

SENATE BILL 364

G1

7lr1439

By: **Senator Dyson**

Introduced and read first time: February 1, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Miscellaneous Technical and Clarifying Corrections**

3 FOR the purpose of repealing the requirement that the State Board of Elections
4 conduct a certain meeting for certain election authorities and, instead,
5 authorizing the State Administrator of Elections to determine whether a certain
6 meeting for certain election authorities is necessary; authorizing the State
7 Administrator to conduct a meeting for certain election authorities; altering a
8 certain requirement for establishment of certain election precincts; requiring an
9 election director to remove a voter from the statewide voter registration list
10 under certain circumstances; requiring the State Administrator to make
11 arrangements to receive reports of individuals convicted of certain crimes from
12 certain other courts; clarifying certain requirements for retention and use of
13 certain personal identification numbers; requiring the State Board to adopt
14 regulations for local boards to provide notice of elections; repealing certain
15 provisions requiring a local board to provide notice of certain elections using
16 certain methods; clarifying a certain deadline for ballot access for certain
17 candidates; repealing the requirement that a local board shall determine certain
18 qualifications of a board of education candidate; altering the agency responsible
19 for examination and certification of voting systems; clarifying that certain
20 provisions applicable to an absentee ballot also apply to a provisional ballot;
21 altering the forms a voter may use to apply for an absentee ballot; clarifying
22 how a local board may provide a voter with an absentee ballot; altering certain
23 standards for determining when a second absentee ballot may be issued to a
24 voter; clarifying certain procedures for marking and sending a certain absentee
25 ballot; repealing certain requirements concerning the mailing of absentee
26 ballots; requiring the State Board to adopt guidelines for the distribution and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 return of absentee ballots; altering the standards governing the number of
2 election judges required at certain polling places; altering the number of
3 election judges who may be members of certain political parties; altering the
4 number of chief election judges in each precinct; altering the term of office of
5 election judges; repealing certain provisions related to filling a vacant election
6 judge position; clarifying that a vacancy in the polling place staff may not delay
7 the opening of the polling place; clarifying the instructions that are to be
8 followed by certain election judges; altering the procedures to be followed to
9 determine whether an individual at a polling place may vote a ballot; altering
10 certain procedures for validating absentee ballots; altering the quantum of fault
11 required for violation of certain provisions relating to concealment, damage, or
12 destruction of voting equipment; clarifying that a certain provision is applicable
13 to the unauthorized possession of a computer password; clarifying certain
14 prohibitions on removing certain equipment or supplies; clarifying that certain
15 provisions are applicable to certain electronic hardware; clarifying which
16 election authority may authorize an individual to access certain voting systems
17 or possess certain voting system components; making certain technical changes;
18 and generally relating to the election laws.

19 BY repealing and reenacting, with amendments,

20 Article – Election Law

21 Section 2–104, 2–303(a), 3–501, 3–504(a), 3–505, 8–102, 8–502(d), 8–803,
22 9–102(c), 9–204(b), 9–305(a), 9–306(b) and (d), 9–307(b), 9–310, 9–406(b),
23 10–201, 10–203, 10–305, 10–310, 11–302(d), 16–801(a), 16–802(b),
24 16–803(a), and 16–804(a)

25 Annotated Code of Maryland

26 (2003 Volume and 2006 Supplement)

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

29 **Article – Election Law**

30 2–104.

31 (a) **(1)** In the year preceding each year in which a primary and general
32 election is to be held throughout the State, the State [Board] **ADMINISTRATOR** shall
33 **DETERMINE THE NEED TO CONDUCT A MEETING FOR THE MEMBERS OF THE**
34 **LOCAL BOARDS.**

1 **(2) IF THE STATE ADMINISTRATOR DETERMINES THAT A**
2 **MEETING IS NECESSARY, THE STATE ADMINISTRATOR SHALL** conduct a meeting
3 for the members of the local boards.

4 (b) Unless excused by the State Administrator in accordance with
5 regulations of the State Board, the following individuals are required to attend the
6 meeting:

7 (1) the members, substitute members, counsel, and election director of
8 each local board; and

9 (2) any other individuals designated by the State [Board]
10 **ADMINISTRATOR** or a local [board] **ELECTION DIRECTOR** to attend the meeting.

11 (c) (1) The meeting shall be held at a time and place and continue for
12 such period of time as the State [Board] **ADMINISTRATOR** considers necessary.

13 (2) The purpose of the meeting is to instruct the members of the local
14 boards, the election directors, the counsel to local boards, and the other employees who
15 are in attendance, concerning their duties in the conduct of elections.

16 (d) Each member, substitute member, election director, counsel, or other
17 employee who is required or authorized to attend the meeting shall be reimbursed by
18 the county government:

19 (1) for all reasonable expenses for each day that the individual attends
20 the meeting; and

21 (2) for mileage from the individual's place of residence to the place of
22 meeting and return, in accordance with the Standard State Travel Regulations.

