
By: **Chair, Ways and Means Committee (By Request - Departmental -
Elections, State Board of)**

Introduced and read first time: February 8, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voter Registration**

3 FOR the purpose of altering provisions of the election law to comply with the voter
4 registration list requirements of the federal Help America Vote Act of 2002;
5 eliminating certain terms; defining certain terms; establishing a statewide voter
6 registration list; requiring the State Administrator of Elections to perform
7 certain tasks; establishing when certain voters are restored to active status;
8 altering the requirements to challenge certain actions of the local boards of
9 elections; repealing certain unnecessary provisions; providing for a delayed
10 effective date; and generally relating to voter registration and compliance with
11 mandatory provisions of federal law.

12 BY repealing

13 Article - Election Law

14 Section 1-101(mm), 3-101, 3-501, 3-503, 3-506, 3-508, 3-509, 3-602, and
15 3-603

16 Annotated Code of Maryland

17 (2003 Volume and 2004 Supplement)

18 BY adding to

19 Article - Election Law

20 Section 3-101, 3-505, and 3-602

21 Annotated Code of Maryland

22 (2003 Volume and 2004 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article - Election Law

25 Section 2-103, 2-206, 3-102, 3-301(b) and (c), 3-304, 3-401, 3-403(a), (e), (g),

26 and (i), 3-502, 3-504, 3-505, 3-507, 3-601.1, 5-304(c), 6-203(a) and (b),

27 and 16-101(a)

28 Annotated Code of Maryland

29 (2003 Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Courts and Judicial Proceedings
3 Section 8-104(a) and 8-204(a)
4 Annotated Code of Maryland
5 (2002 Replacement Volume and 2004 Supplement)

6 BY renumbering
7 Article - Election Law
8 Section 1-101(nm) through (aaa), respectively,
9 to be Section 1-101(mm) through (zz), respectively
10 Annotated Code of Maryland
11 (2003 Volume and 2004 Supplement)

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

14 **Article - Election Law**

15 1-101.

16 [(mm) "Registered voter" does not include an individual whose name is on a
17 list of inactive voters.]

18 2-103.

19 (a) There is a State Administrator of Elections.

20 (b) The State Administrator shall:

21 (1) be appointed by and serve at the pleasure of the State Board;

22 (2) receive a salary as provided in the State budget;

23 (3) as provided in the State budget, employ and supervise:

24 (i) a deputy administrator; and

25 (ii) pursuant to the State Personnel and Pensions Article, other
26 staff of the State Board;

27 (4) supervise the operations of the local boards;

28 (5) perform all duties and exercise all powers that are assigned by law to
29 the State Administrator or delegated by the State Board;

30 (6) IMPLEMENT, IN A UNIFORM AND NONDISCRIMINATORY MANNER, A
31 SINGLE, UNIFORM, OFFICIAL, CENTRALIZED, INTERACTIVE COMPUTERIZED
32 STATEWIDE VOTER REGISTRATION LIST;

1 [(6)] (7) be subject to removal by the affirmative vote of four members of
2 the State Board for incompetence, misconduct, or other good cause; however, prior to
3 removal, the State Board shall set forth written charges stating the grounds for
4 dismissal and afford the State Administrator notice and an ample opportunity to be
5 heard; and

6 [(7)] (8) be the chief State election official.

7 (c) Before taking office, the appointee to the office of State Administrator shall
8 take the oath required by Article I, § 9 of the Maryland Constitution.

9 2-206.

10 Subject to the requirements of this article and the policies and guidance of the
11 local board, the election director may:

12 (1) appoint the employees of the local board;

13 (2) train judges of election;

14 (3) give notice of elections;

15 (4) [submit voter registration reports to the State Board;

16 (5) initiate and conduct any program approved by the State Board to
17 identify, notify, and remove from the voter registration rolls any registrant who has
18 become ineligible due to a change of address;

19 (6)] upon the request of an elderly or disabled voter whose polling place is
20 not structurally barrier free, provide an alternate polling place to the voter;

21 [(7)] (5) issue voter acknowledgment notices and voter notification
22 cards;

23 [(8)] (6) receive certificates of candidacy;

24 [(9)] (7) verify nominating petitions;

25 [(10)] (8) receive and maintain campaign finance reports;

26 [(11)] (9) in consultation with the local board, conduct the canvass
27 following an election; and

28 [(12)] (10) subject to § 9-306 of this article, process and reject absentee
29 ballot applications.

30 [3-101.

31 (a) The local board in each county shall:

32 (1) register currently unregistered voters who reside in that county; and

1 (2) add to the voter registry all currently registered voters who move into
2 the county from another county in the State.

3 (b) Registration shall be conducted continuously under the supervision of the
4 State Board and in accordance with the provisions of this title, applicable federal law,
5 and regulations adopted by the State Board.

6 (c) The local board for each county shall maintain the voter registry for that
7 county and shall be responsible for its accuracy and currency.

8 (d) A voter:

9 (1) if registered in a county in the State, shall remain registered when
10 the voter moves to another county in the State; and

11 (2) may not be required to register again unless the voter's registration
12 is canceled pursuant to Subtitle 5 of this title.]

