
By: **Chairman, Commerce and Government Matters Committee**
(Departmental - Elections, State Board of)

Introduced and read first time: February 8, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Provisional Ballots - Voter Registration**

3 FOR the purpose of authorizing certain additional election officials to distribute a
4 temporary certificate of registration under certain circumstances; altering the
5 application process for a temporary certificate of registration; requiring an
6 election director to determine if an error in a voter registration record is a
7 certain error and to make corrections under certain circumstances; providing for
8 an alternative format for provisional ballots under certain circumstances;
9 altering a certain term; defining a certain term; providing for the effective date
10 for certain provisions of this Act; providing for the termination of certain
11 provisions of this Act; and generally relating to provisional ballots and voter
12 registration.

13 BY repealing and reenacting, with amendments,
14 Article 33 - Election Code
15 Section 1-101(ff), 2-206, 3-504(b), 3-601, 3-602(a), and 9-407
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2001 Supplement)

18 BY adding to
19 Article 33 - Election Code
20 Section 3-601.1
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 2001 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Election Law
25 Section 1-101(ll), 2-206, 3-504(b), 3-601, 3-602(a), and 9-407
26 Annotated Code of Maryland
27 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
28 2002)

1 BY adding to
2 Article - Election Law
3 Section 3-601.1
4 Annotated Code of Maryland
5 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
6 2002)

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

9 **Article 33 - Election Code**

10 1-101.

11 (ff) "Provisional ballot" means a ballot distributed to an individual [on election
12 day by the local board at the precinct where] AFTER the individual has completed a
13 temporary certificate of registration.

14 2-206.

15 (a) Subject to the requirements of this article and the policies and guidance of
16 the local board, the election director may:

- 17 (1) Appoint the employees of the local board;
- 18 (2) Train judges of election;
- 19 (3) Give notice of elections;
- 20 (4) Submit voter registration reports to the State Board;
- 21 (5) [Subject to subsection (b) of this section, issue a temporary certificate
22 of registration to a voter on election day;
- 23 (6)] Initiate and conduct any program approved by the State Board to
24 identify, notify, and remove from the voter registration rolls any registrant who has
25 become ineligible due to a change of address;
- 26 [(7)] (6) Upon the request of an elderly or handicapped voter whose
27 polling place is not structurally barrier free, provide an alternate polling place to the
28 voter;
- 29 [(8)] (7) Issue voter acknowledgment notices and voter notification
30 cards;
- 31 [(9)] (8) Receive certificates of candidacy;
- 32 [(10)] (9) Verify nominating petitions;
- 33 [(11)] (10) Receive and maintain campaign fund reports;

1 [(12)] (11) In consultation with the local board, conduct the canvass
2 following an election; and

3 [(13)] (12) Subject to subsection (b) of this section, process and reject
4 absentee ballot applications.

5 (b) A voter may appeal a decision of the election director to the local board
6 regarding[:

7 (1) The issuance of a temporary certificate of registration on election day
8 under subsection (a)(5) of this section; and

9 (2) The] THE rejection of an absentee ballot application under subsection
10 [(a)(13)] (A)(12) of this section.

11 3-504.

12 (b) Upon receiving any information that a voter currently registered in the
13 county has moved to a different address within the county, the election director shall
14 change the voter's record [temporarily] and send the voter a confirmation notice.

15 3-601.

16 (a) An individual whose voter registration information is not included in the
17 precinct register shall be allowed to vote by a provisional ballot upon receiving and
18 completing a temporary certificate of registration.

19 (b) (1) A temporary certificate of registration shall be issued IN
20 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION ONLY
21 by:

22 (I) [an] AN election judge at the precinct ON ELECTION DAY; OR

23 (II) THE ELECTION DIRECTOR AT THE LOCAL BOARD OFFICE ON
24 ELECTION DAY OR DURING THE PERIOD BEFORE ELECTION DAY WHEN VOTER
25 REGISTRATION IS CLOSED.

