

SENATE BILL 55

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2004 Regular Session
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(PRE-FILED)

By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Elections, State Board of)

Requested: November 3, 2003
Introduced and read first time: January 14, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 10, 2004

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Miscellaneous Technical and Clarifying Corrections**

3 FOR the purpose of altering provisions of the Election Law to conform to current
4 practices; altering certain definitions; repealing a duplicative provision for an
5 appeal of a rejection of an absentee ballot application; repealing a provision
6 concerning a voter transaction at the Motor Vehicle Administration; repealing
7 provisions relating to mechanical lever machines; altering language to
8 accommodate the use of electronic voting systems; altering the term used in a
9 crime; and generally relating to the election laws.

10 BY repealing and reenacting, with amendments,
11 Article - Election Law
12 Section 1-101(d) and (s), 2-206, 3-202(b), 3-203(d), ~~5-1204(e)~~ 5-1204, and
13 16-304
14 Annotated Code of Maryland
15 (2003 Volume and 2003 Supplement)

16 BY repealing
17 Article - Election Law
18 Section 9-106
19 Annotated Code of Maryland
20 (2003 Volume and 2003 Supplement)

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

1 **Article - Election Law**

2 1-101.

- 3 (d) (1) "Ballot" or "official ballot" includes:
- 4 (i) an absentee ballot;
- 5 (ii) A PROVISIONAL BALLOT;
- 6 (III) a document ballot; or
- 7 [(iii)] (IV) a voting machine ballot.

8 (2) "Ballot" or "official ballot" does not include:

- 9 (i) a sample ballot; or
- 10 (ii) a specimen ballot.

11 (s) (1) "Document ballot" means a ballot used with a voting system in which
12 the voter individually is issued a ballot on which to indicate one or more votes.

13 (2) "Document ballot" includes:

- 14 (i) a machine-read ballot, such as an optically scanned ballot [or
15 punchcard ballot]; and
- 16 (ii) a hand-counted paper ballot.

17 2-206.

18 [(a)] Subject to the requirements of this article and the policies and guidance of
19 the local board, the election director may:

- 20 (1) appoint the employees of the local board;
- 21 (2) train judges of election;
- 22 (3) give notice of elections;
- 23 (4) submit voter registration reports to the State Board;
- 24 (5) initiate and conduct any program approved by the State Board to
25 identify, notify, and remove from the voter registration rolls any registrant who has
26 become ineligible due to a change of address;
- 27 (6) upon the request of an elderly or disabled voter whose polling place is
28 not structurally barrier free, provide an alternate polling place to the voter;
- 29 (7) issue voter acknowledgment notices and voter notification cards;

1 (8) receive certificates of candidacy;

2 (9) verify nominating petitions;

3 (10) receive and maintain campaign finance reports;

4 (11) in consultation with the local board, conduct the canvass following an
5 election; and

6 (12) subject to [subsection (b) of this section] § 9-306 OF THIS ARTICLE,
7 process and reject absentee ballot applications.

8 [(b) A voter may appeal a decision of the election director to the local board
9 regarding the rejection of an absentee ballot application under subsection (a)(12) of
10 this section.]

11 3-202.

12 (b) The voter registration application form prescribed [by the Federal Election
13 Commission] pursuant to the National Voter Registration Act of 1993 shall be
14 accepted by the appropriate election official for purposes of voter registration.

15 3-203.

16 (d) [(1) If a driver's license renewal or a change of name or address is not
17 completed in person with a customer service representative at a Motor Vehicle
18 Administration office, the Motor Vehicle Administration shall state clearly that:

19 (i) the information will be used for voter registration purposes; and

20 (ii) the registrant has the right to declare that the information may
21 not be used for purposes of voter registration.

22 (2)] The Motor Vehicle Administration shall follow the procedures
23 established jointly by the Motor Vehicle Administration and the State Board to
24 process the voter registration information received under this [subsection] SECTION.

25 5-1204.

26 (a) If a vacancy in candidacy is properly filled and certified to the appropriate
27 board within the time prescribed under this title and the State Administrator, in
28 consultation with the election director of the local board, determines that there is
29 sufficient time for the local board to [reprint] CHANGE the ballots with the correct
30 names, the local board shall [reprint] CHANGE the ballots.

31 (b) If a vacancy in candidacy is properly filled and certified to the appropriate
32 board within the time prescribed under this title [and the voting system utilizes a
33 separate ballot for each voter], and the State Administrator, in consultation with the
34 election director of the local board, determines that there is not sufficient time for the
35 local board to [reprint] CHANGE the ballots with the correct names, the local board
36 shall take appropriate measures to notify the voters of:

- 1 (1) the change in [the ballot] CANDIDACY;
 2 (2) the procedure to be used by the voter to record the voter's vote; and
 3 (3) the procedure to be used by the local board to conduct the canvass.

4 (e) ~~If a vacancy in candidacy is properly filled and certified to the appropriate~~
 5 ~~board within the time prescribed under this title and the voting system utilizes~~
 6 ~~[either a mechanical lever machine or] a direct recording electronic machine and the~~
 7 ~~State Administrator, in consultation with the election director of the local board,~~
 8 ~~determines that there is not sufficient time for the local board to [reprint]~~
 9 ~~REPROGRAM the ballots with the correct names, the local board immediately shall:~~

10 (1) ~~have printed a sufficient quantity of stickers with the name of the~~
 11 ~~substitute candidate for the precincts in which that candidacy appears on the ballot;~~
 12 ~~and~~

13 (2) ~~deliver the stickers to the appropriate local board personnel in the~~
 14 ~~affected precincts, along with instructions for affixing the stickers to the ballot posted~~
 15 ~~on the machine.~~

16 [9-106.

17 (a) Except as provided in subsection (d) of this section, on or after January 1,
 18 2002, a county may not use mechanical lever voting machines to conduct elections.

19 (b) Until January 1, 2002, if a county uses mechanical lever voting machines
 20 to conduct elections, the members of the local board:

21 (1) shall appoint a voting machine custodian and a deputy custodian;
 22 and

23 (2) may employ additional deputy custodians.

24 (c) The voting machine custodian and deputy custodians shall have the duties,
 25 and complete any training program, specified in regulations adopted by the State
 26 Board.

27 (d) The provisions of this section do not apply in a county until:

28 (1) a uniform statewide voting system for voting in polling places is
 29 selected and certified by the State Board under the provisions of § 9-101 of this
 30 subtitle; and

31 (2) the voting system is available for use by the voters in the county.]

32 16-304.

33 (a) In a polling place on election day, an election judge may not willfully and
 34 knowingly:

1 (1) permit a ballot or ballots to be placed into a ballot [box]
2 RECEPTACLE prior to the time for voting; or

3 (2) place a ballot in a ballot [box] RECEPTACLE unless the ballot is
4 offered by a properly registered voter or is a provisional ballot placed with other
5 provisional ballots of the same character.

6 (b) A person may not:

7 (1) cause or permit a ballot, including a provisional ballot, to be cast or
8 deposited in a ballot [box] RECEPTACLE, voting device, or other receptacle designed
9 for the collection of ballots other than by a person entitled under this article to cast a
10 ballot; or

11 (2) substitute, alter, add, or remove a submitted ballot from a ballot
12 [box] RECEPTACLE, voting device, or other receptacle designed for the collection of
13 ballots, except when instructed to do so by the election director.

14 (c) A person who violates this section is guilty of a felony and is subject to
15 imprisonment for not less than 1 year nor more than 5 years.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect July 1, 2004.