

HOUSE BILL 309

G1

71r0392

By: **Delegates Rosenberg, Bronrott, Haynes, Ivey, Rice, Ross, and F. Turner**

Introduced and read first time: January 31, 2007

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

2 **Voter's Rights Protection Act of 2007**

3 FOR the purpose of ~~requiring the State Board of Elections to include certain standards~~
4 ~~in certain guidelines for the administration of provisional ballot voting by local~~
5 ~~boards of elections;~~ altering the circumstances under which an individual may
6 be offered the opportunity to cast a provisional ballot; ~~requiring certain election~~
7 ~~officials to provide certain written information to an individual who casts a~~
8 ~~provisional ballot;~~ requiring the State Board to ensure that the program of
9 instruction for election judges incorporates a thorough and detailed treatment of
10 certain information; requiring a local board to ~~file a petition with the circuit~~
11 ~~court of the county to~~ extend the hours that a polling place shall be open under
12 certain circumstances; prohibiting a vacancy in polling place staff from delaying
13 the opening of the polling place; requiring the State Board to produce certain
14 information for posting at the polling place regarding the circumstances under
15 which a voter may be requested or required to present photo identification to an
16 election judge before being allowed to vote; prohibiting an election judge from
17 requiring a voter to present photo identification before voting, except as
18 authorized by State or federal law; requiring ~~a local board~~ certain election
19 judges to document for further investigation any malfunction of the voting
20 system and other issues that arise during the course of an election; ~~specifying~~
21 ~~that an item of campaign material may not contain~~ regulating the activities of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 challengers or watchers at the polling place; prohibiting certain persons from
 2 distributing, disseminating, or publishing, or being responsible for such
 3 activities, with respect to any item of campaign material that contains certain
 4 fraudulent representations or implications; authorizing the Attorney General or
 5 a registered voter to institute a court action for certain relief under certain
 6 circumstances; and generally relating to voting procedures and requirements
 7 under the State election law.

8 ~~BY repealing and reenacting, without amendments,~~
 9 ~~Article – Election Law~~
 10 ~~Section 9-402~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2003 Volume and 2006 Supplement)~~

13 BY repealing and reenacting, with amendments,
 14 Article – Election Law
 15 ~~Section 9-403 through 9-405, 10-206, 10-301, 10-306, 10-310, 10-314, and~~
 16 ~~Section 9-404, 10-206, 10-301, 10-305, 10-310, 10-311, and 16-201~~
 17 Annotated Code of Maryland
 18 (2003 Volume and 2006 Supplement)

19 BY adding to
 20 Article – Election Law
 21 Section 13-401.1
 22 Annotated Code of Maryland
 23 (2003 Volume and 2006 Supplement)

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

26 **Article – Election Law**

27 ~~9-402.~~

28 ~~Each local board shall maintain a full record of provisional ballot voting in the~~
 29 ~~county, including, for each voter who votes using a provisional ballot:~~

- 30 (1) ~~the action taken with regard to the registration;~~
 31 (2) ~~the appropriate ballot style; and~~
 32 (3) ~~any other information specified by the State Board.~~

1 ~~9-403.~~

2 ~~(a) The State Board shall establish guidelines for the administration of~~
 3 ~~provisional ballot voting by the local boards.~~

4 ~~(b) The guidelines shall provide for:~~

5 ~~(1) the provisional ballot application process;~~

6 ~~(2) ballot security, including storage of returned ballots;~~

7 ~~(3) the canvass process;~~

8 ~~(4) notice of the canvass to candidates, political parties, campaign~~
 9 ~~organizations, news media, and the general public;~~

10 ~~(5) observers of the process;~~

11 ~~(6) review of ballots and envelopes submitted for compliance with the~~
 12 ~~law and for machine tabulation acceptability;~~

13 ~~(7) standards for disallowance of ballots during the canvass AND FOR~~
 14 ~~NOTICE TO ANY VOTER AS TO THE DISPOSITION OF THAT VOTER'S BALLOT;~~

15 ~~(8) storage and retention of ballots following canvass and certification;~~

16 ~~and~~

17 ~~(9) the free access system required under § 11-303(f) of this article.~~

18 ~~(c) The State Board shall:~~

19 ~~(1) in consultation with the local boards, assess the guidelines before~~
 20 ~~each primary election; and~~

21 ~~(2) revise the guidelines if indicated.~~

22 9-404.