26 (2) A TEMPORARY CERTIFICATE OF REGISTRATION SHALL BE ISSUED if
27 the individual:

28 [(1)] (I) Provides proof of identity, as prescribed by the State Board by
29 regulation.

30 [(2)] (II) Completes an application for a temporary certificate of
31 registration in ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OF THIS
32 SECTION [which the applicant affirms under penalty of perjury that the applicant:

33 (i) Has not voted in the current election in any other precinct in
34 the State or any other state;

1 (ii) Has, within the last 2 years, made a good faith effort to register
2 to vote or to update a voter registration record as demonstrated by the applicant
3 indicating:

4 1. The voter registration agency where the applicant
5 registered to vote or updated a voter registration record;

6 2. The approximate date when the applicant registered or
7 updated a voter registration record; and

8 3. Any additional information required by the State Board;

9 (iii) Identifies any counties in Maryland where the applicant has
10 voted in past elections;

11 (iv) Is a current resident of the county in which the applicant seeks
12 to vote;

13 (v) Provides the applicant's current address and telephone number;

14 (vi) Meets the qualifications to register to vote; and

15 (vii) Meets any other criteria developed by the State Board for a
16 temporary certificate of registration].

17 (C) AN APPLICATION FOR A TEMPORARY CERTIFICATE OF REGISTRATION
18 SHALL BE MADE UNDER PENALTY OF PERJURY AND SHALL REQUIRE THE APPLICANT
19 TO:

20 (1) PROVIDE THE APPLICANT'S CURRENT ADDRESS AND TELEPHONE
21 NUMBER;

22 (2) AFFIRM THAT THE APPLICANT;

23 (I) HAS NOT VOTED IN THE CURRENT ELECTION IN ANY OTHER
24 PRECINCT IN THE STATE OF IN ANY OTHER STATE;

25 (II) IS A CURRENT RESIDENT OF THE COUNTY IN WHICH THE
26 APPLICANT SEEKS TO VOTE; AND

27 (III) MEETS THE QUALIFICATIONS TO REGISTER TO VOTE; AND

28 (3) PROVIDE INFORMATION AS REQUIRED BY SUBSECTION (D) OF THIS
29 SECTION TO SHOW THAT THE APPLICANT MEETS ONE OF THE FOLLOWING
30 CONDITIONS:

31 (I) THE APPLICANT IS CURRENTLY REGISTERED IN ANOTHER
32 COUNTY IN THE STATE BUT HAS MOVED TO A NEW COUNTY WHERE THE APPLICANT
33 SEEKS TO VOTE;

1 (II) THE APPLICANT HAS, WITHIN THE LAST 2 YEARS, MADE A GOOD
2 FAITH EFFORT TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION
3 RECORD; OR

4 (III) THE APPLICANT MEETS ANY OTHER CRITERIA PRESCRIBED BY
5 REGULATIONS OF THE STATE BOARD.

6 (D) TO MAKE THE SHOWING REQUIRED BY SUBSECTION (C)(3) OF THIS
7 SECTION, THE APPLICANT SHALL:

8 (1) IF THE APPLICANT IS CURRENTLY REGISTERED TO VOTE IN THE
9 STATE, IDENTIFY THE COUNTY WHERE THE APPLICANT HAS BEEN REGISTERED; OR

10 (2) IF THE APPLICANT HAS ATTEMPTED TO REGISTER OR UPDATE A
11 VOTER REGISTRATION RECORD, PROVIDE:

12 (I) EXCEPT AS PROVIDED UNDER SUBSECTION (E) OF THIS
13 SECTION, THE NAME AND LOCATION OF THE VOTER REGISTRATION AGENCY WHERE
14 THE TRANSACTION OCCURRED;

15 (II) THE APPROXIMATE DATE OF THE TRANSACTION; AND

16 (III) ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE
17 BOARD.

18 (E) AN APPLICANT FOR TEMPORARY CERTIFICATE OF REGISTRATION IS NOT
19 REQUIRED TO PROVIDE THE NAME AND LOCATION OF A VOTER REGISTRATION
20 AGENCY THAT IS DESIGNATED UNDER § 3-204(A)(2)(I) OR (II) OF THIS TITLE.