13 3-101.

14 (A) THERE SHALL BE A STATEWIDE VOTER REGISTRATION LIST.

15 (B) THE STATEWIDE VOTER REGISTRATION LIST SHALL:

16 (1) BE THE OFFICIAL VOTER REGISTRATION LIST FOR THE STATE;

17 (2) CONTAIN THE NAME AND OTHER INFORMATION FOR EVERY
18 LEGALLY REGISTERED VOTER IN THE STATE;

19 (3) ALLOW EACH LOCAL BOARD TO OBTAIN IMMEDIATE ELECTRONIC
20 ACCESS TO THE INFORMATION CONTAINED IN THE LIST;

21 (4) BE COORDINATED WITH OTHER AGENCY DATABASES IN THE STATE;

22 (5) BE USED TO PRODUCE PRECINCT REGISTERS FOR USE IN POLLING
23 PLACES ON ELECTION DAY; AND

24 (6) INCLUDE VOTING HISTORY INFORMATION ON A CURRENT BASIS FOR
25 A PERIOD COVERING AT LEAST THE 5 PRECEDING YEARS.

26 (C) THE STATE ADMINISTRATOR SHALL:

27 (1) DEFINE, MAINTAIN, AND ADMINISTER THE STATEWIDE VOTER
28 REGISTRATION LIST;

29 (2) WITH THE LOCAL BOARDS, ENSURE THE CURRENCY AND ACCURACY
30 OF EACH INDIVIDUAL VOTER'S REGISTRATION RECORD;

31 (3) INSTRUCT THE LOCAL BOARDS ON:

1 (I) PROCESSING VOTER REGISTRATION APPLICATIONS AND NAME
2 AND ADDRESS CHANGES;

3 (II) ENTERING VOTER REGISTRATION INFORMATION INTO THE
4 STATEWIDE VOTER REGISTRATION LIST; AND

5 (III) REMOVING FROM THE STATEWIDE VOTER REGISTRATION LIST
6 INFORMATION ABOUT VOTERS WHO ARE NO LONGER ELIGIBLE TO BE REGISTERED
7 VOTERS.

8 (4) SUBJECT TO RELEVANT FEDERAL LAW AND TO REGULATIONS
9 ADOPTED BY THE STATE BOARD, ESTABLISH AND CONDUCT A PROGRAM TO
10 IDENTIFY VOTERS WHO HAVE CHANGED THEIR ADDRESSES.

11 (D) REGISTRATION SHALL BE CONDUCTED CONTINUOUSLY UNDER THE
12 SUPERVISION OF THE STATE ADMINISTRATOR AND IN ACCORDANCE WITH THE
13 PROVISIONS OF THIS TITLE, APPLICABLE FEDERAL LAW, AND REGULATIONS
14 ADOPTED BY THE STATE BOARD.

15 (E) A REGISTERED VOTER:

16 (1) SHALL REMAIN REGISTERED WHEN THE VOTER MOVES TO ANOTHER
17 COUNTY IN THE STATE; AND

18 (2) MAY NOT BE REQUIRED TO REGISTER AGAIN UNLESS THE VOTER'S
19 REGISTRATION IS CANCELED IN ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE.

20 3-102.

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

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

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

26 (3) is a resident of the [county] STATE as of the day the individual seeks
27 to register; and

28 (4) registers pursuant to this title.

29 (b) An individual is not qualified to be a registered voter if the individual:

30 (1) has been convicted of theft or other infamous crime, unless the
31 individual:

32 (i) has been pardoned; or

1 (ii) 1. in connection with a first conviction, has completed the
2 court-ordered sentence imposed for the conviction, including probation, parole,
3 community service, restitutions, and fines; or

4 2. in connection with a subsequent conviction, has completed
5 the court-ordered sentence imposed for the conviction, including probation, parole,
6 community service, restitutions, and fines, and at least 3 years have elapsed since the
7 completion of the court-ordered sentence imposed for the conviction, including
8 probation, parole, community service, restitutions, and fines;

9 (2) is under guardianship for mental disability; or

10 (3) has been convicted of buying or selling votes.

11 (c) Notwithstanding subsection (b) of this section, an individual is not
12 qualified to be a registered voter if the individual has been convicted of a second or
13 subsequent crime of violence, as defined in § 14-101 of the Criminal Law Article.

14 3-301.

15 (b) A qualified applicant shall be [added to the voter registry in the voter's
16 county of residence] ELECTRONICALLY ENTERED INTO THE STATEWIDE VOTER
17 REGISTRATION LIST ON AN EXPEDITED BASIS AT THE TIME VOTER REGISTRATION
18 INFORMATION IS PROVIDED TO THE LOCAL BOARD AND SHALL BE ASSIGNED TO THE
19 COUNTY IN WHICH THE APPLICANT RESIDES unless registration is closed pursuant to
20 § 3-302 of this subtitle.

21 (c) (1) The election director in the county where an applicant resides shall
22 send a voter acknowledgment notice, in a format prescribed by the State Board, to
23 each applicant informing the applicant whether he or she is qualified to become
24 registered, and, if not qualified, the reasons why.