23 2-303.

24 (a) (1) Subject to paragraph (2) of this section, as it deems it expedient for
25 the convenience of voters, a local board may:

26 (i) create and alter the boundaries for precincts in the county;

27 (ii) designate the location for polling places in any election
28 district, ward, or precinct in the county; and

29 (iii) combine or abolish precincts.

(2) (i) Except as provided under subparagraph (iii) of this paragraph, a local board shall establish a separate precinct on campus or within one-half mile of the campus to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located.

(ii) If, in accordance with subparagraph (i) of this paragraph, a polling place is established at an institution of higher education that receives State funds, that institution shall:

1. provide without charge to the local board a facility for use as a polling place that meets all applicable requirements under this article and as established by the State Board; and

2. provide assistance to the local board in recruiting election judges to staff the polling place.

(iii) A local board may not be required to establish a separate precinct as provided under subparagraph (i) of this paragraph if there is an established [precinct] **POLLING PLACE** within one-half mile of the public or private institution of higher education's campus that serves the voters who attend or work at the public or private institution of higher education.

3-501.

(a) An election director [may] **SHALL** remove a voter from the statewide voter registration list only:

(1) at the request of the voter, provided the request is:

(i) signed by the voter;

(ii) authenticated by the election director; and

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

(2) upon determining, based on information provided pursuant to [§ 3-503] **§ 3-504** of this subtitle, that the voter is no longer eligible because:

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

3 (ii) the voter is deceased;

4 (3) if the voter has moved outside the State, as determined by
5 conducting the procedures established in § 3–502 of this subtitle; or

6 (4) if, in accordance with the administrative complaint process under §
7 3–602 of this title, the [local board has determined] **STATE ADMINISTRATOR OR**
8 **THE STATE ADMINISTRATOR’S DESIGNEE HAS DETERMINED** that the voter is not
9 qualified to be registered to vote[.]; **OR**

10 **(5) THE LOCAL BOARD DETERMINES THAT:**

11 **(I) THE ADDRESS PROVIDED BY THE VOTER IS A**
12 **COMMERCIAL ADDRESS, BASED ON EVIDENCE PROVIDED TO THE BOARD,**
13 **INCLUDING A BUSINESS THAT RENTS MAILBOXES;**

14 **(II) THE LOCAL BOARD HAS MAILED AT LEAST TWO NOTICES**
15 **TO THE VOTER REQUESTING THE VOTER’S RESIDENCE ADDRESS; AND**

16 **(III) THE VOTER HAS NOT PROPERLY RESPONDED TO THE**
17 **NOTICES.**

18 (b) An election director may not remove a voter from the list in accordance
19 with subsection (a)(2) or (3) of this section during the period that:

20 (1) begins 30 days before the close of registration before an election;
21 and

22 (2) ends at the close of the polls on the day of the election.

23 3–504.

24 (a) (1) (i) Information from the agencies specified in this paragraph
25 shall be reported to the State Administrator in a format and at times prescribed by the
26 State Board.

(ii) The Department of Health and Mental Hygiene shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the State since the date of the last report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of theft or infamous crimes since the date of the last report.

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

(2) The State Administrator shall make arrangements with the clerk of the United States District Court for the District of Maryland, **COURTS OF OTHER STATES, AND OTHER UNITED STATES DISTRICT COURTS** to receive reports of names and addresses, if available, of individuals convicted of infamous crimes in that court.

3–505.

(a) The State Board shall adopt regulations for the retention and storage of and reasonable access to original voter registration applications and other voter registration records the State Board considers appropriate.

(b) (1) **[Voter] SUBJECT TO SUBSECTIONS (C)(2) AND (D) OF THIS SECTION, VOTER** registration records stored and retained in a local board office shall be open to public inspection.

(2) For the purpose of public inspection, original voter registration records:

(i) subject to § 4–527(b) of the Family Law Article and except upon the special order of the local board, shall be available at all times when a local board is open; and

(ii) may not be removed from the office of the local board except:

1. on order of a court; or

2. for temporary removal solely for purposes of data processing.

(c) (1) Consistent with regulations adopted by the State Board, local boards shall maintain for at least 2 years all records concerning programs to ensure the accuracy and currency of the statewide voter registration list.

(2) Except for records concerning a declination to register or the identity of a voter registration agency through which a particular voter applies for registration, the records described in paragraph (1) of this subsection are accessible under Title 10, Subtitle 6, Part III of the State Government Article (Access to Public Records).

(D) (1) IN THIS SUBSECTION, “PERSONAL IDENTIFICATION NUMBER” MEANS AN INDIVIDUAL’S:

(I) MOTOR VEHICLE ADMINISTRATION DRIVER’S LICENSE OR IDENTIFICATION CARD NUMBER; OR

(II) FULL SOCIAL SECURITY NUMBER.