21 3-601.1.

22 (A) IN THIS SECTION, "CLERICAL ERROR" MEANS AN INADVERTENT MISTAKE
23 IN A VOTER REGISTRATION RECORD MADE BY THE STAFF OF A LOCAL BOARD.

24 (B) AN ELECTION DIRECTOR SHALL MAKE THE DETERMINATION IF AN ERROR
25 IN A VOTER REGISTRATION RECORD IS A CLERICAL ERROR.

26 (C) AT ANY TIME WHEN VOTER REGISTRATION IS OPEN, IF THE ELECTION
27 DIRECTOR DETERMINES THAT A CLERICAL ERROR HAS BEEN MADE, THE ELECTION
28 DIRECTOR SHALL:

29 (1) CAUSE THE ERROR TO BE CORRECTED; AND

30 (2) PROMPTLY NOTIFY THE VOTER OF THE CORRECTION.

31 (D) (1) ON ELECTION DAY, IF IT IS ALLEGED THAT THE NAME OF A
32 REGISTERED VOTER IS MISSING FROM THE PRECINCT REGISTER BECAUSE OF A
33 CLERICAL ERROR, THE CHIEF ELECTION JUDGE SHALL CONTACT THE ELECTION
34 DIRECTOR WHO SHALL DETERMINE WHETHER A CLERICAL ERROR HAS BEEN MADE.

1 (2) IF THE ELECTION DIRECTOR DETERMINES THAT THE AFFECTED
2 VOTER IS REGISTERED AND THE ABSENCE OF THE VOTER'S NAME FROM THE
3 PRECINCT REGISTER IS THE RESULT OF A CLERICAL ERROR, THE ELECTION
4 DIRECTOR SHALL AUTHORIZE THE CHIEF ELECTION JUDGE TO:

5 (I) ISSUE A BLANK VOTER AUTHORITY CARD TO THE AFFECTED
6 VOTER; AND

7 (II) ALLOW THE AFFECTED VOTER TO VOTE AFTER THE AFFECTED
8 VOTER COMPLETES THE VOTER AUTHORITY CARD AND PROVIDES ANY OTHER
9 DOCUMENTATION REQUIRED BY THE STATE BOARD.

10 3-602.

11 (a) (1) An individual who feels aggrieved by any action of a local board
12 regarding voter registration may file a challenge with that local board.

13 (2) A registered voter may file a challenge with the appropriate local
14 board objecting to the addition or omission of an individual from the registry.

15 (3) A municipal corporation may file a challenge with the appropriate
16 local board if the municipal corporation has reason to believe that an individual has
17 been erroneously added to or omitted from the municipal corporation registry.

18 (4) [(i)] A local board may initiate the challenge procedures if the local
19 board has reason to believe that a registration has been erroneously added to or
20 omitted from the registry other than by clerical error AS PROVIDED IN § 3-601.1 OF
21 THIS SUBTITLE.

22 [(ii)] If a local board corrects a clerical error on the registry, the local
23 board shall inform the voter whose registration information was changed.]

24 9-407.

25 (a) A provisional ballot shall be accompanied by instructions, prescribed by
26 the State Board, for marking and returning the ballot.

27 (b) When voted, a provisional ballot shall be:

28 (1) [enclosed] ENCLOSED in an envelope designated "provisional
29 ballot/return envelope"; OR

30 (2) STORED IN AN ELECTRONIC FORMAT, AS SPECIFIED BY THE STATE
31 BOARD.

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

1 **Article - Election Law**

2 1-101.

3 (ll) "Provisional ballot" means a ballot distributed to an individual [on election
4 day by the local board at the precinct where] AFTER the individual has completed a
5 temporary certificate of registration.

6 2-206.