23 (a) If an individual is eligible under subsection (b) of this section, the
 24 individual shall be issued and may cast a provisional ballot:

25 (1) at a polling place on election day; or

1 (2) at the local board office in the county where the individual resides
2 after the close of registration and before the closing of the polls on election day.

3 (b) An individual is eligible to cast a provisional ballot if:

4 (1) the individual declares in a written affirmation submitted with the
5 provisional ballot that the individual is a registered voter in the State and is eligible to
6 vote in that election; and

7 (2) (i) the individual's name does not appear on the precinct
8 register;

9 (ii) an election official asserts that the individual is not eligible
10 to vote; ~~or~~

11 (iii) the individual does not have the necessary identification; OR

12 (IV) A CHIEF ELECTION JUDGE DETERMINES THAT THERE IS
13 A PROBLEM OUTSIDE OF THE VOTER'S CONTROL THAT CAUSES THE VOTER TO
14 BE UNABLE TO VOTE A REGULAR BALLOT.

15 (c) ~~(1)~~ In addition to the individuals who cast provisional ballots under
16 subsections (a) and (b) of this section, ~~A PROVISIONAL BALLOT:~~

17 ~~(I) SHALL BE CAST BY~~ any individual who appears to vote
18 during a period covered by a court order or other order extending the time for closing
19 the polls ~~shall cast a provisional ballot;~~ ~~AND~~

20 ~~(II) SHALL BE OFFERED TO ANY INDIVIDUAL WHO, WHILE~~
21 ~~ATTEMPTING TO CAST A REGULAR BALLOT, EXPERIENCES A PROBLEM WITH THE~~
22 ~~ELECTRONIC VOTING SYSTEM THAT CAUSES AN ATYPICAL DELAY IN RECORDING~~
23 ~~THE INDIVIDUAL'S BALLOT OR THAT RESULTS IN THE LOSS OF THE~~
24 ~~INDIVIDUAL'S BALLOT, PROVIDED THAT ANY REGULAR BALLOT DISTRIBUTED~~
25 ~~TO THE INDIVIDUAL IS VOIDED.~~

26 ~~(2)~~ A provisional ballot cast under ~~PARAGRAPH (1)(I) OF~~ this
27 subsection shall be separated and held apart from other provisional ballots cast by
28 those not affected by the order.

1 ~~Before an individual casts a provisional ballot:~~

2 ~~(1) the individual shall complete and sign the provisional ballot~~
3 ~~application prescribed by the State Board; and~~

4 ~~(2) the election official issuing the ballot shall give the individual~~
5 ~~written information:~~

6 ~~(I) advising the individual that, and describing how, the~~
7 ~~individual will be able to ascertain whether the vote was counted and, if it was not~~
8 ~~counted, the reason it was not; AND~~

9 ~~(II) INFORMING THE INDIVIDUAL THAT, FOR THE NEXT~~
10 ~~ELECTION, THE LOCAL BOARD WILL PROVIDE NOTICE TO THE INDIVIDUAL AT~~
11 ~~LEAST 3 WEEKS BEFORE THE CLOSE OF VOTER REGISTRATION BEFORE THAT~~
12 ~~ELECTION TO ADVISE THE INDIVIDUAL WHETHER SPECIFIC ACTION MUST BE~~
13 ~~TAKEN IN ORDER FOR THE INDIVIDUAL TO BE ELIGIBLE TO CAST A REGULAR~~
14 ~~BALLOT AT THAT ELECTION, AND IF SO, DESCRIBE THE ACTION THAT MUST BE~~
15 ~~TAKEN.~~

16 10-206.

17 (a) In consultation with the local boards, the State Board shall:

18 (1) develop a program of instruction of election judges; [and]

19 **(2) ENSURE THAT THE PROGRAM OF INSTRUCTION**
20 **INCORPORATES A THOROUGH AND DETAILED TREATMENT OF THE DUTIES AND**
21 **LIMITATIONS OF ELECTION JUDGES UNDER STATE AND FEDERAL ELECTION**
22 **LAW; AND**

23 [(2)] **(3)** oversee the implementation of the program of instruction.

24 (b) The training materials utilized by the program may include:

25 (1) an instruction manual and other written directives;

26 (2) curriculum for training sessions; and

27 (3) audiovisuals.

1 (c) The State Board shall develop a process for the evaluation of the training
2 program and the performance of the polling place staff in each county.

3 (d) **(1)** To the extent appropriate, the training program shall be specific to
4 each of the voting systems used in polling places in the State.

