
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

Committee Report: Favorable
House action: Adopted
Read second time: March 24, 2005

CHAPTER _____

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,

1 Article - Election Law
2 Section 2-103, 2-206, 3-102, 3-301(b) and (c), 3-304, 3-401, 3-403(a), (e), (g),
3 and (i), 3-502, 3-504, 3-505, 3-507, 3-601.1, 5-304(c), 6-203(a) and (b),
4 and 16-101(a)
5 Annotated Code of Maryland
6 (2003 Volume and 2004 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 8-104(a) and 8-204(a)
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2004 Supplement)

12 BY renumbering
13 Article - Election Law
14 Section 1-101(nn) through (aaa), respectively,
15 to be Section 1-101(mm) through (zz), respectively
16 Annotated Code of Maryland
17 (2003 Volume and 2004 Supplement)

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

20 **Article - Election Law**

21 1-101.

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

24 2-103.

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

26 (b) The State Administrator shall:

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

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

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

30 (i) a deputy administrator; and

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

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

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

3 (6) IMPLEMENT, IN A UNIFORM AND NONDISCRIMINATORY MANNER, A
4 SINGLE, UNIFORM, OFFICIAL, CENTRALIZED, INTERACTIVE COMPUTERIZED
5 STATEWIDE VOTER REGISTRATION LIST;

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

11 [(7)] (8) be the chief State election official.

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

14 2-206.

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

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

18 (2) train judges of election;

19 (3) give notice of elections;

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

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

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

26 [(7)] (5) issue voter acknowledgment notices and voter notification
27 cards;

28 [(8)] (6) receive certificates of candidacy;

29 [(9)] (7) verify nominating petitions;

30 [(10)] (8) receive and maintain campaign finance reports;

31 [(11)] (9) in consultation with the local board, conduct the canvass
32 following an election; and

1 [(12)] (10) subject to § 9-306 of this article, process and reject absentee
2 ballot applications.

3 [3-101.

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

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

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

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

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

13 (d) A voter:

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

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

18 3-101.

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

20 (B) THE STATEWIDE VOTER REGISTRATION LIST SHALL:

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

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

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

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

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

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

31 (C) THE STATE ADMINISTRATOR SHALL:

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

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

5 (3) INSTRUCT THE LOCAL BOARDS ON:

6 (I) PROCESSING VOTER REGISTRATION APPLICATIONS AND NAME
7 AND ADDRESS CHANGES;

8 (II) ENTERING VOTER REGISTRATION INFORMATION INTO THE
9 STATEWIDE VOTER REGISTRATION LIST; AND

10 (III) REMOVING FROM THE STATEWIDE VOTER REGISTRATION LIST
11 INFORMATION ABOUT VOTERS WHO ARE NO LONGER ELIGIBLE TO BE REGISTERED
12 VOTERS.

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

16 (D) REGISTRATION SHALL BE CONDUCTED CONTINUOUSLY UNDER THE
17 SUPERVISION OF THE STATE ADMINISTRATOR AND IN ACCORDANCE WITH THE
18 PROVISIONS OF THIS TITLE, APPLICABLE FEDERAL LAW, AND REGULATIONS
19 ADOPTED BY THE STATE BOARD.

20 (E) A REGISTERED VOTER:

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

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

25 3-102.

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

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

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

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

33 (4) registers pursuant to this title.

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

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

3 (i) has been pardoned; or

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

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

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

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

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

17 3-301.

18 (b) A qualified applicant shall be [added to the voter registry in the voter's
19 county of residence] ELECTRONICALLY ENTERED INTO THE STATEWIDE VOTER
20 REGISTRATION LIST ON AN EXPEDITED BASIS AT THE TIME VOTER REGISTRATION
21 INFORMATION IS PROVIDED TO THE LOCAL BOARD AND SHALL BE ASSIGNED TO THE
22 COUNTY IN WHICH THE APPLICANT RESIDES unless registration is closed pursuant to
23 § 3-302 of this subtitle.

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

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

30 (ii) 1. The voter notification card shall contain the name and
31 address of the voter, the date of issue, and the district or ward and precinct of the
32 voter.

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

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

1 3-304.

