

HOUSE BILL 56

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2004 Regular Session  
4r0748

(PRE-FILED)

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By: **Delegates Dwyer, Bartlett, Krebs, McDonough, and Sossi**

Requested: October 16, 2003

Introduced and read first time: January 14, 2004

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2                           **Election Law - Voter Registration and Voting - Proof of Citizenship and**  
3                           **Identity**

4 FOR the purpose of requiring that an applicant for voter registration submit proof of  
5 United States citizenship with the application; specifying the types of  
6 documents that an applicant must submit with an application for voter  
7 registration in order to establish proof of United States citizenship; requiring an  
8 election judge at the polls to qualify an individual for voting by requesting that  
9 the individual present the individual's voter registration card and then verifying  
10 that the information on the voter registration card matches the information in  
11 the voter registry; making technical corrections; and generally relating to  
12 certain requirements regarding the establishment of an individual's citizenship  
13 or identity in order to qualify the individual for voter registration and voting.

14 BY repealing and reenacting, without amendments,  
15 Article - Election Law  
16 Section 3-102(a)  
17 Annotated Code of Maryland  
18 (2003 Volume and 2003 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Election Law  
21 Section 3-201 and 10-310  
22 Annotated Code of Maryland  
23 (2003 Volume and 2003 Supplement)

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

1

**Article - Election Law**

2 3-102.

3 (a) Except as provided in subsection (b) of this section, an individual may  
4 become registered to vote if the individual:

5 (1) is a citizen of the United States;

6 (2) is at least 18 years old or will be 18 years old on or before the day of  
7 the next succeeding general or special election;

8 (3) is a resident of the county as of the day the individual seeks to  
9 register; and

10 (4) registers pursuant to this title.

11 3-201.

12 (A) An individual may apply to become a registered voter:

13 (1) at a local board office or the State Board office;

14 (2) at a registration site administered by a local board;

15 (3) by mail;

16 (4) when applying to the Motor Vehicle Administration for the issuance,  
17 renewal, or modification of a driver's license or identification card;

18 (5) when applying for services at a voter registration agency; or

19 (6) with the assistance of a volunteer authorized by the State or local  
20 board.

21 (B) TO ESTABLISH THAT AN APPLICANT FOR VOTER REGISTRATION IS A  
22 CITIZEN OF THE UNITED STATES AS REQUIRED UNDER § 3-102(A)(1) OF THIS TITLE,  
23 THE APPLICANT SHALL SUBMIT WITH THE APPLICANT'S VOTER REGISTRATION  
24 APPLICATION:

25 (1) AN ORIGINAL OR CERTIFIED COPY OF A BIRTH CERTIFICATE ISSUED  
26 BY THE UNITED STATES OR A TERRITORY OF THE UNITED STATES;

27 (2) A CURRENT OR EXPIRED PASSPORT ISSUED BY THE UNITED STATES  
28 OR A TERRITORY OF THE UNITED STATES; OR

29 (3) AN OFFICIAL COPY OF THE DOCUMENT ISSUED BY THE UNITED  
30 STATES GOVERNMENT IDENTIFYING THE APPLICANT AS A NATURALIZED CITIZEN OF  
31 THE UNITED STATES.

1 10-310.

2 (a) For each individual who seeks to vote, an election judge, in accordance  
3 with instructions provided by the local board, shall:

4 (1) locate the individual's name in the precinct register and locate the  
5 preprinted voting authority card and then authorize the individual to vote a regular  
6 ballot;

7 (2) (i) if the individual's name is not found on the precinct register,  
8 search the inactive list and if the name is found, authorize the individual to vote a  
9 regular ballot; or

10 (ii) if the individual's name is not on the inactive list, refer the  
11 individual for provisional ballot voting under § 9-404 of this article;

12 (3) [establishing] ESTABLISH the identity of the voter by requesting the  
13 voter to [state the month and day of the voter's birth and comparing the response to]  
14 PRESENT THE INDIVIDUAL'S VOTER REGISTRATION CARD AND THEN VERIFYING  
15 THAT THE INFORMATION ON THE VOTER REGISTRATION CARD MATCHES the  
16 information listed in the precinct register;

17 (4) [verifying] VERIFY the address of the voter's residence;

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

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

23 (b) On the completion of the procedures set forth in subsection (a) of this  
24 section, a voter may vote in accordance with the procedures appropriate to the voting  
25 system used in the polling place.

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

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

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

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

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

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

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

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

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

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

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

18                                  (6)      If a voter requires assistance under [paragraphs] PARAGRAPH (4) or  
19 (5) of this subsection, the election judge shall record, on a form prescribed by the State  
20 Board, the name of the voter who required assistance and the name of the individual  
21 providing assistance to the voter.

22                                  (7)      Except as provided in [paragraphs] PARAGRAPH (3) or (4) of this  
23 subsection, a person over the age of 10 years may not accompany a voter into a voting  
24 booth.

25        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2004.