROCESS;

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

4 (3) THE CANVASS PROCESS;

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

7 (5) OBSERVERS OF THE PROCESS;

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

10 (7) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE
11 CANVASS; AND

12 (8) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND
13 CERTIFICATION.

14 (C) THE STATE BOARD SHALL:

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

17 (2) REVISE THE GUIDELINES IF INDICATED.

18 9-404.

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

22 9-405.

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

26 9-406.

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

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

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

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

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

5 9-407.

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

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

10 9-408.

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

14 11-302.1.

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

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

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

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

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

29 (I) THE LOCAL BOARD DETERMINES THAT THE TEMPORARY
30 ~~CERTIFICATION~~ CERTIFICATE OF REGISTRATION THAT CORRESPONDS TO THE
31 PROVISIONAL BALLOT IS NOT VALID;

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

34 (H) (III) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE
35 TEMPORARY CERTIFICATE OF REGISTRATION;

1 (IV) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE
2 PROVISIONAL BALLOT ENVELOPE;

3 ~~(III)~~ (V) THE INDIVIDUAL RECEIVED MORE THAN ONE BALLOT
4 FOR THE SAME ELECTION; OR

5 ~~(IV)~~ (VI) THE LOCAL BOARD DETERMINES THAT A PROVISIONAL
6 BALLOT IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY
7 EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE
8 BALLOT.

9 11-303.1.

10 (A) A CANDIDATE OR INDIVIDUAL WHO VOTED USING A PROVISIONAL BALLOT
11 AGGRIEVED BY THE DECISION OF A LOCAL BOARD TO REJECT, OR NOT TO REJECT, A
12 PROVISIONAL BALLOT SHALL HAVE THE RIGHT OF APPEAL TO THE CIRCUIT COURT
13 FOR THE COUNTY.

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

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

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

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

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

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

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 ~~October~~ June 1, 2001.