2 (a) (1) Notification of a change of address or of a change of name may be
3 made:

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

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

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

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

15 (v) by changing a name or address with the Motor Vehicle
16 Administration.

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

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

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

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

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

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

34 (iv) if the request is from a voter currently registered in another
35 county in the State but moving to that county, add the voter to the county voter
36 registry and send the voter a new voter notification card] THE LOCAL BOARD IN THE
37 COUNTY IN WHICH THE VOTER RESIDES SHALL ELECTRONICALLY ENTER THE

1 CHANGE OF NAME OR ADDRESS INTO THE STATEWIDE VOTER REGISTRATION LIST
2 ON AN EXPEDITED BASIS AT THE TIME THE INFORMATION IS PROVIDED TO THE
3 LOCAL BOARD.

4 3-401.

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

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

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

15 3-403.

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

21 (e) The plan shall include:

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

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

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

30 (4) information on whether:

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

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

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

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

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

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

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

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

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

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

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

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

28 [3-501.

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

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

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

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

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

1 [3-502.] 3-501.

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

4 (1) at the request of the voter, provided the request is:

5 (i) signed by the voter;

6 (ii) authenticated by the election director; and

7 (iii) in a format acceptable to the [local board] STATE BOARD or on
8 a cancellation notice provided by the voter on a voter registration application;

9 (2) upon determining, based on information provided pursuant to [§
10 3-505] § 3-503 of this subtitle, that the voter is no longer eligible because:

11 (i) the voter is not qualified to be a registered voter as provided in
12 § 3-102(b) of this title; or

13 (ii) the voter is deceased; or

14 (3) if the voter has moved outside the [local board's jurisdiction] STATE,
15 as determined by conducting the procedures established in [§ 3-504] § 3-502 of this
16 subtitle.

17 [3-503.

18 In order to identify voters who have changed their addresses, each local board
19 shall establish and conduct a program that:

20 (1) is approved by the State Board;

21 (2) complies with this section, regulations adopted by the State Board,
22 and any relevant federal law; and

23 (3) is completed at least 90 days before an election.]

24 [3-504.] 3-502.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Confirmation notice" means a notice, approved by the State Board,
27 that is sent by forwardable mail with a return card.

28 (3) "Return card" means a postage prepaid and preaddressed card on
29 which the voter may report the voter's current address.

30 (b) Upon receiving any information that a voter currently registered in the
31 State has moved to a different address within the State, the appropriate election

1 [director] OFFICIAL shall change the voter's record and send the voter a confirmation
2 notice.

3 (c) If it appears from information provided by the postal service or an agency
4 specified in [§ 3-505(b)] § 3-504(B) of this subtitle that a voter has moved to a
5 different address outside the State, the election [director in the county where the
6 voter is most recently registered] OFFICIAL IN THE COUNTY WHERE THE VOTER
7 MOST RECENTLY RESIDED IN THE STATE shall send the voter a confirmation notice
8 informing the voter of his or her potential inactive status as described in [subsection
9 (f) of this section] § 3-503 OF THIS SUBTITLE.

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

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

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

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

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

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

20 [(3)] (2) (i) the voter has failed to respond to a confirmation notice
21 under subsection (c) of this section; and

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

25 3-503.

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

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

33 (1) A VOTER REGISTRATION APPLICATION;

34 (2) A PETITION GOVERNED BY TITLE 6;

35 (3) A CERTIFICATE OF CANDIDACY;

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

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

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

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

15 [3-505.] 3-504.

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

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

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

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

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

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

37 (2) Every agency or instrumentality of any county which acquires or
38 condemns or razes or causes to be condemned or razed any building used as a

1 residence within the county shall promptly report this fact and the location of the
2 building to the local board in the county or city.

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

6 (4) A local board may:

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

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

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

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

18 3-505.

19 (A) THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE RETENTION
20 AND STORAGE OF AND REASONABLE ACCESS TO ORIGINAL VOTER REGISTRATION
21 APPLICATIONS AND OTHER VOTER REGISTRATION RECORDS THE STATE BOARD
22 CONSIDERS APPROPRIATE.