25 (2) (i) A voter notification card sent to a qualified applicant may serve
26 as a voter acknowledgment notice.

27 (ii) 1. The voter notification card shall contain the name and
28 address of the voter, the date of issue, and the district or ward and precinct of the
29 voter.

30 2. The card is evidence that the individual to whom it is
31 issued is a registered voter on the date appearing on the card.

32 3. The election director shall issue a replacement card on
33 request of the voter and a new card when a relevant change is made in the voter's
34 registration record IF THE VOTER CONTINUES TO RESIDE IN THE COUNTY.

35 3-304.

36 (a) (1) Notification of a change of address or of a change of name may be
37 made:

1 (i) by information provided on a voter registration application by
2 the same methods provided for registration pursuant to Subtitle 2 of this title;

3 (ii) by written notice, signed by the voter and sent by mail or
4 otherwise delivered to the local board in the county where [the voter is currently
5 registered] THE VOTER'S CURRENT VOTER REGISTRATION ADDRESS IS LOCATED or
6 to which the voter has moved;

7 (iii) by making application in person at the office of the local board
8 in the county where [the voter is currently registered] THE VOTER'S CURRENT
9 VOTER REGISTRATION ADDRESS IS LOCATED or to which the voter has moved;

10 (iv) by information on a voter authority card or other appropriate
11 form filled out in a polling place; or

12 (v) by changing a name or address with the Motor Vehicle
13 Administration.

14 (2) Except as provided by regulations adopted by the State Board, name
15 and address changes may not be [effected by the local board] PROCESSED when
16 registration is closed.

17 (b) [(1) A local board, pursuant to regulations adopted by the State Board,
18 shall determine whether a request for a name or address change is from the
19 registered voter.

20 (2) If the local board is satisfied that the request for a name or address
21 change is from the voter, the local board shall:

22 (i) if the request is from a voter currently registered in and
23 continuing to reside in that county, change the voter's record and send the voter a new
24 voter notification card;

25 (ii) if the request is from a voter currently registered in that county
26 but moving to another county in the State, forward a copy of the request to the new
27 county of residence and, on receipt of confirmation from the new county of residence,
28 remove the voter from the county voter registry;

29 (iii) if the request is from a voter currently registered in that county
30 but moving outside the State, remove the voter from the county voter registry; or

31 (iv) if the request is from a voter currently registered in another
32 county in the State but moving to that county, add the voter to the county voter
33 registry and send the voter a new voter notification card] THE LOCAL BOARD IN THE
34 COUNTY IN WHICH THE VOTER RESIDES SHALL ELECTRONICALLY ENTER THE
35 CHANGE OF NAME OR ADDRESS INTO THE STATEWIDE VOTER REGISTRATION LIST
36 ON AN EXPEDITED BASIS AT THE TIME THE INFORMATION IS PROVIDED TO THE
37 LOCAL BOARD.

1 3-401.

2 (A) In this [subtitle,] SUBTITLE THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (B) ["universal] "UNIVERSAL registration" means an election administration
5 in which the list of individuals eligible to vote in a municipal election includes those
6 residents of the municipal corporation who are [registered to vote with the local
7 board for the county in which the individual's residence is located] INCLUDED ON THE
8 STATEWIDE VOTER REGISTRATION LIST AT ADDRESSES WITHIN THE MUNICIPAL
9 CORPORATION.

10 (C) "VOTER REGISTRY" MEANS THE LIST PROVIDED BY A LOCAL BOARD OF
11 REGISTERED VOTERS WHO ARE RESIDENTS OF THE MUNICIPAL CORPORATION.

12 3-403.

13 (a) A voter residing in a municipal corporation is considered to be registered
14 for elections in that municipal corporation if the voter is [registered with the local
15 board for the county in which the municipal corporation is located] INCLUDED ON
16 THE STATEWIDE VOTER REGISTRATION LIST AT AN ADDRESS WITHIN THE
17 MUNICIPAL CORPORATION.

18 (e) The plan shall include:

19 (1) procedures for identifying by geographical reference the municipal
20 boundaries, precincts, wards, or districts and the methods for including this
21 information in the [county's] STATEWIDE voter registration [system] DATABASE;

22 (2) information on whether the municipal corporation wants the
23 exclusion or inclusion of political party affiliation on the voter registry, and whether
24 the local board can provide the exclusion or inclusion;

25 (3) the format of the [certified] voter registry, and whether it is to be
26 divided according to a registrant's municipal polling place;

27 (4) information on whether:

28 (i) the dates of birth are to be printed on the [certified] VOTER
29 registry;

30 (ii) the names of registrants under the age of 18 years are to be
31 included on the [lists] VOTER REGISTRY; and

32 (iii) the board can provide these exclusions or inclusions;

33 (5) the timing for furnishing the [certified list of registered voters]
34 VOTER REGISTRY for use in the municipal elections, including the deadline for
35 accepting voter registration applications of those individuals residing in the
36 municipal corporation prior to the municipal elections;

1 (6) procedures for obtaining, updating, and maintaining in the [county's
2 files] STATEWIDE VOTER REGISTRATION LIST the voter history of registrants who
3 vote in municipal elections; and

4 (7) procedures for obtaining, updating, and maintaining changes to the
5 boundaries of the municipal corporation, the precincts, the wards, or the districts that
6 result from annexations, subdivision development, street name changes, or street
7 abandonments.