7 (a) Subject to the requirements of this article and the policies and guidance of
8 the local board, the election director may:

9 (1) Appoint the employees of the local board;

10 (2) Train judges of election;

11 (3) Give notice of elections;

12 (4) Submit voter registration reports to the State Board;

13 (5) [Subject to subsection (b) of this section, issue a temporary certificate
14 of registration to a voter on election day;

15 (6)] Initiate and conduct any program approved by the State Board to
16 identify, notify, and remove from the voter registration rolls any registrant who has
17 become ineligible due to a change of address;

18 [(7)] (6) Upon the request of an elderly or disabled voter whose polling
19 place is not structurally barrier free, provide an alternate polling place to the voter;

20 [(8)] (7) Issue voter acknowledgment notices and voter notification
21 cards;

22 [(9)] (8) Receive certificates of candidacy;

23 [(10)] (9) Verify nominating petitions;

24 [(11)] (10) Receive and maintain campaign finance reports;

25 [(12)] (11) In consultation with the local board, conduct the canvass
26 following an election; and

27 [(13)] (12) Subject to subsection (b) of this section, process and reject
28 absentee ballot applications.

29 (b) A voter may appeal a decision of the election director to the local board
30 regarding[:

31 (1) The issuance of a temporary certificate of registration on election day
32 under subsection (a)(5) of this section; and

1 (2) the] THE rejection of an absentee ballot application under subsection
2 [(a)(13)] (A)(12) of this section.

3 3-504.

4 (b) Upon receiving any information that a voter currently registered in the
5 county has moved to a different address within the county, the election director shall
6 change the voter's record [temporarily] and send the voter a confirmation notice.

7 3-601.

8 (a) An individual whose voter registration information is not included in the
9 precinct register shall be allowed to vote by a provisional ballot upon receiving and
10 completing a temporary certificate of registration.

11 (b) (1) A temporary certificate of registration shall be issued IN
12 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION ONLY
13 by:

14 (I) [an] AN election judge at the precinct ON ELECTION DAY; OR

15 (II) THE ELECTION DIRECTOR AT THE LOCAL BOARD OFFICE ON
16 ELECTION DAY OR DURING THE PERIOD BEFORE ELECTION DAY WHEN VOTER
17 REGISTRATION IS CLOSED.

18 (2) A TEMPORARY CERTIFICATE OF REGISTRATION SHALL BE ISSUED if
19 the individual:

20 [(1)] (I) Provides proof of identity, as prescribed by the State Board by
21 regulation; and

22 [(2)] (II) Completes an application for a temporary certificate of
23 registration in ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OF THIS
24 SECTION [which the applicant affirms under penalty of perjury that the applicant:

25 (i) Has not voted in the current election in any other precinct in
26 the State or any other state;

27 (ii) Has, within the last 2 years, made a good faith effort to register
28 to vote or to update a voter registration record as demonstrated by the applicant
29 indicating:

30 1. The voter registration agency where the applicant
31 registered to vote or updated a voter registration record;

32 2. The approximate date when the applicant registered or
33 updated a voter registration record; and

34 3. Any additional information required by the State Board;

- 1 (iii) Identifies any counties in Maryland where the applicant has
2 voted in past elections;
- 3 (iv) Is a current resident of the county in which the applicant seeks
4 to vote;
- 5 (v) Provides the applicant's current address and telephone number;
- 6 (vi) Meets the qualifications to register to vote; and
- 7 (vii) Meets any other criteria developed by the State Board for a
8 temporary certificate of registration].

9 (C) AN APPLICATION FOR A TEMPORARY CERTIFICATE OF REGISTRATION
10 SHALL BE MADE UNDER PENALTY OF PERJURY AND SHALL REQUIRE THE APPLICANT
11 TO:

12 (1) PROVIDE THE APPLICANT'S CURRENT ADDRESS AND TELEPHONE
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16 PRECINCT IN THE STATE OR IN ANY OTHER STATE;

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18 APPLICANT SEEKS TO VOTE; AND

19 (III) MEETS THE QUALIFICATIONS TO REGISTER TO VOTE; AND

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21 SECTION TO SHOW THAT THE APPLICANT MEETS ONE OF THE FOLLOWING
22 CONDITIONS:

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24 COUNTY IN THE STATE BUT HAS MOVED TO A NEW COUNTY WHERE THE APPLICANT
25 SEEKS TO VOTE;

26 (II) THE APPLICANT HAS, WITHIN THE LAST 2 YEARS, MADE A GOOD
27 FAITH EFFORT TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION
28 RECORD; OR

29 (III) THE APPLICANT MEETS ANY OTHER CRITERIA PRESCRIBED BY
30 REGULATIONS OF THE STATE BOARD.