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

25 (2) FOR THE PURPOSE OF PUBLIC INSPECTION, ORIGINAL VOTER
26 REGISTRATION RECORDS:

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

29 (II) MAY NOT BE REMOVED FROM THE OFFICE OF THE LOCAL
30 BOARD EXCEPT:

31 1. ON ORDER OF A COURT; OR

32 2. FOR TEMPORARY REMOVAL SOLELY FOR PURPOSES OF
33 DATA PROCESSING.

34 (C) (1) CONSISTENT WITH REGULATIONS ADOPTED BY THE STATE BOARD,
35 LOCAL BOARDS SHALL MAINTAIN FOR AT LEAST 2 YEARS ALL RECORDS CONCERNING

1 PROGRAMS TO ENSURE THE ACCURACY AND CURRENCY OF THE STATEWIDE VOTER
2 REGISTRATION LIST.

3 (2) EXCEPT FOR RECORDS CONCERNING A DECLINATION TO REGISTER
4 OR THE IDENTITY OF A VOTER REGISTRATION AGENCY THROUGH WHICH A
5 PARTICULAR VOTER APPLIES FOR REGISTRATION, THE RECORDS DESCRIBED IN
6 PARAGRAPH (1) OF THIS SUBSECTION ARE ACCESSIBLE UNDER TITLE 10, SUBTITLE 6,
7 PART III OF THE STATE GOVERNMENT ARTICLE (ACCESS TO PUBLIC RECORDS).

8 [3-506.

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

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

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

13 (i) on order of a court; or

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

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

17 [3-507.] 3-506.

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

20 (1) a written application; and

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

23 (i) commercial solicitation; or

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

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

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

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

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

- 1 (4) the information to be included;
- 2 (5) the format of the information; and
- 3 (6) the medium or media on which the information shall be supplied.

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

8 [3-508.

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

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

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

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

22 [3-509.

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

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

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

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

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

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

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

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

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

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

14 3-601.1.

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

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

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

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

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

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

27 (2) If the STATE ADMINISTRATOR OR election director determines that
28 the absence of the name from the precinct register is the result of a clerical error, the
29 STATE ADMINISTRATOR OR election director shall authorize the chief election judge
30 to:

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

32 (ii) allow the affected voter to vote after the affected voter
33 completes the voter authority card and provide any other documentation required by
34 the State Board.

1 [3-602.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 3-602.

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

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

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

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

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

28 2. THE PETITION MAY BE BROUGHT AT ANY TIME, EXCEPT
29 THAT IT MAY NOT BE LATER THAN THE THIRD TUESDAY PRECEDING THE NEXT
30 SUCCEEDING ELECTION.

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

34 2. ON APPROPRIATE ORDER OF THE COURT, THE STATE
35 BOARD SHALL MAKE THE REQUIRED CORRECTIONS.

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

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

7 [3-603.

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

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

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

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

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

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

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

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

28 5-304.

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

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

33 (2) the year of the election;

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

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

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

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

7 6-203.

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

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

12 (2) include the following information, printed or typed, in the spaces
13 provided:

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

15 (ii) the signer's address;

16 (iii) the date of signing; and

17 (iv) other information required by regulations adopted by the State
18 Board.

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

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

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

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

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

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

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

31 16-101.

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

- 1 (1) impersonate a voter or other person in order to register or attempt to
2 register in the name of the voter or other person;
- 3 (2) register to vote more than once;
- 4 (3) falsify residence in an attempt to register in the wrong location;
- 5 (4) secure registration through any unlawful means;
- 6 (5) cause by unlawful means the name of a qualified voter to be stricken
7 from [a registry of voters] THE STATEWIDE VOTER REGISTRATION LIST;
- 8 (6) prevent, hinder, or delay a person having a lawful right to register
9 from registering, through the use of force, threat, menace, intimidation, bribery,
10 reward, or offer of reward;
- 11 (7) falsify any name on a registration;
- 12 (8) misrepresent any fact relating to registration; or
- 13 (9) induce or attempt to induce a person to violate any prohibition in
14 items (1) through (8) of this subsection.

15

Article - Courts and Judicial Proceedings

16 8-104.

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

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

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

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

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

27 8-204.

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

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

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