

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 5

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Bartlett, Bronrott, Cadden, Cardin, Cryor, C. Davis, Doory, Elmore, Gaines, Goodwin, Gordon, James, Lee, Marriott, McKee, Moe, Myers, Ramirez, and F. Turner”; in line 3, strike “identity” and substitute “right to vote”; in line 10, strike “or color” and substitute “, color, or disability”; in the same line, after “board” insert “of elections”; strike beginning with “providing” in line 11 down through “identification;” in line 13; in line 17, strike “Voter” and substitute “Voters Rights”; in line 21, strike “9-404;” and in the same line, after “10-312,” insert “11-303,”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 7 through 33, inclusive.

On page 3, in line 23, after “made,” insert “AND THE CHALLENGED INDIVIDUAL DOES NOT PRESENT ANY OF THE FORMS OF IDENTIFICATION SPECIFIED UNDER SUBSECTION (A)(2) OF THIS SECTION,”.

On page 4, after line 2, insert:

“11-303.

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

(b) A local board may not open an envelope of a provisional ballot until the local board has approved the provisional ballot application.

(Over)

(c) The State Board shall adopt regulations to implement this section.

(d) (1) A local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

(2) The local board shall reject a provisional ballot if:

(i) pursuant to paragraph (4) of this subsection, the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot;

(ii) the individual failed to sign the oath on the provisional ballot application;

(iii) the individual cast more than one ballot for the same election; or

(iv) the local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(3) If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest.

(4) For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the local board determines that:

(i) the individual is registered in the State;

(ii) [based on the address given on the provisional ballot application, the individual resides in the precinct in which the individual seeks to vote;

(iii)] if the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the State Board; and

[(iv)] (III) if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

(E) A LOCAL BOARD SHALL COUNT:

(1) THE ENTIRE PROVISIONAL BALLOT IF THE ADDRESS ON THE PROVISIONAL BALLOT APPLICATION IS WITHIN THE PRECINCT WHERE THE PROVISIONAL BALLOT WAS CAST; OR

(2) ONLY THE VOTES CAST BY THE VOTER FOR EACH CANDIDATE OR QUESTION APPLICABLE TO THE PRECINCT IN WHICH THE VOTER RESIDES, AS DETERMINED BY THE ADDRESS ON THE PROVISIONAL BALLOT APPLICATION OF THE VOTER

[(e)] (F) (1) The State Board shall ensure the establishment of a system that any individual who casts a provisional ballot may access without cost to discover whether the ballot was counted and, if not counted, the reason it was not.

(2) The system established under paragraph (1) of this subsection shall ensure the confidentiality of the individual who accesses the system and the secrecy of each ballot.”.

AMENDMENT NO. 3

On page 3, after line 20, insert:

“(3) IF AN INDIVIDUAL ESTABLISHES THE INDIVIDUAL’S IDENTITY UNDER PARAGRAPH (2) OF THIS SUBSECTION, AN ELECTION JUDGE SHALL AUTHORIZE THE INDIVIDUAL TO VOTE A REGULAR BALLOT.”.

On page 4, in line 17, after “FORCE, “ insert “FRAUD,”; in line 21, strike “OR COLOR” and substitute “, COLOR, OR DISABILITY”; in line 22, strike “A” and substitute “EXCEPT AS PROVIDED IN § 16-1002 OF THIS TITLE, A”; and in line 28, after “(A)” insert “EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,”.

On page 5, after line 4, insert:

“(B) (1) A LAW ENFORCEMENT OFFICER OR SECURITY GUARD WHO IS ON DUTY OR TRAVELING TO OR FROM DUTY MAY VOTE WHILE WEARING A UNIFORM.

(Over)

(2) A LAW ENFORCEMENT OFFICER WHO IS PERFORMING AN OFFICIAL GOVERNMENTAL FUNCTION MAY WEAR A UNIFORM AT A POLLING SITE.”;

and in line 5, strike “(B)” and substitute “(C)”.

AMENDMENT NO. 4

On page 5, strike beginning with “and” in line 15 down through “vote” in line 17; in line 18, after “(ii)” insert “require the State Board of Elections to work with law enforcement to”; in line 23, after “(iv)” insert “require the State Board of Elections to work with law enforcement to”; in line 31, strike “change of address or”; strike in their entirety lines 32 through 34, inclusive; in line 35, strike “(ix)” and substitute “(viii)”; and in line 36, after the semicolon insert “and”.

On page 6, in line 1, strike “(x)” and substitute “(ix)”; in line 2, strike “in a timely manner” and substitute “within 5 business days of receiving”; strike in their entirety lines 5 through 7, inclusive; and after line 10, insert:

“(3) the report required under subsection (2) of this section shall:

(i) specify the policies and standards that the State Board of Elections implemented as a result of its review;

(ii) include a list of all violations that occurred during the 2005 municipal elections; and

(iii) include the penalties that have been enforced as a result of the violations.”.