5 **(2) ELECTION JUDGES SHALL BE TRAINED TO OPERATE**
6 **EFFECTIVELY THE VOTING SYSTEM AND ALL OF ITS FEATURES, INCLUDING**
7 **FEATURES DESIGNED TO ENSURE COMPLIANCE WITH THIS SECTION AND STATE**
8 **AND FEDERAL LAWS RELATED TO VOTERS WITH DISABILITIES.**

9 (e) Each local board shall conduct election judge training based on the
10 program developed by the State Board.

11 (f) (1) Except as provided in paragraph (2) of this subsection, each
12 election judge shall participate in the training program provided for in subsection (a)
13 of this section.

14 (2) An election judge who is appointed under emergency circumstances
15 is not required to attend the course of instruction.

16 **10-301.**

17 (a) [On] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON** an election
18 day, a polling place shall be open from 7 a.m. until 8 p.m.

19 ~~**(B) IF FOR ANY REASON THE OPENING OF A POLLING PLACE IS**~~
20 ~~**DELAYED BEYOND 8 A.M., THE LOCAL BOARD PROMPTLY SHALL FILE A PETITION**~~
21 ~~**WITH THE CIRCUIT COURT OF THE COUNTY TO EXTEND, FOR AN APPROPRIATE**~~
22 ~~**PERIOD AS DETERMINED BY THE COURT, THE HOURS THAT THE AFFECTED**~~
23 ~~**POLLING PLACE SHALL BE OPEN FOR THAT ELECTION.**~~

24 **(B) IF FOR ANY REASON THE OPENING OF A POLLING PLACE IS**
25 **DELAYED FOR MORE THAN 1 HOUR, THE LOCAL BOARD SHALL:**

26 **(1) REQUIRE THE ELECTION JUDGES IN THAT POLLING PLACE TO**
27 **KEEP THE POLLING PLACE OPEN FOR AN ADDITIONAL PERIOD OF TIME EQUAL**
28 **TO THE PERIOD OF THE DELAY, BUT NOT TO EXCEED 2 HOURS;**

29 **(2) PROMPTLY NOTIFY THE STATE ADMINISTRATOR; AND**

1 **(3) CONSISTENT WITH THE INSTRUCTIONS FROM THE STATE**
2 **ADMINISTRATOR, NOTIFY THE PUBLIC OF THE EXTENDED VOTING HOURS.**

3 **[(b)] (C)** A voter who has appeared at a polling place by the closing hour to
4 cast a ballot shall be allowed to vote.

5 10-305.

6 **(A) A VACANCY IN THE POLLING PLACE STAFF MAY NOT DELAY THE**
7 **OPENING OF THE POLLING PLACE.**

8 **[(a)] (B)** If there is a vacancy in the polling place staff during voting hours:

9 **(1)** the local board may fill the vacancy with a substitute election judge
10 who has been recruited and trained; or

11 **(2)** an election judge who is present at the polling place may fill the
12 position of the absent election judge by appointing a person registered with the same
13 party affiliation as the absent election judge.

14 **[(b)] (C)** If a substitute election judge is appointed under subsection [(a)]
15 **(B) of this section:**

16 **(1)** either the election director, the election director's designee, or the
17 election judge making the substitute appointment shall administer the oath required
18 under § 10-204 of this title; and

19 **(2)** a chief election judge shall document any change in the polling
20 place staff in the records of the polling place.

21 ~~10-306.~~

22 ~~(a) (1) The State Board, in consultation with the election directors of the~~
23 ~~local boards, shall specify and produce the following informational materials to be~~
24 ~~posted in each polling place:~~

25 ~~(i) a specimen ballot for that precinct;~~

26 ~~(ii) instructions relating to the availability of assistance to~~
27 ~~elderly and disabled voters;~~

1 ~~(iii) information regarding the date of the election and the hours~~
2 ~~during which the polling places will be open;~~

3 ~~(iv) instructions on how to vote, including how to cast a vote;~~

4 ~~(v) instructions for mail-in registrants and first-time voters;~~

5 ~~(vi) general information on voting rights under applicable~~
6 ~~federal and State laws, INCLUDING INFORMATION ON THE CIRCUMSTANCES~~
7 ~~UNDER WHICH A VOTER MAY BE REQUESTED OR REQUIRED TO PRESENT PHOTO~~
8 ~~IDENTIFICATION TO AN ELECTION JUDGE BEFORE BEING ALLOWED TO VOTE,~~
9 ~~and instructions on how to contact the appropriate local board if these rights are~~
10 ~~alleged to have been violated;~~