8 (g) This section may not be construed to prohibit a municipal corporation from
9 administering and maintaining a supplemental list of those individuals who are not
10 [registered with the county board] ON THE STATEWIDE VOTER REGISTRATION LIST
11 but who may otherwise be qualified to register to vote with the municipal corporation.

12 (i) (1) The State shall reimburse a local board or a county government for
13 reasonable initial set-up costs of implementing the plan for universal registration,
14 including the costs associated with:

15 (i) the identification of the appropriate boundaries; AND

16 (ii) the identification of voters who are to be included in the [local
17 board files for municipal or county registration; and

18 (iii) the modification of the local board's registration system that is
19 necessary to implement the universal registration plan] VOTER REGISTRY.

20 (2) The local board shall request and, subject to the approval of the State
21 Board, receive a reimbursement for these costs from a fund administered by the State
22 Board. The initial set-up costs incurred directly by a municipal corporation may be
23 reimbursed for circumstances authorized by the State Board.

24 [3-501.

25 Each local board, pursuant to regulations adopted by the State Board, shall:

26 (1) maintain the registry of voters in the county;

27 (2) ensure the currency and accuracy of each individual voter's
28 registration record;

29 (3) produce precinct registers for use in polling places on election day;
30 and

31 (4) maintain voting history information on a current basis for a period
32 covering at least the 5 preceding years.]

33 [3-502.] 3-501.

34 An election director may remove a voter from the [registry] STATEWIDE VOTER
35 REGISTRATION LIST only:

- 1 (1) at the request of the voter, provided the request is:
- 2 (i) signed by the voter;
- 3 (ii) authenticated by the election director; and
- 4 (iii) in a format acceptable to the [local board] STATE BOARD or on
- 5 a cancellation notice provided by the voter on a voter registration application;
- 6 (2) upon determining, based on information provided pursuant to [§
- 7 3-505] § 3-503 of this subtitle, that the voter is no longer eligible because:
- 8 (i) the voter is not qualified to be a registered voter as provided in
- 9 § 3-102(b) of this title; or
- 10 (ii) the voter is deceased; or
- 11 (3) if the voter has moved outside the [local board's jurisdiction] STATE,
- 12 as determined by conducting the procedures established in [§ 3-504] § 3-502 of this
- 13 subtitle.

14 [3-503.

15 In order to identify voters who have changed their addresses, each local board

16 shall establish and conduct a program that:

- 17 (1) is approved by the State Board;
- 18 (2) complies with this section, regulations adopted by the State Board,
- 19 and any relevant federal law; and
- 20 (3) is completed at least 90 days before an election.]

21 [3-504.] 3-502.

- 22 (a) (1) In this section the following words have the meanings indicated.
- 23 (2) "Confirmation notice" means a notice, approved by the State Board,
- 24 that is sent by forwardable mail with a return card.
- 25 (3) "Return card" means a postage prepaid and preaddressed card on
- 26 which the voter may report the voter's current address.

27 (b) Upon receiving any information that a voter currently registered in the

28 State has moved to a different address within the State, the appropriate election

29 [director] OFFICIAL shall change the voter's record and send the voter a confirmation

30 notice.

31 (c) If it appears from information provided by the postal service or an agency

32 specified in [§ 3-505(b)] § 3-504(B) of this subtitle that a voter has moved to a

33 different address outside the State, the election [director in the county where the

1 voter is most recently registered] OFFICIAL IN THE COUNTY WHERE THE VOTER
2 MOST RECENTLY RESIDED IN THE STATE shall send the voter a confirmation notice
3 informing the voter of his or her potential inactive status as described in [subsection
4 (f) of this section] § 3-503 OF THIS SUBTITLE.

5 (d) Upon receipt of a return card, the election director shall:

6 (1) make any needed corrections in the [local board's records to reflect
7 the voter's current residence] STATEWIDE VOTER REGISTRATION LIST; AND

8 (2) IN ACCORDANCE WITH STATE BOARD GUIDELINES, RETAIN
9 ORIGINAL VOTER REGISTRATION DOCUMENTS.

10 (e) The election director may not remove a voter from the [registry]
11 STATEWIDE VOTER REGISTRATION LIST on the grounds of a change of address unless:

12 (1) [the voter's registration has been transferred to another county;

13 (2)] the voter confirms in writing that the voter has changed residence to
14 a location outside the State; or

15 [(3)] (2) (i) the voter has failed to respond to a confirmation notice
16 under subsection (c) of this section; and

17 (ii) the voter has not voted or appeared to vote (and, if necessary,
18 corrected the record of the voter's address) in an election during the period beginning
19 with the date of the notice through the next two general elections.

20 3-503.

21 [(f) (1)] (A) If a voter fails to respond to a confirmation notice under
22 [subsection (c) of this section] § 3-502(C) OF THIS SUBTITLE, the voter's name shall be
23 placed [on a list of] INTO inactive [voters] STATUS ON THE STATEWIDE VOTER
24 REGISTRATION LIST.

