
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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2002

CHAPTER _____

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 provision of law to require the Department of Health and Mental
10 Hygiene to report the names and addresses of certain deceased individuals in
11 the State; altering the method of canvassing provisional ballots; clarifying who
12 is a registered voter under certain circumstances; requiring a local board of
13 elections to examine certain documents to determine if a temporary certificate of
14 registration is valid; prohibiting a local board of elections from making certain
15 assertions under certain circumstances; making technical changes; altering a
16 certain term; defining a certain term; providing for the effective date for certain
17 provisions of this Act; providing for the termination of certain provisions of this
18 Act; and generally relating to provisional ballots and voter registration.

19 BY repealing and reenacting, with amendments,
20 Article 33 - Election Code
21 Section 1-101(ff), 2-206, 3-504(b), 3-505(a), 3-601, 3-602(a), ~~and~~ 9-407, and
22 11-302.1
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 2001 Supplement)

25 BY adding to

1 Article 33 - Election Code
 2 Section 3-601.1
 3 Annotated Code of Maryland
 4 (1997 Replacement Volume and 2001 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article - Election Law
 7 Section 1-101(l), 2-206, 3-504(b), 3-505(a), 3-601, 3-602(a), ~~and~~ 9-407, and
 8 11-303
 9 Annotated Code of Maryland
 10 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
 11 2002)

12 BY adding to
 13 Article - Election Law
 14 Section 3-601.1
 15 Annotated Code of Maryland
 16 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
 17 2002)

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

20 **Article 33 - Election Code**

21 1-101.

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

25 2-206.

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

- 28 (1) Appoint the employees of the local board;
 29 (2) Train judges of election;
 30 (3) Give notice of elections;
 31 (4) Submit voter registration reports to the State Board;
 32 (5) [Subject to subsection (b) of this section, issue a temporary certificate
 33 of registration to a voter on election day;

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

4 [(7)] (6) Upon the request of an elderly or handicapped voter whose
 5 polling place is not structurally barrier free, provide an alternate polling place to the
 6 voter;

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

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

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

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

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

14 [(13)] (12) Subject to subsection (b) of this section, process and reject
 15 absentee ballot applications.

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

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

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

22 3-504.

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

26 3-505.

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

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

34 (iii) The clerk of the circuit court for each county and the
 35 administrative clerk for each District Court shall report the names and addresses of

1 all individuals convicted, in the respective court, of theft or infamous crimes since the
2 date of the last such report.

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

7 (2) The State Board shall make arrangements with the clerk of the
8 United States District Court for the District of Maryland to receive reports of names
9 and addresses, if available, of individuals convicted of infamous crimes in that court.
10 3-601.

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

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

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

18 (II) THE ELECTION DIRECTOR AT THE LOCAL BOARD OFFICE ON
19 ELECTION DAY OR DURING THE PERIOD BEFORE ELECTION DAY WHEN VOTER
20 REGISTRATION IS CLOSED.

21 (2) A TEMPORARY CERTIFICATE OF REGISTRATION SHALL BE ISSUED if
22 the individual:

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

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

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

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

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

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

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

7 (D) IN SUPPORT OF THE ASSERTION REQUIRED BY SUBSECTION (C)(3) OF THIS
8 SECTION, THE APPLICANT SHALL:

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

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

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

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

18 (III) ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE
19 BOARD.

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

23 3-601.1.

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

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

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

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

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

33 (D) (1) ON ELECTION DAY, IF IT IS ALLEGED THAT THE NAME OF A
34 REGISTERED VOTER IS MISSING FROM THE PRECINCT REGISTER BECAUSE OF A
35 CLERICAL ERROR, THE CHIEF ELECTION JUDGE SHALL CONTACT THE ELECTION
36 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 11-302.1.

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

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

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

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

10 [(3)] (2) The local board shall reject a provisional ballot if:

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

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

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

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

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

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

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

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

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

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

35 (5) IN DETERMINING UNDER PARAGRAPH (4) OF THIS SUBSECTION,
 36 WHETHER AN APPLICATION FOR A TEMPORARY CERTIFICATE OF REGISTRATION

1 COMPLIES WITH § 3-601 OF THIS ARTICLE, A LOCAL BOARD SHALL EXAMINE THE
 2 CONTENTS AND EXECUTION OF THE APPLICATION BUT MAY NOT CHALLENGE THE
 3 ACCURACY OF AN ASSERTION IN THE APPLICATION UNLESS THAT ASSERTION
 4 RELATES TO ONE OR MORE ACTIONS OF THE LOCAL BOARD.

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

7 **Article - Election Law**

8 1-101.

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

12 2-206.

