

HB0016/994833/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 16
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Absentee” in line 2 down through “Deadline” in line 3 and substitute “Voter Registration and Voting”; in line 5, after “applications;” insert “requiring certain institutions of higher education to develop a certain plan to promote student involvement in the electoral process; requiring certain institutions of higher education to provide certain students with the opportunity to register to vote or to update a voter registration record; making the implementation of certain requirements contingent on the appropriation of certain funds in the State budget; requiring the State Board to post certain information on its website regarding voting units for each election; altering the standard for determining the area at certain polling places beyond which electioneering may not take place; requiring a local board to mail an absentee ballot to a qualified voter by a certain date; requiring the State Board to conduct certain reviews and evaluations and submit certain reports to the General Assembly by certain dates;”; strike beginning with “and” in line 5 down through “applications” in line 6, and substitute “and generally relating to voter registration and voting”; after line 6, insert:

“BY adding

Article – Election Law

Section 1–305

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)”;

in line 9, after “Section” insert “3–204(c),”; and in the same line, after “9–305(b)” insert “, 9-306, 10–302, and 16–206”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

(Over)

“1-305.

(A) THIS SECTION APPLIES TO EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) AN INSTITUTION SUBJECT TO THIS SECTION SHALL DEVELOP A PLAN TO PROMOTE STUDENT INVOLVEMENT IN THE ELECTORAL PROCESS BY:

(1) COORDINATING A VOTER REGISTRATION DRIVE ON CAMPUS AT THE START OF THE SCHOOL YEAR; AND

(2) DESIGNATING AN INDIVIDUAL AT THE INSTITUTION TO COORDINATE VOTER REGISTRATION AND VOTE EDUCATION ACTIVITIES ON THE CAMPUS.”.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“3-204.

(c) (1) At the time that an individual enrolls, registers, OBTAINS A STUDENT IDENTIFICATION CARD, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application[. If] AND, IF the individual requests a voter registration application, [the institution shall] provide, or cause to be provided, an application to the individual.

(2) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IF A STUDENT CHOOSES TO REGISTER TO VOTE OR TO UPDATE A VOTER

REGISTRATION RECORD DURING A TRANSACTION SPECIFIED UNDER
PARAGRAPH (1) OF THIS SUBSECTION:

(I) ALL APPLICABLE INFORMATION RECEIVED BY THE
INSTITUTION IN THE COURSE OF COMPLETING A TRANSACTION UNDER
PARAGRAPH (1) OF THIS SUBSECTION SHALL BE TRANSFERRED TO A VOTER
REGISTRATION APPLICATION;

(II) ANY ADDITIONAL NECESSARY INFORMATION SHALL BE
OBTAINED BY THE INSTITUTION AND MAY NOT DUPLICATE ANY INFORMATION
ALREADY OBTAINED WHILE COMPLETING A TRANSACTION UNDER PARAGRAPH
(1) OF THIS SUBSECTION; AND

(III) A VOTER REGISTRATION APPLICATION WITH ALL OF
THE APPLICANT'S VOTER REGISTRATION INFORMATION SHALL BE PRESENTED
TO THE APPLICANT TO SIGN OR AFFIRM ELECTRONICALLY.

(3) (I) AN APPLICANT MAY DECLINE TO REGISTER TO VOTE,
UPDATE THE APPLICANT'S VOTER REGISTRATION RECORD, OR CHANGE THE
APPLICANT'S NAME OR ADDRESS BY:

1. AFFIRMATIVELY INDICATING THE INFORMATION
ON THE APPLICATION; OR

2. FAILING TO SIGN THE VOTER REGISTRATION
APPLICATION.

(II) THE INSTITUTION SHALL MAINTAIN DECLINATION
INFORMATION IN A MANNER SPECIFIED JOINTLY BY THE STATE BOARD AND
THE MARYLAND HIGHER EDUCATION COMMISSION.

(Over)

(4) WITHIN 5 DAYS AFTER THE RECEIPT OF AN APPLICATION UNDER THIS SUBSECTION, THE INSTITUTION SHALL FORWARD TO THE STATE BOARD THE VOTER REGISTRATION INFORMATION IN A MANNER AND FORMAT SPECIFIED JOINTLY BY THE STATE BOARD AND THE MARYLAND HIGHER EDUCATION COMMISSION.