25 [(2)] (B) A VOTER SHALL BE RESTORED TO ACTIVE STATUS ON THE
26 STATEWIDE VOTER REGISTRATION LIST AFTER COMPLETING AND SIGNING ANY OF
27 THE FOLLOWING ELECTION DOCUMENTS:

28 (1) A VOTER REGISTRATION APPLICATION;

29 (2) A PETITION GOVERNED BY TITLE 6;

30 (3) A CERTIFICATE OF CANDIDACY;

31 (4) [Upon written affirmation that an inactive voter remains a resident
32 of the State, the voter may be allowed] A WRITTEN AFFIRMATION OF RESIDENCE
33 COMPLETED ON ELECTION DAY TO ENTITLE THE VOTER to vote either at the election
34 district or precinct for the voter's current residence or the voter's previous residence,
35 as determined by the State Board[, and shall be restored to the registry].

1 [(3)] (C) An inactive voter who fails to vote in an election in the period
2 ending with the second general election shall be removed from the [registry]
3 STATEWIDE VOTER REGISTRATION LIST.

4 [(4)] Individuals whose names have been placed on the inactive list may
5 not be counted as part of the registry.]

6 [(5)] (D) Registrants placed [on the] INTO inactive [list shall] STATUS
7 MAY NOT be counted [only for purposes of voting and not] for official administrative
8 purposes including [petition signature verification,] establishing precincts[,] and
9 reporting official statistics.

10 [3-505.] 3-504.

11 (a) (1) (i) Information from the agencies specified in this paragraph shall
12 be reported to the State [Board] ADMINISTRATOR in a format and at times prescribed
13 by the State Board.

14 (ii) The Department of Health and Mental Hygiene shall report the
15 names and residence addresses (if known) of all individuals at least 16 years of age
16 reported deceased within the State since the date of the last report.

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

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

25 (2) The State [Board] ADMINISTRATOR shall make arrangements with
26 the clerk of the United States District Court for the District of Maryland to receive
27 reports of names and addresses, if available, of individuals convicted of infamous
28 crimes in that court.

29 (b) (1) The State [Board] ADMINISTRATOR shall transmit to the
30 appropriate local board information gathered pursuant to subsection (a) of this
31 section.

32 (2) Every agency or instrumentality of any county which acquires or
33 condemns or razes or causes to be condemned or razed any building used as a
34 residence within the county shall promptly report this fact and the location of the
35 building to the local board in the county or city.

36 (3) Registration cancellation information provided by an applicant on
37 any voter registration application shall be provided to the appropriate local board by
38 the State [Board] ADMINISTRATOR or another local board.

1 (4) A local board may:

2 (i) make arrangements to receive change of address information
3 from an entity approved by the State Board; and

4 (ii) pay a reasonable fee to the entity for the information.

5 (c) (1) Whenever a local board becomes aware of an obituary or any other
6 reliable report of the death of a registered voter, the election director shall mail a
7 notice to the registered voter, as prescribed by the State Board, to verify whether the
8 voter is in fact deceased.

9 (2) On receipt of a verification of the death of a voter, provided in
10 accordance with the notice mailed under paragraph (1) of this subsection, the election
11 director may remove the voter from the [registry] STATEWIDE VOTER REGISTRATION
12 LIST under [§ 3-502] § 3-501 of this subtitle.

13 3-505.

14 (A) THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE RETENTION
15 AND STORAGE OF AND REASONABLE ACCESS TO ORIGINAL VOTER REGISTRATION
16 APPLICATIONS AND OTHER VOTER REGISTRATION RECORDS THE STATE BOARD
17 CONSIDERS APPROPRIATE.

18 (B) (1) VOTER REGISTRATION RECORDS STORED AND RETAINED IN A LOCAL
19 BOARD OFFICE SHALL BE OPEN TO PUBLIC INSPECTION.

20 (2) FOR THE PURPOSE OF PUBLIC INSPECTION, ORIGINAL VOTER
21 REGISTRATION RECORDS:

22 (I) EXCEPT UPON THE SPECIAL ORDER OF THE LOCAL BOARD,
23 SHALL BE AVAILABLE AT ALL TIMES WHEN A LOCAL BOARD IS OPEN; AND

24 (II) MAY NOT BE REMOVED FROM THE OFFICE OF THE LOCAL
25 BOARD EXCEPT:

26 1. ON ORDER OF A COURT; OR

27 2. FOR TEMPORARY REMOVAL SOLELY FOR PURPOSES OF
28 DATA PROCESSING.

29 (C) (1) CONSISTENT WITH REGULATIONS ADOPTED BY THE STATE BOARD,
30 LOCAL BOARDS SHALL MAINTAIN FOR AT LEAST 2 YEARS ALL RECORDS CONCERNING
31 PROGRAMS TO ENSURE THE ACCURACY AND CURRENCY OF THE STATEWIDE VOTER
32 REGISTRATION LIST.

