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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

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CHAPTER \_\_\_\_\_

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; prohibiting a voter registration volunteer from  
5 copying or collecting certain information contained in a voter registration  
6 application; clarifying that a voter whose eligibility has been successfully  
7 challenged may be removed from the voter registry; providing that an election  
8 director may remove a voter from the inactive list upon receipt of an absentee  
9 ballot application from that voter; authorizing a person who feels aggrieved by  
10 the State Board of Elections or a local board of elections under certain  
11 circumstances, to file a certain complaint; clarifying that a challenge to a voter's  
12 eligibility may be brought against a currently registered voter; making this Act  
13 an emergency measure; and generally relating to voter registration.

14 BY repealing and reenacting, with amendments,  
15 Article - Election Law  
16 Section 3-202, 3-501, 3-503, and 3-602  
17 Annotated Code of Maryland  
18 (2003 Volume and 2005 Supplement)

19 BY adding to  
20 Article - Election Law  
21 Section 3-205  
22 Annotated Code of Maryland  
23 (2003 Replacement Volume and 2005 Supplement)

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

3 **Article - Election Law**

4 3-202.

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

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

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

11 (iii) provide the applicant with the opportunity to cancel a current  
12 registration.

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

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

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

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

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

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

25 (i) notarization or other formal authentication; or

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

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

31 (ii) No other registration form may be used for registration  
32 purposes except:

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



1 (ii) authenticated by the election director; and

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

4 (2) upon determining, based on information provided pursuant to §  
5 3-503 of this subtitle, that the voter is no longer eligible because:

6 (i) the voter is not qualified to be a registered voter as provided in  
7 § 3-102(b) of this title; or

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

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

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

14 3-503.

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

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

20 (1) a voter registration application;

21 (2) a petition governed by Title 6;

22 (3) a certificate of candidacy;

23 (4) AN ABSENTEE BALLOT APPLICATION; OR

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

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

30 (d) Registrants placed into inactive status may not be counted for official  
31 administrative purposes including establishing precincts and reporting official  
32 statistics.

1 3-602.

2 (a) ~~[An individual] A PERSON who feels aggrieved by any action of THE STATE~~  
3 ~~BOARD OR a local board regarding voter registration may file an administrative~~  
4 ~~complaint under procedures established by the State Board UNDER THE~~  
5 ~~PROCEDURES ESTABLISHED BY THE STATE BOARD, AN ADMINISTRATIVE COMPLAINT~~  
6 ~~MAY BE FILED BY:~~

7 (1) A PERSON WHO FEELS AGGRIEVED BY AN ACTION OF A LOCAL  
8 BOARD REGARDING VOTER REGISTRATION; OR

9 (2) A LOCAL BOARD WITH REASON TO BELIEVE THAT A REGISTRATION  
10 HAS BEEN ERRONEOUSLY ADDED TO OR OMITTED FROM THE STATEWIDE VOTER  
11 REGISTRATION LIST OTHER THAN BY CLERICAL ERROR.

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

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

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

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

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

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

28 2. On appropriate order of the court, the State Board shall  
29 make the required corrections.

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

32 (2) The appeal shall be taken within 5 days from the date of the decision  
33 by the circuit court, and the appeal shall be heard and decided by the Court of Special  
34 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.