11 ~~(vii) information regarding provisional voting, including:~~

12 ~~1. information on the right of an individual to cast a~~
13 ~~provisional ballot;~~

14 ~~2. how to fill out the provisional ballot application and~~
15 ~~cast the provisional ballot; and~~

16 ~~3. the standards that will be applied in determining~~
17 ~~whether a provisional ballot will be counted; and~~

18 ~~(viii) general information on federal and State laws regarding~~
19 ~~prohibitions on acts of fraud and misrepresentation.~~

20 ~~(2) A local board may produce other materials appropriate for the~~
21 ~~polling places in the county.~~

22 ~~(b) Before the polls open, the election judges for each precinct shall post all~~
23 ~~information specified under subsection (a) of this section.~~

24 10-310.

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

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

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

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

9 (3) **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, establish the
10 identity of the voter by requesting the voter to state the month and day of the voter's
11 birth and comparing the response to the information listed in the precinct register;

12 (4) (i) except if a voter's personal information has been deemed
13 confidential by the local board, verify the address of the voter's residence; or

14 (ii) conduct an alternative verification as established by the
15 State Board, if the voter's personal information has been deemed confidential by the
16 local board;

17 (5) if any changes to the voting authority card are indicated by a voter,
18 make the appropriate changes in information on the card or other appropriate form;
19 and

20 (6) have the voter sign the voting authority card and either issue the
21 voter a ballot or send the voter to a machine to vote.

22 **(B) AN ELECTION JUDGE MAY REQUIRE A VOTER TO PRESENT**
23 **IDENTIFICATION BEFORE ALLOWING THE VOTER TO CAST A BALLOT ONLY TO**
24 **THE EXTENT AUTHORIZED OR REQUIRED BY STATE OR FEDERAL LAW.**

25 **[(b)] (C)** On the completion of the procedures set forth in subsection (a) of
26 this section, a voter may vote in accordance with the procedures appropriate to the
27 voting system used in the polling place.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **(E) CONSISTENT WITH INSTRUCTIONS PROVIDED IN THE MANUAL FOR**
2 **ELECTION JUDGES, DURING THE COURSE OF THE ELECTION THE CHIEF**
3 **ELECTION JUDGES SHALL KEEP A LOG OF ISSUES THAT ARISE IN THE POLLING**
4 **PLACE, INCLUDING:**

5 **(1) ANY ALLEGED MALFUNCTION OF THE VOTING EQUIPMENT;**

6 **(2) ISSUES THAT MAY REQUIRE FURTHER INVESTIGATION; AND**

7 **(3) ISSUES REGARDING THE CONDUCT OF CHALLENGERS AND**
8 **WATCHERS.**

9 10-311.

10 **(a) (1) The following persons or entities have the right to designate a**
11 **registered voter as a challenger or a watcher at each place of registration and election:**

12 **(i) the State Board for any polling place in the State;**

13 **(ii) a local board for any polling place located in the county of**
14 **the local board;**

15 **(iii) a candidate;**

16 **(iv) a political party; and**

17 **(v) any other group of voters supporting or opposing a**
18 **candidate, principle, or proposition on the ballot.**

19 **(2) A person who appoints a challenger or watcher may remove the**
20 **challenger or watcher at any time.**

21 **(b) Except as provided in § 10-303(d)(2) of this subtitle and subsection (d) of**
22 **this section, a challenger or watcher has the right to:**

23 **(1) enter the polling place one-half hour before the polls open;**

24 **(2) enter or be present at the polling place at any time when the polls**
25 **are open;**

1 (3) remain in the polling place until the completion of all tasks
2 associated with the close of the polls under § 10–314 of this subtitle and the election
3 judges leave the polling place;

4 (4) maintain a list of registered voters who have voted, or individuals
5 who have cast provisional ballots, and take the list outside of the polling place; and

6 (5) enter and leave a polling place for the purpose of taking outside of
7 the polling place information that identifies registered voters who have cast ballots or
8 individuals who have cast provisional ballots.

9 (c) (1) (i) A certificate signed by any party or candidate shall be
10 sufficient evidence of the right of a challenger or watcher to be present in the voting
11 room.

12 (ii) The State Board shall prescribe a form that shall be
13 supplied to the challenger or watcher by the person or entity designating the
14 challenger or watcher.