33 (2) EXCEPT FOR RECORDS CONCERNING A DECLINATION TO REGISTER
34 OR THE IDENTITY OF A VOTER REGISTRATION AGENCY THROUGH WHICH A
35 PARTICULAR VOTER APPLIES FOR REGISTRATION, THE RECORDS DESCRIBED IN

1 PARAGRAPH (1) OF THIS SUBSECTION ARE ACCESSIBLE UNDER TITLE 10, SUBTITLE 6,
2 PART III OF THE STATE GOVERNMENT ARTICLE (ACCESS TO PUBLIC RECORDS).

3 [3-506.

4 (a) For the purpose of public inspection, original voter registration records:

5 (1) except upon the special order of the local board, shall be available at
6 all times when a local board is open; and

7 (2) may not be removed from the office of the local board except:

8 (i) on order of a court; or

9 (ii) for temporary removal solely for purposes of data processing.

10 (b) The State Board shall adopt regulations relating to reasonable access by
11 the public to original voter registration application forms.]

12 [3-507.] 3-506.

13 (a) A copy of a [voter registration] list OF REGISTERED VOTERS shall be
14 provided to a Maryland registered voter upon receipt of:

15 (1) a written application; and

16 (2) a statement, signed under oath, that the list is not intended to be
17 used for purposes of:

18 (i) commercial solicitation; or

19 (ii) any other purpose not related to the electoral process.

20 (b) The State Board shall adopt regulations, in consultation with the local
21 boards, specifying:

22 (1) when [registration lists] A LIST OF REGISTERED VOTERS shall be
23 provided;

24 (2) any authorization to be required for providing [registration lists] A
25 LIST OF REGISTERED VOTERS;

26 (3) the fee for providing [registration lists] A LIST OF REGISTERED
27 VOTERS;

28 (4) the information to be included;

29 (5) the format of the information; and

30 (6) the medium or media on which the information shall be supplied.

1 (c) Any individual who knowingly allows a [registration] list OF REGISTERED
2 VOTERS under the individual's control to be used for commercial solicitation or any
3 other purpose not related to the electoral process is guilty of a misdemeanor and shall
4 be punished under the provisions of Title 16 of this article.

5 [3-508.

6 (a) (1) The State Board shall adopt regulations for the retention and storage
7 of original voter registration applications and other records the State Board considers
8 appropriate.

9 (2) Records stored and retained in a local board office shall be open to
10 public inspection.

11 (b) (1) Consistent with regulations adopted by the State Board, local boards
12 shall maintain for at least 2 years all records concerning programs to ensure the
13 accuracy and currency of the voter registry.

14 (2) Except for records concerning a declination to register or the identity
15 of a voter registration agency through which a particular voter applies for
16 registration, the records described in paragraph (1) of this subsection are accessible
17 under Title 10, Subtitle 6, Part III of the State Government Article (Access to Public
18 Records).]

19 [3-509.

20 (a) Within 15 days after the commencement of the period under § 3-303(a) of
21 this title in which registered voters are not allowed to change party affiliation or
22 change to or from a decline, and at other times as directed by the State Board, each
23 local board shall submit to the State Board a report of registration setting forth the
24 following information, as shown on the registry of the respective local board as of the
25 date of the commencement of the period:

26 (1) the name of each political party with which one or more registered
27 voters in their respective jurisdiction are then affiliated; and

28 (2) the total number of registered voters affiliated with each such
29 political party.

30 (b) Within 5 days after the receipt of all reports of registration from local
31 boards, the State Board shall determine and issue a statement of registration setting
32 forth, on the basis of the reports of registration received from the local boards, the
33 following:

34 (1) the name of each political party with which one or more registered
35 voters in the State are affiliated;

36 (2) the total number of registered voters affiliated with each such
37 political party;

1 (3) the total number of registered voters in the State; and

2 (4) the percentage of the total number of registered voters in the State
3 that are affiliated with each such political party, such percentage to be carried out to
4 two or more decimal places.

5 (c) Each board shall provide reports of registration and other registration
6 related activity as may be required by the State.

7 (d) The statements of registration shall be retained in the office of the State
8 Board for a period of at least 6 years and shall be available for inspection during
9 normal working hours by any interested person.]

10 3-601.1.

11 (a) In this section, "clerical error" means an inadvertent mistake in a voter
12 registration record made by [the staff of a local board] AN ELECTION OFFICIAL.

13 (b) [An] THE STATE ADMINISTRATOR OR AN election director shall make the
14 determination [if] WHETHER an error in a voter registration record is a clerical error.

15 (c) If the STATE ADMINISTRATOR OR election director determines that a
16 clerical error has been made, the STATE ADMINISTRATOR OR election director shall:

17 (1) cause the error to be corrected; and

18 (2) promptly notify the voter of the correction.

19 (d) (1) On election day, if it is alleged that the name of a registered voter is
20 missing from the precinct register because of a clerical error, the chief election judge
21 shall contact [the election director who shall] THE STATE BOARD OR LOCAL BOARD
22 TO determine whether a clerical error has been made.