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

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

16 (2) Train judges of election;

17 (3) Give notice of elections;

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

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

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

24 [(7)] (6) Upon the request of an elderly or disabled voter whose polling
 25 place is not structurally barrier free, provide an alternate polling place to the voter;

26 [(8)] (7) Issue voter acknowledgment notices and voter notification
 27 cards;

28 [(9)] (8) Receive certificates of candidacy;

29 [(10)] (9) Verify nominating petitions;

30 [(11)] (10) Receive and maintain campaign finance reports;

31 [(12)] (11) In consultation with the local board, conduct the canvass
 32 following an election; and

1 [(13)] (2) Subject to subsection (b) of this section, process and reject
2 absentee ballot applications.

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

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

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

9 3-504.

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

13 3-505.

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

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

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

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

29 (2) The State Board shall make arrangements with the clerk of the
30 United States District Court for the District of Maryland to receive reports of names
31 and addresses, if available, of individuals convicted of infamous crimes in that court.
32 3-601.

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

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

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

5 (II) THE ELECTION DIRECTOR AT THE LOCAL BOARD OFFICE ON
6 ELECTION DAY OR DURING THE PERIOD BEFORE ELECTION DAY WHEN VOTER
7 REGISTRATION IS CLOSED.

8 (2) A TEMPORARY CERTIFICATE OF REGISTRATION SHALL BE ISSUED if
9 the individual:

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

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

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

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

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

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

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

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

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

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

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

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

33 (C) AN APPLICATION FOR A TEMPORARY CERTIFICATE OF REGISTRATION
34 SHALL BE ~~MADE~~ IN WRITING AND SIGNED UNDER PENALTY OF PERJURY, CONTAIN

1 THE INFORMATION REQUIRED BY SUBSECTION (D) OF THIS SECTION, AND SHALL
2 REQUIRE THE APPLICANT TO AFFIRM:

3 (1) ~~PROVIDE~~ THE APPLICANT'S CURRENT ADDRESS AND TELEPHONE
4 NUMBER;

5 (2) ~~AFFIRM~~ THAT THE APPLICANT:

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

8 (II) IS A CURRENT RESIDENT OF THE PRECINCT AND COUNTY IN
9 WHICH THE APPLICANT SEEKS TO VOTE; AND

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

11 (3) ~~PROVIDE INFORMATION AS REQUIRED BY SUBSECTION (D) OF THIS~~
12 ~~SECTION TO SHOW~~ THAT THE APPLICANT MEETS ONE OF THE FOLLOWING
13 CONDITIONS:

14 (I) THE APPLICANT IS CURRENTLY REGISTERED IN ANOTHER
15 COUNTY IN THE STATE BUT HAS MOVED TO A NEW COUNTY WHERE THE APPLICANT
16 SEEKS TO VOTE; OR

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

20 ~~(III) THE APPLICANT MEETS ANY OTHER CRITERIA PRESCRIBED BY~~
21 ~~REGULATIONS OF THE STATE BOARD.~~

22 ~~(D) TO MAKE THE SHOWING REQUIRED UNDER SUBSECTION (C)(3) OF THIS~~

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

29 (D) IN SUPPORT OF THE ASSERTION REQUIRED BY SUBSECTION (C)(3) OF THIS
30 SECTION, THE APPLICANT SHALL:

31 (1) IF THE APPLICANT IS CURRENTLY REGISTERED TO VOTE IN THE
32 STATE, IDENTIFY THE COUNTY WHERE THE APPLICANT ~~HAS BEEN~~ IS REGISTERED;
33 OR

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

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

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

5 (III) ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE
6 BOARD.

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

10 3-601.1.

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

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

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

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

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

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

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

28 (I) ISSUE A BLANK VOTER AUTHORITY CARD TO THE AFFECTED
29 VOTER; AND

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

33 3-602.

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

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

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

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

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

12 9-407.

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

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

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

18 (2) STORED IN AN ELECTRONIC FORMAT AS SPECIFIED BY THE STATE
19 BOARD.

20 11-303.

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

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

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

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

33 [(3)] (2) The local board shall reject a provisional ballot if:

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

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

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

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

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

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

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

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

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

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

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That Section ~~1~~ 2 of this Act
 30 shall take effect ~~June 1, 2002. It shall remain effective until the taking effect of~~
 31 ~~Section 2 of this Act.~~ January 1, 2003, on the taking effect of Chapter _____ (S.B. 1) of
 32 the Acts of the General Assembly of 2002. If Section 2 of this Act takes effect, Section
 33 1 of this Act shall be abrogated and of no further force and effect.

34 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the
 35 provisions of Section 3 of this Act, this Act shall take effect ~~January 1, 2003~~ June 1,
 36 2002.

