
By: **Delegates Patterson, Kelley, and V. Turner**
Introduced and read first time: February 26, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Qualification of Voters - Proof of Identity**

3 FOR the purpose of requiring an election judge to qualify a voter by requesting the
4 voter to present a certain form of identification; allowing a voter who is unable
5 to present a certain form of identification to vote under certain circumstances;
6 prohibiting a person from voting or attempting to vote under a false form of
7 identification; and generally relating to proof of identity of voters.

8 BY repealing and reenacting, with amendments,
9 Article - Election Law
10 Section 10-310 and 16-201
11 Annotated Code of Maryland
12 (2003 Volume)

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

15 **Article - Election Law**

16 10-310.

17 (a) In accordance with instructions provided by the local board, an election
18 judge shall qualify a voter by:

19 (1) locating the voter's name in the precinct register and locating the
20 preprinted voting authority card;

21 (2) (i) if the voter's name is not found on the precinct register,
22 searching the inactive list and if the name is found, qualifying the voter for voting as
23 instructed; or

24 (ii) if the voter's name is not on the inactive list, contacting the local
25 board office and, if authorized, issuing a temporary certificate of registration, as
26 provided in § 3-601 of this article;

27 (3) establishing the identity of the voter by requesting the voter to:

1 (I) state the month and day of the voter's birth and comparing the
2 response to the information listed in the precinct register; AND

3 (II) PRESENT ONE OF THE FOLLOWING FORMS OF IDENTIFICATION:

4 1. THE VOTER'S VOTER REGISTRATION CARD;

5 2. THE VOTER'S SOCIAL SECURITY CARD;

6 3. THE VOTER'S VALID MARYLAND DRIVER'S LICENSE;

7 4. ANY IDENTIFICATION CARD ISSUED TO THE VOTER BY
8 THE STATE, THE FEDERAL GOVERNMENT, OR ANY UNIT OF THE STATE OR THE
9 FEDERAL GOVERNMENT;

10 5. ANY EMPLOYEE IDENTIFICATION CARD OF THE VOTER
11 THAT CONTAINS A PHOTOGRAPH OF THE VOTER AND IS ISSUED BY THE EMPLOYER
12 OF THE VOTER IN THE ORDINARY COURSE OF THE EMPLOYER'S BUSINESS; OR

13 6. A COPY OF A CURRENT BILL, BANK STATEMENT,
14 GOVERNMENT CHECK, PAYCHECK, OR GOVERNMENT DOCUMENT THAT SHOWS THE
15 NAME OF THE VOTER;

16 (4) verifying the address of the voter's residence;

17 (5) if any changes to the voting authority card are indicated by a voter,
18 making the appropriate changes in information on the card or other appropriate form;
19 and

20 (6) having the voter sign the voting authority card and either issuing the
21 voter a ballot or sending the voter to a machine to vote.

22 (b) (1) [On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
23 ON the completion of the procedures set forth in subsection (a) of this section, a voter
24 may vote in accordance with the procedures appropriate to the voting system used in
25 the polling place.

26 (2) IF ON COMPLETION OF THE PROCEDURES SET FORTH IN
27 SUBSECTION (A) OF THIS SECTION THE VOTER IS UNABLE TO PRESENT ONE OF THE
28 FORMS OF IDENTIFICATION LISTED IN SUBSECTION (A)(3)(II) OF THIS SECTION, THE
29 VOTER SHALL BE ISSUED A PROVISIONAL BALLOT.

30 (c) (1) Before a voter enters a voting booth, at the request of the voter, an
31 election judge shall:

32 (i) instruct the voter about the operation of the voting system; and

33 (ii) allow the voter an opportunity to operate a model voting device,
34 if appropriate to the voting system in use.

1 (2) (i) 1. After a voter enters the voting booth, at the request of the
2 voter, two election judges representing different political parties shall instruct the
3 voter on the operation of the voting device.

4 2. An election judge may not suggest in any way how the
5 voter should vote for a particular ticket, candidate, or position on a question.

6 3. After instructing the voter, the election judges shall exit
7 the voting booth and allow the voter to vote privately.

8 (ii) A voter may take into the polling place any written or printed
9 material to assist the voter in marking or preparing the ballot.

10 (3) (i) Except as provided in subparagraph (ii) of this paragraph, a
11 voter who requires assistance in marking or preparing the ballot because of a physical
12 disability or an inability to read the English language may choose any individual to
13 assist the voter.

14 (ii) A voter may not choose the voter's employer or agent of that
15 employer or an officer or agent of the voter's union to assist the voter in marking the
16 ballot.

17 (4) If the voter requires the assistance of another in voting, but declines
18 to select an individual to assist, an election judge, in the presence of another election
19 judge that represents another political party, shall assist the voter in the manner
20 prescribed by the voter.

21 (5) An individual assisting a voter may not suggest in any way how the
22 voter should vote for a particular ticket, candidate, or position on a question.

23 (6) If a voter requires assistance under paragraphs (4) or (5) of this
24 subsection, the election judge shall record, on a form prescribed by the State Board,
25 the name of the voter who required assistance and the name of the individual
26 providing assistance to the voter.

27 (7) Except as provided in paragraphs (3) or (4) of this subsection, a
28 person over the age of 10 years may not accompany a voter into a voting booth.

29 16-201.

30 (a) A person may not willfully and knowingly:

31 (1) (i) impersonate another person in order to vote or attempt to vote;
32 [or]

33 (ii) vote or attempt to vote under a false name; OR

34 (III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF
35 IDENTIFICATION;

1 (2) vote more than once for a candidate for the same office or for the
2 same ballot question;

3 (3) vote or attempt to vote more than once in the same election, or vote in
4 more than one election district or precinct;

5 (4) vote in an election district or precinct without the legal authority to
6 vote in that election district or precinct; or

7 (5) influence or attempt to influence a voter's voting decision through the
8 use of force, threat, menace, intimidation, bribery, reward, or offer of reward.

9 (b) A person who violates this section is guilty of a misdemeanor and subject to
10 a fine of not more than \$2,500 or imprisonment for not more than 5 years or both.

11 (c) A person who violates this section is subject to § 5-106(b) of the Courts
12 Article.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2003.