
By: **Senator Van Hollen**
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Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Election Procedure Reform Act**

3 FOR the purpose of altering certain procedures used by local election boards for the
4 registration of voters who move between and within counties in the State to
5 allow a voter's registration to follow the voter under certain circumstances;
6 altering the required provisions to be included on voter registration
7 applications; providing that certain information be made available to an
8 applicant completing voter registration applications; altering the procedures for
9 ~~registering~~ applying to register to vote at the Motor Vehicle Administration;
10 requiring the Motor Vehicle Administration and the State Board of Elections
11 jointly to establish certain procedures; altering the procedures for completing a
12 temporary ~~certification~~ certificate of registration; providing for the required
13 content of a provisional ballot; establishing procedures for voting by means of a
14 provisional ballot; providing for a penalty for violating provisions addressing
15 voting by provisional ballots; establishing procedures for canvassing provisional
16 ballots; establishing appeal procedures for contested provisional ballots;
17 authorizing the State Board of Elections to establish guidelines and regulations;
18 defining certain terms; and generally relating to voter ~~registrations~~ registration
19 and provisional ballots.

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

1 BY repealing and reenacting, with amendments,
 2 Article 33 - Election Code
 3 ~~Section 3-202, 3-203, 3-601, and 9-213~~ Section 3-101, 3-202, 3-203, 3-301,
 4 3-303(b), 3-304, 3-504(b) and (c), 3-601, and 9-213
 5 Annotated Code of Maryland
 6 (1997 Replacement Volume and 2000 Supplement)

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

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 14 MARYLAND, That Section(s) 1-101(ff) through 1-101(qq), respectively, of Article 33 -
 15 Election Code of the Annotated Code of Maryland be renumbered to be Section(s)
 16 1-101(gg) through 1-101(rr), respectively.

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

19 **Article 33 - Election Code**

20 1-101.

21 (FF) "PROVISIONAL BALLOT" MEANS A BALLOT DISTRIBUTED TO AN
 22 INDIVIDUAL ON ELECTION DAY BY THE LOCAL BOARD AT THE PRECINCT WHERE THE
 23 INDIVIDUAL HAS COMPLETED A TEMPORARY ~~CERTIFICATION~~ CERTIFICATE OF
 24 REGISTRATION.

25 3-101.

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

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

30 (1) REGISTER CURRENTLY UNREGISTERED VOTERS WHO RESIDE IN
 31 THAT COUNTY; AND

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

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

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

3 (d) A [registered] voter:

4 (1) REMAINS REGISTERED WHEN THE VOTER MOVES TO A NEW COUNTY
 5 IN THE STATE IF THE VOTER HAS PREVIOUSLY REGISTERED IN ANY COUNTY IN THE
 6 STATE; AND

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

9 3-202.

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

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

12 (ii) Require the signature of the applicant, subject to the penalties
 13 of perjury, by which the applicant swears or affirms that the information contained in
 14 the registration application is true and that the applicant meets all of the
 15 qualifications to become a registered voter;

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

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

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

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

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

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

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

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

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

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

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

8 [(2)] (3) The statewide voter registration application may not require:

9 (i) Notarization or other formal authentication; or

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

13 [(3)] (4) (i) A statewide voter registration application shall be
 14 produced exclusively by the State Board.

15 (ii) No other registration form may be used for registration
 16 purposes except:

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

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

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

21 4. Any other form prescribed by federal law for voter
 22 registration.

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

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

28 3-203.

29 (A) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE THE
 30 OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR TO UPDATE A VOTER
 31 REGISTRATION RECORD TO EACH INDIVIDUAL WHO COMES TO AN OFFICE OF THAT
 32 AGENCY TO:

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

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

3 (B) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL ~~REQUIRE EACH~~
4 ~~CUSTOMER SERVICE REPRESENTATIVE TO INQUIRE ORALLY, OR IN WRITING IF THE~~
5 ~~APPLICANT IS HEARING IMPAIRED, INQUIRE ORALLY OR IN WRITING~~ WHETHER THE
6 APPLICANT WISHES TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION
7 RECORD DURING THE ~~COMPLETION OF THE FORMS~~ TRANSACTIONS SPECIFIED
8 UNDER SUBSECTION (A) OF THIS SECTION.

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

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

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

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

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

25 1. AFFIRMATIVELY INDICATING AS SUCH ON THE
26 APPLICATION; OR

27 2. FAILING TO SIGN THE VOTER REGISTRATION
28 APPLICATION.

29 (II) THE MOTOR VEHICLE ADMINISTRATION SHALL MAINTAIN
30 DECLINATION INFORMATION IN A MANNER SPECIFIED ~~BY THE STATE BOARD~~
31 JOINTLY BY THE MOTOR VEHICLE ADMINISTRATION AND THE STATE BOARD.

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

37 [(a) If an applicant for issuance or renewal of a driver's license or an
38 identification card signs the voter registration portion of the application, the

1 application shall serve as an application to register to vote or as an update of a
2 previous voter registration.