15 (2) A challenger or watcher shall be positioned near the election
16 judges and inside the voting room so that the challenger or watcher may see and hear
17 each person as the person offers to vote.

18 (d) (1) A challenger or watcher may not attempt to:

19 (i) ascertain how a voter voted or intends to vote;

20 (ii) converse in the polling place with any voter;

21 (iii) assist any voter in voting; [or]

22 (iv) physically handle an original election document **OR ANY**
23 **VOTING EQUIPMENT;**

24 (v) **MAKE A CHALLENGE INDISCRIMINATELY OR WITHOUT**
25 **GOOD CAUSE;**

26 (vi) **INTERFERE WITH OR UNDULY DELAY THE WORK OF AN**
27 **ELECTION JUDGE; OR**

28 (vii) **MAKE A CHALLENGE OF A QUALIFIED VOTER FOR THE**
29 **PURPOSE OF ANNOYANCE OR DELAY.**

1 (2) An election judge may eject a challenger or watcher who violates
2 the prohibitions under paragraph (1) of this subsection.

3 (e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
4 election judge shall permit an individual other than an accredited challenger or
5 watcher who desires to challenge the right to vote of any other individual to enter the
6 polling place for that purpose.

7 (2) A majority of the election judges may limit the number of
8 nonaccredited challengers and watchers allowed in the polling place at any one time
9 for the purpose of challenging the right of an individual to vote.

10 (3) A nonaccredited challenger or watcher shall leave the polling place
11 as soon as a majority of the election judges decides the right to vote of the individual
12 challenged by the challenger or watcher.

13 (4) In addition to restrictions provided under this subsection, all
14 restrictions on the actions of an accredited challenger or watcher provided under this
15 subtitle apply to a nonaccredited challenger or watcher.

16 ~~10-314.~~

17 ~~(a) (1) The local board shall provide election judges with detailed~~
18 ~~procedures for the closing of the polls, specific to the voting system used.~~

19 ~~(2) The procedures shall include directions on:~~

20 ~~(i) the tabulation, recording, and reporting of votes if these~~
21 ~~activities are undertaken in the polling place;~~

22 ~~(ii) **THE DOCUMENTATION FOR FURTHER INVESTIGATION**~~
23 ~~**BY THE LOCAL BOARD OR THE STATE BOARD OF ANY MALFUNCTION OF THE**~~
24 ~~**VOTING SYSTEM DURING THE COURSE OF THE ELECTION;**~~

25 ~~[(iii)] **(iii) the preparation, signing, and sealing of documents**~~
26 ~~**and other election materials;**~~

27 ~~[(iii)] **(iv) the security of all equipment and materials in the**~~
28 ~~**polling place; and**~~

1 ~~[(iv)] (v) the return of equipment and materials to the local~~
2 ~~board.~~

3 (b) ~~If election results are produced in the polling place, the election judge~~
4 ~~shall admit watchers to hear the announced results.~~

5 (e) ~~A chief judge shall release an election judge from duty after the~~
6 ~~completion of the election judge's assigned tasks.~~

7 **13-401.1.**

8 **~~NO ITEM OF CAMPAIGN MATERIAL SHALL:~~**

9 ~~(1) FRAUDULENTLY MISREPRESENT THE POLITICAL PARTY~~
10 ~~AFFILIATION OF ANY CANDIDATE OR FRAUDULENTLY IMPLY THAT ANY~~
11 ~~CANDIDATE HAS BEEN NOMINATED BY ANY POLITICAL PARTY WHEN IN FACT~~
12 ~~THAT CANDIDATE HAS NOT BEEN SO NOMINATED; OR~~

13 ~~(2) FRAUDULENTLY REPRESENT THAT A CANDIDATE IS THE~~
14 ~~INCUMBENT OF THE OFFICE SOUGHT WHEN IN FACT THE CANDIDATE IS NOT~~
15 ~~THE INCUMBENT.~~

16 (A) THIS SECTION APPLIES TO CAMPAIGN MATERIAL THAT RELATES TO
17 OR DESCRIBES:

18 (1) THE TIME, PLACE, OR MANNER OF ANY ELECTION;

19 (2) THE QUALIFICATIONS FOR OR RESTRICTIONS ON VOTER
20 ELIGIBILITY FOR AN ELECTION;

21 (3) THE EXPLICIT ENDORSEMENT BY ANY PERSON OR
22 ORGANIZATION OF A CANDIDATE;

23 (4) THE POLITICAL PARTY AFFILIATION OF A CANDIDATE OR
24 THAT A CANDIDATE HAS BEEN NOMINATED BY A POLITICAL PARTY WHEN IN
25 FACT THAT CANDIDATE HAS NOT BEEN NOMINATED BY THAT POLITICAL PARTY;
26 OR

27 (5) THE HOLDING OF AN OFFICE BY A CANDIDATE.

