

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1046

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon, insert “altering a provision of law to require the Department of Health and Mental Hygiene to report the names and addresses of certain deceased individuals in the State; altering the method of canvassing provisional ballots; clarifying who is a registered voter under certain circumstances; requiring a local board of elections to examine certain documents to determine if a temporary certificate of registration is valid; prohibiting a local board of elections from making certain assertions under certain circumstances; making technical changes;”; in line 15, after the third comma insert “3-505(a),”; in the same line, strike “and”; in the same line, after “9-407” insert “, and 11-302.1”; in line 25, after the third comma insert “3-505(a),”; in the same line, strike “and”; and in the same line, after “9-407” insert “, and 11-303”.

AMENDMENT NO. 2

On page 3, after line 14, insert:

“3-505.

(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Board in a format and at times prescribed by the State Board.

(ii) The [Commissioner of Health of Baltimore City and the health officer of each county] DEPARTMENT OF HEALTH AND MENTAL HYGIENE shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the [city or county] STATE since the date of the last such report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of theft or infamous crimes since the date of the last such report.

(Over)

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

(2) The State Board shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of infamous crimes in that court.”.

AMENDMENT NO. 3

On page 4, in line 18, strike “MADE” and substitute “IN WRITING AND SIGNED”; in the same line, after “PERJURY” insert “, CONTAIN THE INFORMATION REQUIRED BY SUBSECTION (D) OF THIS SECTION,”; in the same line, strike the second “SHALL”; in line 19, after “TO” insert “AFFIRM”; in line 20, strike “PROVIDE”; in line 22, strike “AFFIRM”; in line 24, strike “OF” and substitute “OR”; in line 25, after “THE” insert “PRECINCT AND”; strike beginning with “PROVIDE” in line 28 down through “SHOW” in line 29; and in line 33, after the semicolon insert “OR”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 6, inclusive, and substitute:

“(II) THE APPLICANT HAS, WITHIN THE LAST 2 YEARS MADE A TIMELY EFFORT TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD AND, FOLLOWING THE TRANSACTION, BELIEVED IN GOOD FAITH THAT, WITHOUT FURTHER ACTION ON THE PART OF THE APPLICANT, THE REQUIREMENTS FOR REGISTRATION OR FOR UPDATING THE REGISTRATION RECORD HAD BEEN SATISFACTORILY COMPLETED.

(D) IN SUPPORT OF THE ASSERTION REQUIRED BY SUBSECTION (C)(3) OF THIS”;

in line 9, strike “HAS BEEN” and substitute “IS”; and in line 26, strike “AT ANY TIME WHEN VOTER REGISTRATION IS OPEN,”.

AMENDMENT NO. 5

On page 6, strike beginning with the second “THE” in line 1 down through “AND” in line 2;

in line 2, strike “VOTER’S”; and after line 31, insert:

“11-302.1.

(a) Following an election, each local board shall meet at its designated counting center to canvass the provisional ballots [cast] SUBMITTED in that election in accordance with the regulations and guidelines established by the State Board.

(b) A local board may not open [any] AN envelope of a provisional ballot [prior to 8 a.m. on the Wednesday following election day] UNTIL THE LOCAL BOARD HAS APPROVED THE TEMPORARY CERTIFICATE.

(c) [(1)] The State Board shall adopt regulations [that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of a provisional ballot or the vote cast in a particular contest] TO IMPLEMENT THIS SECTION.

(D) [(2)] (1) A local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

[(3)] (2) The local board shall reject a provisional ballot if:

(i) [The local board determines that the temporary certificate of registration that corresponds to the provisional ballot is not valid;

(ii) The] PURSUANT TO PARAGRAPH (4) OF THIS SUBSECTION, THE local election board determines that the individual WHO SUBMITTED THE PROVISIONAL BALLOT is not a registered voter;

[(iii)] (II) The individual failed to sign the oath on the temporary certificate of registration;

[(iv) The individual failed to sign the oath on the provisional ballot envelope;

(Over)

~~(v)] (III)~~ The individual received more than one ballot for the same election; or

~~[(vi)] (IV)~~ The local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

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

(4) FOR THE PURPOSES OF THIS SECTION, AN INDIVIDUAL IS A REGISTERED VOTER IF THE LOCAL BOARD DETERMINES:

(I) THAT THE VOTER'S NAME IS ON ITS LIST OF REGISTERED VOTERS; OR

(II) PURSUANT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE VOTER SUBMITTED A TEMPORARY CERTIFICATE OF REGISTRATION THAT CONTAINS THE AFFIRMATIONS REQUIRED BY, AND OTHERWISE COMPLIES FULLY WITH, THE REQUIREMENTS OF § 3-601 OF THIS ARTICLE.

(5) IN DETERMINING UNDER PARAGRAPH (4) OF THIS SUBSECTION, WHETHER AN APPLICATION FOR A TEMPORARY CERTIFICATE OF REGISTRATION COMPLIES WITH § 3-601 OF THIS ARTICLE, A LOCAL BOARD SHALL EXAMINE THE CONTENTS AND EXECUTION OF THE APPLICATION BUT MAY NOT CHALLENGE THE ACCURACY OF AN ASSERTION IN THE APPLICATION UNLESS THAT ASSERTION RELATES TO ONE OR MORE ACTIONS OF THE LOCAL BOARD.”.