23 (2) If the STATE ADMINISTRATOR OR election director determines that
24 the absence of the name from the precinct register is the result of a clerical error, the
25 STATE ADMINISTRATOR OR election director shall authorize the chief election judge
26 to:

27 (i) issue a blank voter authority card to the affected voter; and

28 (ii) allow the affected voter to vote after the affected voter
29 completes the voter authority card and provide any other documentation required by
30 the State Board.

31 [3-602.

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

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

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

4 (4) A local board may initiate the challenge procedures if the local board
5 has reason to believe that a registration has been erroneously added to or omitted
6 from the registry other than by clerical error as provided in § 3-601.1 of this subtitle.

7 (b) (1) An aggrieved individual or a municipal corporation shall file a
8 challenge on a form, approved by the State Board, stating under oath the basis for the
9 challenge.

10 (2) A challenge filed during the 45 days prior to an election may not be
11 heard until after that election.

12 (c) (1) Within 5 days of a challenge being filed pursuant to subsection (a)(1)
13 or (2) of this section, or within 5 days of a determination by a local board that a
14 registration has been erroneously added or omitted, the local board shall:

15 (i) schedule a hearing that shall be held no sooner than 10 days
16 and no later than 15 days after the determination or receipt of a challenge;

17 (ii) if applicable, send a notice of the hearing to the challenger and
18 advise the challenger of the requirement to appear at the hearing to substantiate the
19 application or objection by affirmative proof; and

20 (iii) send a notice of the hearing, and a statement of the reason for
21 the hearing, to the individual who is the subject of the challenge.

22 (2) A notice under this subsection shall be sent by certified mail.

23 (3) A notice under paragraph (1)(iii) of this subsection shall be addressed
24 to the individual's most recent address as reflected by the registration records.

25 (4) An individual specified in paragraph (1)(iii) of this subsection may
26 appear in person or by counsel.

27 (d) (1) The local board shall conduct the hearing on each challenge.

28 (2) The willful failure of the challenger to appear at a hearing under this
29 section shall be punishable by the penalties provided in § 16-1001 of this article.

30 (3) At the request of a party, or on its own motion, the local board shall
31 issue subpoenas to witnesses to appear and testify at the hearings.

32 (4) Witnesses at the hearings shall be sworn.

33 (e) (1) All challenges shall be decided promptly after the hearing.

1 (2) An individual may not be removed from the registry unless the
2 individual's ineligibility is substantiated by affirmative proof. In the absence of such
3 proof, the presumption shall be that the individual is properly registered.

4 (3) If the local board determines that an individual should be added to or
5 removed from the registry, the local board immediately shall add or remove the
6 individual and notify the individual, by first class mail, of the board's action.]

7 3-602.

8 (A) AN INDIVIDUAL WHO FEELS AGGRIEVED BY ANY ACTION OF A LOCAL
9 BOARD REGARDING VOTER REGISTRATION MAY FILE AN ADMINISTRATIVE
10 COMPLAINT UNDER PROCEDURES ESTABLISHED BY THE STATE BOARD.

11 (B) IN DETERMINING WHETHER AN INDIVIDUAL IS OR IS NOT A RESIDENT OF
12 AN ELECTION DISTRICT OR PRECINCT, THE PRESUMPTION SHALL BE THAT AN
13 INDIVIDUAL SHOWN TO HAVE ACQUIRED A RESIDENCE IN ONE LOCALITY RETAINS
14 THAT RESIDENCE UNTIL IT IS AFFIRMATIVELY SHOWN THAT THE INDIVIDUAL HAS
15 ACQUIRED A RESIDENCE ELSEWHERE.

16 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
17 FINAL DETERMINATION ISSUED UNDER THE ADMINISTRATIVE COMPLAINT
18 PROCEDURES ESTABLISHED BY THE STATE BOARD IS NOT SUBJECT TO JUDICIAL
19 REVIEW.

20 (2) ANY FINAL DETERMINATION REGARDING THE ELIGIBILITY OF AN
21 INDIVIDUAL TO REGISTER TO VOTE IS SUBJECT TO JUDICIAL REVIEW.

22 (I) 1. A PETITION FOR JUDICIAL REVIEW SHALL BE FILED WITH
23 THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.

24 2. THE PETITION MAY BE BROUGHT AT ANY TIME, EXCEPT
25 THAT IT MAY NOT BE LATER THAN THE THIRD TUESDAY PRECEDING THE NEXT
26 SUCCEEDING ELECTION.

27 (II) 1. THE COURT, ON PRESENTATION OF SATISFACTORY
28 EVIDENCE, MAY, IN ITS DISCRETION, DISPOSE OF THE MATTER SUMMARILY OR
29 OTHERWISE SET THE MATTER FOR HEARING.

30 2. ON APPROPRIATE ORDER OF THE COURT, THE STATE
31 BOARD SHALL MAKE THE REQUIRED CORRECTIONS.

32 (D) (1) AN APPEAL MAY BE TAKEN FROM ANY RULING OF THE CIRCUIT
33 COURT TO THE COURT OF SPECIAL APPEALS.

34 (2) THE APPEAL SHALL BE TAKEN WITHIN 5 DAYS FROM THE DATE OF
35 THE DECISION BY THE CIRCUIT COURT, AND THE APPEAL SHALL BE HEARD AND
36 DECIDED BY THE COURT OF SPECIAL APPEALS AS SOON AFTER THE TRANSMISSION
37 OF THE RECORD AS PRACTICABLE.

