
By: **Senators Kittleman, Colburn, Greenip, and Harris**
Introduced and read first time: February 3, 2006
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voter Identification**

3 FOR the purpose of requiring that a voter whose voter registration application was
4 submitted by mail or via a nongovernmental third party, and who has not
5 previously voted in accordance with that registration, shall submit certain
6 identification before voting at a polling place; specifying that a voter who lacks
7 the required identification shall be allowed to cast a provisional ballot; requiring
8 a voter requesting an absentee ballot to include a certain identification number
9 with the request; requiring the Motor Vehicle Administration to issue a free
10 identification card to certain persons; and generally relating to voter
11 identification.

12 BY repealing and reenacting, with amendments,
13 Article - Election Law
14 Section 9-305(a)
15 Annotated Code of Maryland
16 (2003 Volume and 2005 Supplement)
17 (As enacted by Chapter 6 of the Acts of the General Assembly of 2006)

18 BY repealing and reenacting, with amendments,
19 Article - Election Law
20 Section 10-310
21 Annotated Code of Maryland
22 (2003 Volume and 2005 Supplement)

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

28 BY repealing and reenacting, with amendments,
29 Article - Transportation

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

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

6 **Article - Election Law**

7 9-305.

8 (a) (1) An application for an absentee ballot, signed by the voter, may be
9 made:

10 [(1)] (I) on a form produced by the local board and supplied to the voter;

11 [(2)] (II) on a form provided under federal law; or

12 [(3)] (III) in a written request that includes:

13 [(i)] 1. the voter's name and residence address; and

14 [(ii)] 2. the address to which the ballot is to be mailed, if different
15 from the residence address.

16 (2) A VOTER REQUESTING AN APPLICATION FOR AN ABSENTEE BALLOT
17 OR A VOTER MAKING A WRITTEN REQUEST FOR AN APPLICATION SHALL INCLUDE ON
18 THE APPLICATION FORM OR IN THE WRITTEN REQUEST:

19 (I) THE VOTER'S DRIVER'S LICENSE NUMBER; OR

20 (II) IF THE VOTER HAS OBTAINED A VOTER IDENTIFICATION CARD
21 ISSUED BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 12-301 OF THE
22 TRANSPORTATION ARTICLE, THE NUMBER ON THE IDENTIFICATION CARD.

23 10-310.

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

26 (1) locate the individual's name in the precinct register and locate the
27 preprinted voting authority card and then authorize the individual to vote a regular
28 ballot;

29 (2) (i) if the individual's name is not found on the precinct register,
30 search the inactive list and if the name is found, authorize the individual to vote a
31 regular ballot; or

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

1 (3) establish the identity of the voter by requesting the voter to state the
2 month and day of the voter's birth and comparing the response to the information
3 listed in the precinct register;

4 (4) verify the address of the voter's residence;

5 (5) if any changes to the voting authority card are indicated by a voter,
6 make the appropriate changes in information on the card or other appropriate form;
7 [and]

8 (6) have the voter sign the voting authority card and either issue the
9 voter a ballot or send the voter to a machine to vote; AND

10 (7) IF APPLICABLE, FOLLOW THE PROCEDURE SPECIFIED IN
11 SUBSECTION (B) OF THIS SECTION.

12 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE VOTER'S
13 REGISTRATION APPLICATION WAS SUBMITTED BY MAIL OR VIA A
14 NONGOVERNMENTAL THIRD PARTY, AND THE VOTER HAS NOT PREVIOUSLY VOTED
15 IN ACCORDANCE WITH THAT REGISTRATION, THE VOTER SHALL BE REQUIRED TO
16 PRESENT TO THE ELECTION JUDGE A CURRENT AND VALID GOVERNMENT ISSUED
17 PHOTO IDENTIFICATION.

18 (2) IF THE VOTER LACKS THE IDENTIFICATION REQUIRED BY
19 PARAGRAPH (1) OF THIS SUBSECTION, THE VOTER SHALL BE ALLOWED TO CAST A
20 PROVISIONAL BALLOT UNDER § 9-404 OF THIS ARTICLE.

21 [(b)] (C) On the completion of the procedures set forth in [subsection (a)]
22 SUBSECTIONS (A) AND (B) of this section, a voter may vote in accordance with the
23 procedures appropriate to the voting system used in the polling place.

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

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

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

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

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

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

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

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

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

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

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

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

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

22

Article - Transportation

23 12-301.

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

26 (1) Is a resident of this State;

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

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

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

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

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

- 1 (i) Is 65 years old or older;
- 2 (ii) Is legally blind;
- 3 (iii) Has permanently lost the use of a leg or an arm;
- 4 (iv) Is permanently disabled so severely that the applicant cannot
5 move without the aid of crutches or a wheelchair; [or]
- 6 (v) Has a physical or mental impairment that substantially limits a
7 "major life activity" as defined in the federal Americans with Disabilities Act; OR
- 8 (VI) IS AT LEAST 18 YEARS OLD AND OBTAINS THE CARD FOR USE AS
9 A VOTER IDENTIFICATION CARD WHEN VOTING.
- 10 (h) An identification card may be used as legal identification of the individual
11 to whom it is issued for any purpose.

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