(5) IMPLEMENTATION OF THE REQUIREMENTS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION IS CONTINGENT ON:

(I) THE APPROPRIATION OF SUFFICIENT FUNDS IN THE STATE BUDGET FOR INSTITUTIONS OF HIGHER EDUCATION, THE STATE BOARD, AND THE LOCAL BOARDS OF ELECTIONS TO PERFORM THE FUNCTIONS SET FORTH IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION; AND

(II) THE ADOPTION OF REGULATIONS BY THE STATE BOARD TO IMPLEMENT THE REQUIREMENTS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION.”.

AMENDMENT NO. 4

On page 2, after line 6, insert:

“9-306.

(a) Promptly after receipt of an application, the election director shall review the application and determine whether the applicant qualifies to vote by absentee ballot.

(b) If the applicant qualifies to vote by absentee ballot, the local board shall send the ballot:

(1) as soon as practicable after receipt of the request, **BUT NOT LATER THAN THE FIFTH DAY BEFORE THE ELECTION**; or

(2) if the ballots have not been received from the printer, as soon as practicable after the local board receives delivery of the ballots.

(c) (1) If the members of the local board determine that the applicant is not entitled to vote by absentee ballot, the local board shall notify the applicant as soon as practicable after receipt of the application of the reasons for the rejection.

(2) (i) The local board may delegate the determination under paragraph (1) of this subsection to the staff of the local board.

(ii) If the determination has been delegated, the applicant may appeal the rejection to the members of the local board, who shall decide the appeal as expeditiously as practicable.

(d) Not more than one absentee ballot may be issued to a voter unless the election director of the local board has reasonable grounds to believe that an absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

10-302.

(a) In a timely manner for each election, the local board shall provide for the delivery to each polling place the supplies, records, and equipment necessary for the conduct of the election.

(b) (1) Each polling place shall be equipped with a computer device that contains a record of all registered voters in the county and that is capable of being networked to other polling place computer devices.

(Over)

(2) The State Administrator shall ensure that a site selected for early voting has adequate infrastructure to accommodate the computer devices required under paragraph (1) of this subsection.

(C) NO LATER THAN 5 DAYS BEFORE AN ELECTION, THE STATE BOARD SHALL POST ON THE STATE BOARD WEBSITE:

(1) THE NUMBER OF VOTING UNITS THE LOCAL BOARD INTENDS TO ALLOCATE FOR EACH PRECINCT IN THE COUNTY FOR THAT ELECTION; AND

(2) THE STATE BOARD'S DETERMINATION OF THE NUMBER OF VOTING UNITS THE LOCAL BOARD SHOULD ALLOCATE IN ACCORDANCE WITH ITS REGULATIONS AND GUIDELINES FOR EACH PRECINCT IN THE COUNTY FOR THAT ELECTION.

16-206.

(a) A person may not:

(1) place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;

(6) destroy or deface a ballot;

(7) remove a ballot from a building in which voting occurs, except as otherwise provided in this article;

(8) delay the delivery of a ballot;

(9) possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; or

(10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section.

(b) (1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(II) AS TO A POLLING PLACE AT AN INSTITUTION OF HIGHER EDUCATION, THE LINE PRESCRIBED UNDER SUBPARAGRAPH (I) OF THIS

PARAGRAPH SHALL BE AS NEAR AS PRACTICABLE TO 100 FEET FROM THE ACTUAL POLLING PLACE WITHIN THE BUILDING IN WHICH VOTING OCCURS.

(3) The signs shall contain the words “No Electioneering Beyond this Point”.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days or both.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Elections shall review and evaluate the implementation of the requirements of § 3–204(c)(2) through (5) of the Election Law Article as enacted by this Act and, in accordance with § 2–1246 of the State Government Article, submit a report of its findings and recommendations to the General Assembly on or before December 31, 2007.

SECTION 3. AND BE IT FURTHER ENACTED, That the requirements of § 9–306(b) of the Election Law Article as enacted by this Act shall apply to each election occurring on or after January 1, 2008 that is required to be held in accordance with the Election Law Article. The State Board of Election shall review and evaluate the implementation by the local boards of elections in the State of the requirements of § 9–306(b) of the Election Law Article as enacted by this Act and, in accordance with § 2–1246 of the State Government Article, submit a report of its findings and recommendations to the General Assembly on or before January 1, 2009.”.

AMENDMENT NO. 5

On page 2, in line 7, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, subject to Sections 2 and 3 of this Act.”.