
By: **Senator Kittleman**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Qualification of Voters - Proof of Identity**

3 FOR the purpose of requiring an election judge to establish certain information with
4 regard to certain voters; requiring an election judge to qualify a voter by
5 requesting the voter to present certain forms of identification; requiring an
6 election judge to authorize an individual to vote a regular ballot under certain
7 circumstances; allowing a voter who is unable to present a certain form of
8 identification to vote by provisional ballot under certain circumstances;
9 prohibiting a person from voting or attempting to vote under a false form of
10 identification; and generally relating to proof of identity of voters.

11 BY repealing and reenacting, with amendments,

12 Article - Election Law

13 Section 10-310 and 16-201

14 Annotated Code of Maryland

15 (2003 Volume and 2004 Supplement)

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

18 **Article - Election Law**

19 10-310.

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

22 (1) locate the individual's name in the precinct register and locate the
23 preprinted voting authority card and then [authorize the individual to vote a regular
24 ballot] ESTABLISH THE VOTER'S IDENTITY AND VERIFY THE VOTER'S ADDRESS AS
25 PROVIDED IN SUBSECTION (B) OF THIS SECTION;

26 (2) (i) if the individual's name is not found on the precinct register,
27 search the inactive list and if the name is found, [authorize the individual to vote a

1 regular ballot] ESTABLISH THE VOTER'S IDENTITY AND VERIFY THE VOTER'S
2 ADDRESS AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; or

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

5 (B) THE ELECTION JUDGE SHALL:

6 [(3)] (1) establish the VOTER'S identity [of the voter] by:

7 (I) requesting the voter to state the month and day of the voter's
8 birth and comparing the response to the information listed in the precinct register;
9 AND

10 (II) REQUIRING THE VOTER TO PRESENT ONE OF THE FOLLOWING
11 FORMS OF IDENTIFICATION:

12 1. A CURRENT AND VALID PHOTO IDENTIFICATION; OR

13 2. A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT,
14 GOVERNMENT CHECK, GOVERNMENT PAYCHECK, OR OTHER GOVERNMENT
15 DOCUMENT THAT SHOWS THE NAME AND ADDRESS OF THE VOTER;

16 [(4)] (2) verify the address of the voter's residence; AND

17 [(5)] (3) if any changes to the voting authority card are indicated by [a]
18 THE voter[,];

19 (I) make the appropriate changes in information on the card or
20 other appropriate form SPECIFIED BY THE STATE BOARD; and

21 [(6)] (II) have the voter sign the voting authority card [and either issue
22 the voter a ballot or send the voter to a machine to vote] OR OTHER APPROPRIATE
23 FORM SPECIFIED BY THE STATE BOARD.

24 [(b)] (C) (1) [On] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS
25 SECTION, ON the completion of the procedures set forth in [subsection (a)]
26 SUBSECTIONS (A) AND (B) of this section, [a] THE ELECTION JUDGE SHALL
27 AUTHORIZE THE INDIVIDUAL TO VOTE A REGULAR BALLOT.

28 (2) A voter may vote A REGULAR BALLOT in accordance with the
29 procedures appropriate to the voting system used in the polling place.

30 (D) THE ELECTION JUDGE SHALL REFER THE INDIVIDUAL FOR PROVISIONAL
31 BALLOT VOTING UNDER § 9-404 OF THIS ARTICLE IF:

32 (1) THE VOTER IS UNABLE TO PROVIDE IDENTIFICATION AS REQUIRED
33 UNDER SUBSECTION (B)(1) OF THIS SECTION; OR

34 (2) THE VOTER INDICATES A CHANGE OF RESIDENCE.

1 [(c)] (E) (1) Before a voter enters a voting booth, at the request of the voter,
2 an election judge shall:

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

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

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

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

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

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

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

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

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

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

28 (6) If a voter requires assistance under paragraph (4) or (5) of this
29 subsection, the election judge shall record, on a form prescribed by the State Board,
30 the name of the voter who required assistance and the name of the individual
31 providing assistance to the voter.

32 (7) Except as provided in paragraph (3) or (4) of this subsection, an
33 individual over the age of 12 years may not accompany a voter into a voting booth.

34 16-201.

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

- 1 (1) (i) impersonate another person in order to vote or attempt to vote;
2 [or]
- 3 (ii) vote or attempt to vote under a false name; OR
- 4 (III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF
5 IDENTIFICATION;
- 6 (2) vote more than once for a candidate for the same office or for the
7 same ballot question;
- 8 (3) vote or attempt to vote more than once in the same election, or vote in
9 more than one election district or precinct;
- 10 (4) vote in an election district or precinct without the legal authority to
11 vote in that election district or precinct; or
- 12 (5) influence or attempt to influence a voter's voting decision through the
13 use of force, threat, menace, intimidation, bribery, reward, or offer of reward.
- 14 (b) A person who violates this section is guilty of a misdemeanor and on
15 conviction is subject to a fine of not more than \$2,500 or imprisonment for not more
16 than 5 years or both.
- 17 (c) A person who violates this section is subject to § 5-106(b) of the Courts
18 Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2005.