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By: **Senators Kittleman, Greenip, and Harris**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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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 a certain form 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; requiring the Motor Vehicle Administration to issue an  
11 identification card to certain voters at no charge; and generally relating to proof  
12 of identity of voters.

13 BY repealing and reenacting, with amendments,  
14 Article - Election Law  
15 Section 10-310  
16 Annotated Code of Maryland  
17 (2003 Volume and 2005 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Election Law  
20 Section 16-201  
21 Annotated Code of Maryland  
22 (2003 Volume and 2005 Supplement)  
23 (As enacted by Chapter 4 of the Acts of the General Assembly of 2006)

24 BY repealing and reenacting, without amendments,  
25 Article - Transportation  
26 Section 12-301(a) and (h)  
27 Annotated Code of Maryland  
28 (2002 Replacement Volume and 2005 Supplement)

29 BY repealing and reenacting, with amendments,

1 Article - Transportation  
 2 Section 12-301(b)  
 3 Annotated Code of Maryland  
 4 (2002 Replacement Volume and 2005 Supplement)

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

7 **Article - Election Law**

8 10-310.

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

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

15 (2) (i) if the individual's name is not found on the precinct register,  
 16 search the inactive list and if the name is found, [authorize the individual to vote a  
 17 regular ballot] ESTABLISH THE VOTER'S IDENTITY AND VERIFY THE VOTER'S  
 18 ADDRESS AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; or

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

21 (B) THE ELECTION JUDGE SHALL:

22 [(3)] (1) establish the VOTER'S identity [of the voter] by:

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

26 (II) REQUIRING THE VOTER TO PRESENT A CURRENT AND VALID  
 27 GOVERNMENT ISSUED PHOTO IDENTIFICATION;

28 [(4)] (2) verify the address of the voter's residence; AND

29 [(5)] (3) if any changes to the voting authority card are indicated by [a]  
 30 THE voter[,];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 16-201.

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

11 (1) (i) impersonate another person in order to vote or attempt to vote;  
12 [or]

13 (ii) vote or attempt to vote under a false name; OR

14 (III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF  
15 IDENTIFICATION;

16 (2) vote more than once for a candidate for the same office or for the  
17 same ballot question;

18 (3) vote or attempt to vote more than once in the same election, or vote in  
19 more than one election district or precinct;

20 (4) vote in an election district or precinct without the legal authority to  
21 vote in that election district or precinct;

22 (5) influence or attempt to influence a voter's voting decision through the  
23 use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

24 (6) influence or attempt to influence a voter's decision whether to go to  
25 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,  
26 bribery, reward, or offer of reward; or

27 (7) engage in conduct that results or has the intent to result in the denial  
28 or abridgement of the right of any citizen of the United States to vote on account of  
29 race, color, or disability.

30 (b) Except as provided in § 16-1002 of this title, a person who violates this  
31 section is guilty of a misdemeanor and on conviction is subject to a fine of not more  
32 than \$2,500 or imprisonment for not more than 5 years or both.

33 (c) A person who violates this section is subject to § 5-106(b) of the Courts  
34 Article.

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**Article - Transportation**

2 12-301.

3 (a) On application, the Administration shall issue an identification card to any  
4 individual who:

5 (1) Is a resident of this State;

6 (2) Does not have a driver's license;

7 (3) Presents a birth certificate or other proof of age and identity  
8 acceptable to the Administration; and

9 (4) Presents a completed application for an identification card on a form  
10 furnished by the Administration.

11 (b) (1) Except as provided in paragraph (2) of this subsection, the  
12 Administration shall establish a fee for the issuance of an identification card and for  
13 issuance of a duplicate identification card.

14 (2) A fee is not required if the applicant for the card:

15 (i) Is 65 years old or older;

16 (ii) Is legally blind;

17 (iii) Has permanently lost the use of a leg or an arm;

18 (iv) Is permanently disabled so severely that the applicant cannot  
19 move without the aid of crutches or a wheelchair; [or]

20 (v) Has a physical or mental impairment that substantially limits a  
21 "major life activity" as defined in the federal Americans with Disabilities Act; OR

22 (VI) IS AT LEAST 18 YEARS OLD AND OBTAINS THE CARD FOR USE AS  
23 A VOTER IDENTIFICATION CARD WHEN VOTING.

24 (h) An identification card may be used as legal identification of the individual  
25 to whom it is issued for any purpose.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2006.