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

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

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

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

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

16 1. To prevent duplicate voter registration; and

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

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

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

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

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

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

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

35 (2) IF THE APPLICANT INDICATES THAT THE INFORMATION SHOULD BE
36 USED FOR VOTER REGISTRATION PURPOSES, THE MOTOR VEHICLE ADMINISTRATION

1 SHALL FOLLOW THE PROCEDURES ESTABLISHED ~~BY THE STATE BOARD~~ JOINTLY BY
2 THE MOTOR VEHICLE ADMINISTRATION AND THE STATE BOARD.

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

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

10 3-301.

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

13 (1) [Determine] IF THE APPLICANT RESIDES IN THAT COUNTY,
14 DETERMINE whether the applicant is qualified to become a registered voter; or

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

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

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

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

26 (ii) 1. The voter notification card shall contain the name and
27 address of the voter, the date of issue, and the district or ward and precinct of the
28 voter.

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

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

34 3-303.

35 (b) If a registered voter [changes residence] HAS MOVED from one county to
36 another COUNTY within the State SINCE THE LAST GENERAL ELECTION, the voter

1 may change party affiliation or change to or from a decline [at any time when
2 registering with the new county of residence] UNDER THE TIME PERIOD SPECIFIED
3 IN SUBSECTION (A) OF THIS SECTION.

4 3-304.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 3-504.

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

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

16 3-601.

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

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

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

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

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

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

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

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

1 3. ANY ADDITIONAL INFORMATION REQUIRED BY THE
2 STATE BOARD;

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

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

7 (V) PROVIDES THE APPLICANT'S CURRENT ADDRESS AND
8 TELEPHONE NUMBER; ~~AND~~

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

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

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

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

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

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

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

21 9-213.

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

25 SUBTITLE 4. PROVISIONAL BALLOTS.

26 9-401.

27 (A) THIS SUBTITLE APPLIES TO EVERY ELECTION GOVERNED BY THIS
28 ARTICLE.

29 (B) THE STATE BOARD SHALL PRESCRIBE ALL FORMS REQUIRED TO COMPLY
30 WITH:

31 (1) THIS SUBTITLE; AND

32 (2) ANY REQUIREMENTS OF RELEVANT FEDERAL LAW.

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 TIME OF RECEIPT OF A TEMPORARY CERTIFICATE OF~~
6 ~~REGISTRATION FOR A PROVISIONAL BALLOT;~~

7 ~~(2)~~ (1) THE ACTION TAKEN WITH REGARD TO THE REGISTRATION;

8 ~~(3)~~ (2) THE APPROPRIATE BALLOT STYLE;

9 ~~(4) THE DATE AND TIME OF THE RECEIPT OF A VOTED PROVISIONAL~~
10 ~~BALLOT; AND~~

11 ~~(5)~~ (3) ANY OTHER INFORMATION SPECIFIED BY THE STATE BOARD.

12 9-403.

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

15 (B) THE GUIDELINES SHALL PROVIDE FOR:

16 (1) THE TEMPORARY CERTIFICATE REGISTRATION PROCESS;

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

18 (3) THE CANVASS PROCESS;

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

21 (5) OBSERVERS OF THE PROCESS;

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

24 (7) STANDARDS FOR DISALLOWANCE OF BALLOTS DURING THE
25 CANVASS; AND

26 (8) STORAGE AND RETENTION OF BALLOTS FOLLOWING CANVASS AND
27 CERTIFICATION.

28 (C) THE STATE BOARD SHALL:

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

31 (2) REVISE THE GUIDELINES IF INDICATED.

1 9-404.

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

5 9-405.

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

9 9-406.

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

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

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

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

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

19 9-407.

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

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

24 9-408.

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

28 11-302.1.

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

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

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

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

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

9 (I) THE LOCAL BOARD DETERMINES THAT THE TEMPORARY
10 ~~CERTIFICATION~~ CERTIFICATE OF REGISTRATION THAT CORRESPONDS TO THE
11 PROVISIONAL BALLOT IS NOT VALID;

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

14 ~~(II)~~ (III) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE
15 TEMPORARY CERTIFICATE OF REGISTRATION;

16 (IV) THE INDIVIDUAL FAILED TO SIGN THE OATH ON THE
17 PROVISIONAL BALLOT ENVELOPE;

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

20 ~~(IV)~~ (VI) THE LOCAL BOARD DETERMINES THAT A PROVISIONAL
21 BALLOT IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY
22 EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE
23 BALLOT.

24 11-303.1.

25 (A) A CANDIDATE OR INDIVIDUAL WHO VOTED USING A PROVISIONAL BALLOT
26 AGGRIEVED BY THE DECISION OF A LOCAL BOARD TO REJECT, OR NOT TO REJECT, A
27 PROVISIONAL BALLOT SHALL HAVE THE RIGHT OF APPEAL TO THE CIRCUIT COURT
28 FOR THE COUNTY.

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

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

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

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

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

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2001.