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

Introduced and read first time: February 8, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voter Registration**

3 FOR the purpose of providing that a Federal Write-In Absentee Ballot may be used as
4 a voter registration application; clarifying that a voter whose eligibility has been
5 successfully challenged may be removed from the voter registry; providing that
6 an election director may remove a voter from the inactive list upon receipt of an
7 absentee ballot application from that voter; authorizing a person who feels
8 aggrieved by the State Board of Elections to file a certain complaint; clarifying
9 that a challenge to a voter's eligibility may be brought against a currently
10 registered voter; making this Act an emergency measure; and generally relating
11 to voter registration.

12 BY repealing and reenacting, with amendments,
13 Article - Election Law
14 Section 3-202, 3-501, 3-503, and 3-602
15 Annotated Code of Maryland
16 (2003 Volume and 2005 Supplement)

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

19 **Article - Election Law**

20 3-202.

21 (a) (1) The statewide voter registration application shall:

22 (i) require the signature of the applicant, subject to the penalties of
23 perjury, by which the applicant swears or affirms that the information contained in
24 the registration application is true and that the applicant meets all of the
25 qualifications to become a registered voter;

26 (ii) state the penalties for the submission of a false application; and

1 (iii) provide the applicant with the opportunity to cancel a current
2 registration.

3 (2) The following information shall be made available to each applicant
4 who is completing a statewide voter registration application:

5 (i) the qualifications to become a registered voter;

6 (ii) if an individual declines to register, this fact will remain
7 confidential and be used only for voter registration purposes;

8 (iii) if an individual registers to vote, the office at which the
9 application is submitted will remain confidential and will be used only for voter
10 registration purposes; and

11 (iv) notification to the applicant that submission of the form to an
12 individual other than an official, employee, or agent of a local board does not assure
13 that the form will be filed or filed in a timely manner.

14 (3) The statewide voter registration application may not require:

15 (i) notarization or other formal authentication; or

16 (ii) any additional information, other than the information
17 necessary to enable election officials to determine the eligibility of the applicant and
18 to administer voter registration and other parts of the election process.

19 (4) (i) A statewide voter registration application shall be produced
20 exclusively by the State Board.

21 (ii) No other registration form may be used for registration
22 purposes except:

23 1. a voter registration application produced by a local board
24 with the approval of the State Board;

25 2. as provided in subsection (b) of this section;

26 3. as provided in § 3-203(b) of this subtitle; [or]

27 4. any other form prescribed by federal law for voter
28 registration; OR

29 5. A FEDERAL WRITE-IN ABSENTEE BALLOT IF USED BY A
30 VOTER AUTHORIZED TO VOTE A FEDERAL WRITE-IN ABSENTEE BALLOT UNDER
31 FEDERAL LAW.

32 (b) The voter registration application form prescribed pursuant to the
33 National Voter Registration Act of 1993 shall be accepted by the appropriate election
34 official for purposes of voter registration.

1 (c) The application described in this section may be used by a registered voter
2 to change the voter's name, address, or party affiliation.

3 3-501.

4 An election director may remove a voter from the statewide voter registration
5 list only:

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

7 (i) signed by the voter;

8 (ii) authenticated by the election director; and

9 (iii) in a format acceptable to the State Board or on a cancellation
10 notice provided by the voter on a voter registration application;

11 (2) upon determining, based on information provided pursuant to §
12 3-503 of this subtitle, that the voter is no longer eligible because:

13 (i) the voter is not qualified to be a registered voter as provided in
14 § 3-102(b) of this title; or

15 (ii) the voter is deceased; [or]

16 (3) if the voter has moved outside the State, as determined by conducting
17 the procedures established in § 3-502 of this subtitle; OR

18 (4) IF, IN ACCORDANCE WITH THE ADMINISTRATIVE COMPLAINT
19 PROCESS UNDER § 3-602 OF THIS TITLE, THE LOCAL BOARD HAS DETERMINED THAT
20 THE VOTER IS NOT QUALIFIED TO BE REGISTERED TO VOTE.

21 3-503.

22 (a) If a voter fails to respond to a confirmation notice under § 3-502(c) of this
23 subtitle, the voter's name shall be placed into inactive status on the statewide voter
24 registration list.

25 (b) A voter shall be restored to active status on the statewide voter
26 registration list after completing and signing any of the following election documents:

27 (1) a voter registration application;

28 (2) a petition governed by Title 6;

29 (3) a certificate of candidacy;

30 (4) AN ABSENTEE BALLOT APPLICATION; OR

1 (5) a written affirmation of residence completed on election day to entitle
2 the voter to vote either at the election district or precinct for the voter's current
3 residence or the voter's previous residence, as determined by the State Board.

4 (c) An inactive voter who fails to vote in an election in the period ending with
5 the second general election shall be removed from the statewide voter registration
6 list.

7 (d) Registrants placed into inactive status may not be counted for official
8 administrative purposes including establishing precincts and reporting official
9 statistics.

10 3-602.

11 (a) [An individual] A PERSON who feels aggrieved by any action of THE STATE
12 BOARD OR a local board regarding voter registration may file an administrative
13 complaint under procedures established by the State Board.

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

18 (c) (1) Except as provided in paragraph (2) of this subsection, a final
19 determination issued under the administrative complaint procedures established by
20 the State Board is not subject to judicial review.

21 (2) Any final determination regarding the eligibility of an individual to
22 register to vote OR REMAIN REGISTERED TO VOTE is subject to judicial review.

23 (i) 1. A petition for judicial review shall be filed with the Circuit
24 Court for Anne Arundel County.

25 2. The petition may be brought at any time, except that it
26 may not be later than the third Tuesday preceding the next succeeding election.

27 (ii) 1. The court, on presentation of satisfactory evidence, may, in
28 its discretion, dispose of the matter summarily or otherwise set the matter for
29 hearing.

30 2. On appropriate order of the court, the State Board shall
31 make the required corrections.

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
2 emergency measure, is necessary for the immediate preservation of the public health
3 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
4 members elected to each of the two Houses of the General Assembly, and shall take
5 effect from the date it is enacted.