1 **(B) A PERSON, POLITICAL COMMITTEE, CAMPAIGN FINANCE ENTITY, OR**
2 **OTHER ORGANIZATION OR ENTITY MAY NOT DISTRIBUTE, DISSEMINATE, OR**
3 **PUBLISH OR CAUSE TO BE DISTRIBUTED, DISSEMINATED, OR PUBLISHED ANY**
4 **ITEM OF CAMPAIGN MATERIAL SUBJECT TO THIS SECTION KNOWING THE**
5 **CAMPAIGN MATERIAL IS FALSE AND WITH THE INTENT TO INFLUENCE A VOTER**
6 **OR TO PREVENT THE VOTER FROM EXERCISING THE RIGHT TO VOTE IN AN**
7 **ELECTION.**

8 16–201.

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

10 (1) (i) impersonate another person in order to vote or attempt to
11 vote; or

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

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

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

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

19 (5) influence or attempt to influence a voter’s voting decision through
20 the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of
21 reward;

22 (6) influence or attempt to influence a voter’s decision whether to go to
23 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,
24 bribery, reward, or offer of reward; [or]

25 (7) engage in conduct that results or has the intent to result in the
26 denial or abridgement of the right of any citizen of the United States to vote on
27 account of race, color, or disability; **OR**

28 (8) ~~WHILE ACTING AS A CHALLENGER OR WATCHER AT THE~~
29 ~~POLLING PLACE;~~

1 ~~(I) MAKE A CHALLENGE INDISCRIMINATELY AND WITHOUT~~
2 ~~GOOD CAUSE;~~

3 ~~(II) INTERFERE WITH OR UNDULY DELAY THE WORK OF AN~~
4 ~~ELECTION JUDGE; OR~~

5 ~~(III) MAKE A CHALLENGE OF A QUALIFIED VOTER FOR THE~~
6 ~~PURPOSE OF ANNOYANCE OR DELAY~~ ENGAGE IN CONDUCT THAT RESULTS OR
7 HAS THE INTENT TO RESULT IN THE DISRUPTION OF POLLING PLACE
8 ACTIVITIES.

9 (B) (1) WHENEVER A PERSON, POLITICAL COMMITTEE, CAMPAIGN
10 FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY HAS ENGAGED OR
11 THERE IS REASONABLE GROUNDS TO BELIEVE THAT A PERSON, POLITICAL
12 COMMITTEE, CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY
13 IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE PROHIBITED BY SUBSECTION (A)
14 OF THIS SECTION, THE ATTORNEY GENERAL OR ANY REGISTERED VOTER MAY
15 INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR PREVENTIVE
16 RELIEF, INCLUDING AN APPLICATION FOR A TEMPORARY OR PERMANENT
17 INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER.

18 (2) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE
19 MATTER IMMEDIATELY ON FILING OF THE APPLICATION.

20 (3) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER
21 THIS SUBSECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A
22 PERSON UNDER STATE OR FEDERAL LAW.

23 (4) THE CIRCUIT COURT SHALL:

24 (I) HAVE JURISDICTION OF ANY PROCEEDING INSTITUTED
25 IN ACCORDANCE WITH THIS SUBSECTION; AND

26 (II) EXERCISE ITS JURISDICTION WITHOUT REGARD TO
27 WHETHER A PERSON ASSERTING A RIGHT UNDER THIS SUBSECTION HAS
28 EXHAUSTED ANY ADMINISTRATIVE OR OTHER REMEDY AVAILABLE TO THAT
29 PERSON UNDER LAW.

1 **[(b)] (C)** Except as provided in § 16–1002 of this title, a person who violates
2 this section is guilty of a misdemeanor and on conviction is subject to a fine of not
3 more than \$2,500 or imprisonment for not more than 5 years or both.

4 **[(c)] (D)** A person who violates this section is subject to § 5–106(b) of the
5 Courts Article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 ~~October~~ July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.