31 (D) TO MAKE THE SHOWING REQUIRED UNDER SUBSECTION (C)(3) OF THIS
32 SECTION, THE APPLICANT SHALL:

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34 STATE, IDENTIFY THE COUNTY WHERE THE APPLICANT HAS BEEN REGISTERED; OR

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5 THE TRANSACTION OCCURRED;

6 (II) THE APPROXIMATE DATE OF THE TRANSACTION; AND

7 (III) ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE
8 BOARD.

9 (E) AN APPLICANT FOR A TEMPORARY CERTIFICATE OF REGISTRATION IS NOT
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16 IN A VOTER REGISTRATION RECORD IS A CLERICAL ERROR.

17 (C) AT ANY TIME WHEN VOTER REGISTRATION IS OPEN, IF THE ELECTION
18 DIRECTOR DETERMINES THAT A CLERICAL ERROR HAS BEEN MADE, THE ELECTION
19 DIRECTOR SHALL:

20 (1) CAUSE THE ERROR TO BE CORRECTED; AND

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23 REGISTERED VOTER IS MISSING FROM THE PRECINCT REGISTER BECAUSE OF A
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25 DIRECTOR WHO SHALL DETERMINE WHETHER A CLERICAL ERROR HAS BEEN MADE.

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27 VOTER IS REGISTERED AND THE ABSENCE OF THE VOTER'S NAME FROM THE
28 PRECINCT REGISTER IS THE RESULT OF A CLERICAL ERROR, THE ELECTION
29 DIRECTOR SHALL AUTHORIZE THE CHIEF ELECTION JUDGE TO:

30 (I) ISSUE A BLANK VOTER AUTHORITY CARD TO THE AFFECTED
31 VOTER; AND

32 (II) ALLOW THE AFFECTED VOTER TO VOTE AFTER THE AFFECTED
33 VOTER COMPLETES THE VOTER AUTHORITY CARD AND PROVIDE ANY OTHER
34 DOCUMENTATION REQUIRED BY THE STATE BOARD.

1 3-602.

2 (a) (1) An individual who feels aggrieved by any action of a local board
3 regarding voter registration may file a challenge with that local board.

4 (2) A registered voter may file a challenge with the appropriate local
5 board objecting to the addition or omission of an individual from the registry.

6 (3) A municipal corporation may file a challenge with the appropriate
7 local board if the municipal corporation has reason to believe that an individual has
8 been erroneously added to or omitted from the municipal corporation registry.

9 (4) [(i)] A local board may initiate the challenge procedures if the local
10 board has reason to believe that a registration has been erroneously added to or
11 omitted from the registry other than by clerical error AS PROVIDED IN § 3-601.1 OF
12 THIS SUBTITLE.

13 [(ii)] If a local board corrects a clerical error on the registry, the local
14 board shall inform the voter whose registration information was changed.]

15 9-407.

16 (a) A provisional ballot shall be accompanied by instructions, prescribed by
17 the State Board, for marking and returning the ballot.

18 (b) When voted, a provisional ballot shall be:

19 (1) [enclosed] ENCLOSED in an envelope designated "provisional
20 ballot/return envelope"; OR

21 (2) STORED IN AN ELECTRONIC FORMAT AS SPECIFIED BY THE STATE
22 BOARD.

23 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
24 shall take effect June 1, 2002. It shall remain effective until the taking effect of
25 Section 2 of this Act. If Section 2 of this Act takes effect, Section 1 shall be abrogated
26 and of no further force and effect.

27 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the
28 provisions of Section 3 of this Act, this Act shall take effect January 1, 2003.