1 [3-603.

2 (a) (1) A party who is aggrieved by the final decision in a hearing by a local
3 board is entitled to judicial review of the decision as provided in this section.

4 (2) (i) A petition for judicial review shall be filed with the circuit court
5 of the county in which the local board is located.

6 (ii) The petition may be brought at any time, except that it may not
7 be later than the third Tuesday preceding the next succeeding election.

8 (b) (1) The court, upon the presentation of evidence satisfactory to it, in its
9 discretion may dispose of the matter summarily or in its discretion otherwise set the
10 matter for hearing.

11 (2) Upon appropriate order of the court the local board shall make the
12 required corrections.

13 (c) In determining whether an individual is or is not a resident of an election
14 district or precinct, the presumption shall be that an individual shown to have
15 acquired a residence in one locality retains that residence until it is affirmatively
16 shown that the individual has acquired a residence elsewhere.

17 (d) (1) An appeal may be taken from any ruling of the circuit court to the
18 Court of Special Appeals.

19 (2) The appeal shall be taken within 5 days from the date of the decision
20 by the circuit court and the appeal shall be heard and decided by the Court of Special
21 Appeals as soon after the transmission of the record as practicable.]

22 5-304.

23 (c) On the certificate of candidacy form prescribed by the State Board, the
24 candidate shall specify:

25 (1) the office, including, if applicable, the party, district, and circuit to
26 which the candidacy relates;

27 (2) the year of the election;

28 (3) the name of the individual filing the certificate;

29 (4) the address on the [voter registry] STATEWIDE VOTER
30 REGISTRATION LIST or the current address of that individual;

31 (5) a statement that the individual satisfies the requirements of law for
32 candidacy for the office for which the certificate is being filed; and

33 (6) any information requested by the State Board to verify the accuracy
34 of the information provided by the individual under this subsection.

1 6-203.

2 (a) To sign a petition, an individual shall:

3 (1) sign the individual's name as it appears on the STATEWIDE VOTER
4 registration list or the individual's surname of registration and at least one full given
5 name and the initials of any other names; and

6 (2) include the following information, printed or typed, in the spaces
7 provided:

8 (i) the signer's name as it was signed;

9 (ii) the signer's address;

10 (iii) the date of signing; and

11 (iv) other information required by regulations adopted by the State
12 Board.

13 (b) The signature of an individual shall be validated and counted if:

14 (1) the requirements of subsection (a) of this section have been satisfied;

15 (2) the individual is a registered voter [in] ASSIGNED TO the county
16 specified on the signature page and, if applicable, in a particular geographic area of
17 the county;

18 (3) the individual has not previously signed the same petition;

19 (4) the signature is attested by an affidavit appearing on the page on
20 which the signature appears;

21 (5) the date accompanying the signature is not later than the date of the
22 affidavit on the page; and

23 (6) if applicable, the signature was affixed within the requisite period of
24 time, as specified by law.

25 16-101.

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

27 (1) impersonate a voter or other person in order to register or attempt to
28 register in the name of the voter or other person;

29 (2) register to vote more than once;

30 (3) falsify residence in an attempt to register in the wrong location;

31 (4) secure registration through any unlawful means;

1 (5) cause by unlawful means the name of a qualified voter to be stricken
2 from [a registry of voters] THE STATEWIDE VOTER REGISTRATION LIST;

3 (6) prevent, hinder, or delay a person having a lawful right to register
4 from registering, through the use of force, threat, menace, intimidation, bribery,
5 reward, or offer of reward;

6 (7) falsify any name on a registration;

7 (8) misrepresent any fact relating to registration; or

8 (9) induce or attempt to induce a person to violate any prohibition in
9 items (1) through (8) of this subsection.

10 **Article - Courts and Judicial Proceedings**

11 8-104.

12 (a) The jury commissioner or the clerk of the court shall select the names of
13 prospective jurors from among:

14 (1) Those persons at least 18 years old whose names appear on the
15 [voter registration lists] STATEWIDE VOTER REGISTRATION LIST;

16 (2) The list of individuals at least 18 years old who have been issued a
17 driver's license by the Motor Vehicle Administration;

18 (3) The list of individuals at least 18 years old who have been issued an
19 identification card by the Motor Vehicle Administration; and

20 (4) Additional sources permitted by a plan adopted under § 8-201 of this
21 title.

22 8-204.

23 (a) [Any State or local official who has custody, possession, or control of voter
24 registration lists] THE STATE ADMINISTRATOR OR THE STATE ADMINISTRATOR'S
25 DESIGNEE shall make the [lists] STATEWIDE VOTER REGISTRATION LIST and VOTER
26 REGISTRATION records available to the jury commissioner or clerks for inspection and
27 copying at any reasonable time.

28 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1-101(nn)
29 through (aaa), respectively, of Article - Election Law of the Annotated Code of
30 Maryland be renumbered to be Section(s) 1-101(mm) through (zz), respectively.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect January 1, 2006.