AMENDMENT NO. 6

On page 8, after line 6, insert:

“3-505.

(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Board in a format and at times prescribed by the State Board.

(ii) The [Commissioner of Health of Baltimore City and the health officer of each county] DEPARTMENT OF HEALTH AND MENTAL HYGIENE shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the [city or county] STATE since the date of the last report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of theft or infamous crimes since the date of the last report.

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

(2) The State Board shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of infamous crimes in that court.”.

AMENDMENT NO. 7

On page 9, in line 10, strike “MADE” and substitute “IN WRITING AND SIGNED”; in the same line, after “PERJURY” insert “, CONTAIN THE INFORMATION REQUIRED BY SUBSECTION (D) OF THIS SECTION,”; in the same line, strike the second “SHALL”; in line 11, after “TO” insert “AFFIRM”; in line 12, strike “PROVIDE”; in line 14, strike “AFFIRM”; in line 17, after the first “THE” insert “PRECINCT AND”; strike beginning with “PROVIDE” in line 20 down through “SHOW” in line 21; in line 25, after the semicolon insert “OR”; strike in their entirety lines 26 through 31, inclusive, and substitute:

“(II) THE APPLICANT HAS, WITHIN THE LAST 2 YEARS MADE A TIMELY EFFORT TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD AND, FOLLOWING THE TRANSACTION, BELIEVED IN GOOD FAITH THAT,

(Over)

WITHOUT FURTHER ACTION ON THE PART OF THE APPLICANT, THE REQUIREMENTS FOR REGISTRATION OR FOR UPDATING THE REGISTRATION RECORD HAD BEEN SATISFACTORILY COMPLETED.

(D) IN SUPPORT OF THE ASSERTION REQUIRED BY SUBSECTION (C)(3) OF THIS”;

and in line 34, strike “HAS BEEN” and substitute “IS”.

AMENDMENT NO. 8

On page 10, in line 17, strike “AT ANY TIME WHEN VOTER REGISTRATION IS OPEN,”; strike beginning with the second “THE” in line 26 down through “AND” in line 27; and in line 27, strike “VOTER’S”.

AMENDMENT NO. 9

On page 11, after line 22, insert:

“11-303.

(a) Following an election, each local board shall meet at its designated counting center to canvass the provisional ballots [cast] SUBMITTED in that election in accordance with the regulations and guidelines established by the State Board.

(b) A local board may not open [any] AN envelope of a provisional ballot [prior to 8 a.m. on the Wednesday following election day] UNTIL THE LOCAL BOARD HAS APPROVED THE TEMPORARY CERTIFICATE.

(c) [(1)] The State Board shall adopt regulations [that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of a provisional ballot or the vote cast in a particular contest] TO IMPLEMENT THIS SECTION.

(D) [(2)] (1) A local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

~~[(3)]~~ (2) The local board shall reject a provisional ballot if:

(i) [The local board determines that the temporary certificate of registration that corresponds to the provisional ballot is not valid;

(ii) The] PURSUANT TO PARAGRAPH (4) OF THIS SUBSECTION, THE local board determines that the individual WHO SUBMITTED THE PROVISIONAL BALLOT is not a registered voter;

~~[(iii)]~~ (II) The individual failed to sign the oath on the temporary certificate of registration;

~~[(iv)]~~ The individual failed to sign the oath on the provisional ballot envelope;

~~[(v)]~~ (III) The individual received more than one ballot for the same election; or

~~[(vi)]~~ (IV) The local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

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

(4) FOR THE PURPOSES OF THIS SECTION, AN INDIVIDUAL IS A REGISTERED VOTER IF THE LOCAL BOARD DETERMINES:

(I) THAT THE VOTER'S NAME IS ON ITS LIST OF REGISTERED VOTERS; OR

(II) PURSUANT TO PARAGRAPH (5) OF THIS SUBSECTION, THAT THE VOTER SUBMITTED A TEMPORARY CERTIFICATE OF REGISTRATION THAT

(Over)

CONTAINS THE AFFIRMATIONS REQUIRED BY, AND OTHERWISE COMPLIES FULLY WITH, THE REQUIREMENTS OF § 3-601 OF THIS ARTICLE.

(5) IN DETERMINING UNDER PARAGRAPH (4) OF THIS SUBSECTION, WHETHER AN APPLICATION FOR A TEMPORARY CERTIFICATE OF REGISTRATION COMPLIES WITH § 3-601 OF THIS ARTICLE, A LOCAL BOARD SHALL EXAMINE THE CONTENTS AND EXECUTION OF THE APPLICATION BUT MAY NOT CHALLENGE THE ACCURACY OF AN ASSERTION IN THE APPLICATION UNLESS THAT ASSERTION RELATES TO ONE OR MORE ACTIONS OF THE LOCAL BOARD.”; in line 23, strike “1” and substitute “2”; in lines 24 and 25, strike beginning with “June” in line 24 down through “Act.” in line 25 and substitute “January 1, 2003, on the taking effect of Chapter (S.B. 1) of the Acts of the General Assembly of 2002.”; in line 25, after “1” insert “of this Act”; and in line 28, strike “January 1, 2003” and substitute “June 1, 2002”.