(2) A PERSONAL IDENTIFICATION NUMBER IS NOT SUBJECT TO PUBLIC DISCLOSURE AND MAY BE USED UNDER THIS ARTICLE ONLY FOR VOTER REGISTRATION PURPOSES.

8–102.

(a) [Except as required under subsection (d) of this section,] **IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD**, a local board shall provide notice of each election [in its county to the registered voters of the county by either:

(1) specimen ballot mailed at least 1 week before the election; or

(2) publication or dissemination by mass communication during the calendar week preceding the election.

(b) The notice shall include:

(1) the time and place of the election; and

(2) the offices, candidate names, and questions contained on the ballot.

(c) (1) If a local board provides notice by mailing specimen ballots, a specimen ballot shall be mailed to all registered voters in the county who are eligible to vote in the election.

(2) The specimen ballot shall be a facsimile of the ballot that the voter is entitled to vote in the election.

(d) (1) In Prince George's County for the general election, the Board shall:

(i) provide notice by mailing specimen ballots; and

(ii) mail a specimen ballot to the household of each registered voter in the county.

(2) The costs for mailing specimen ballots in Prince George's County shall be included in the county's annual budget appropriation to the local board.

(e) (1) Unless a local board mails a specimen ballot to its registered voters in accordance with subsection (c) or (d) of this section, the local board shall give notice of the election by newspaper publication or other means of mass communication.

(2) The notice of election under this subsection shall be arranged, if practicable, in the same order and form as the ballot.

(3) (i) If newspaper publication is used in a county, the notice shall be advertised in at least two newspapers of general circulation that are published in the county.

(ii) In a county in which only one newspaper is published, the notice shall be published in that newspaper].

8-502.

(d) A candidate who seeks to be placed on the ballot by the petition process specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by the State Board, as follows:

(1) for candidates for the nomination of the Democratic Party, not later than 5 p.m. on the day that is 1 week later than the first business day of the year of the election; and

(2) for candidates for the nomination of any other principal political party, [at least] **NOT LATER THAN 9 P.M. ON THE MONDAY THAT IS 10 WEEKS OR 70 days** before the day of the election.

8–803.

[(a) Before certifying the name of a board of education candidate to appear on the ballot, the local board shall determine whether the candidate qualifies as provided under Title 3 of the Education Article and Title 5 of this article.

(b)] Unless Title 3 of the Education Article requires a partisan election, an individual may not qualify as a board of education candidate or nominee by filing a petition or being nominated by a political party.

9–102.

(c) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates; and

(vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the [National Association of State Election Directors] **U.S. ELECTION ASSISTANCE COMMISSION**; and

1 (ii) shown by the testing laboratory to meet the performance
2 and test standards for electronic voting systems established by the Federal Election
3 Commission **OR THE U.S. ELECTION ASSISTANCE COMMISSION**; and

4 (3) the public interest will be served by the certification of the voting
5 system.

6 9-204.

7 (b) Except as otherwise specifically provided in this title, or unless a
8 provision is clearly inappropriate to absentee **AND PROVISIONAL** ballots, the
9 provisions of this subtitle relating to ballot content and arrangement shall apply to the
10 arrangement of absentee **AND PROVISIONAL** ballots.

11 9-305.

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

13 (1) on a form [produced by the local board and supplied to the voter]
14 **PRESCRIBED BY THE STATE BOARD**;

15 (2) on a form provided under federal law; or

16 (3) in [a] **AN INFORMAL** written request that [includes] **SATISFIES**
17 **THE REQUIREMENTS OF REGULATIONS ADOPTED BY THE STATE BOARD**[:

18 (i) the voter's name and residence address; and

19 (ii) the address to which the ballot is to be mailed, if different
20 from the residence address].

21 9-306.

22 (b) If the applicant qualifies to vote by absentee ballot, the local board shall
23 [send] **PROVIDE THE VOTER WITH** the ballot:

24 (1) as soon as practicable after receipt of the request; or

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

27 (d) Not more than one absentee ballot may be issued to a voter unless:

1 (1) the election director [of the local board] has reasonable grounds to
2 believe that an absentee ballot previously issued to the voter has been lost, destroyed,
3 or spoiled; **OR**

4 (2) **AFTER THE ABSENTEE BALLOT HAS BEEN ISSUED TO THE**
5 **VOTER:**

6 (I) **A BALLOT CHANGE OCCURS;**

7 (II) **A CANDIDATE IS DISQUALIFIED;**

8 (III) **A CANDIDATE DIES; OR**

9 (IV) **ANOTHER CHANGE AFFECTING THE CONTENT OF THE**
10 **BALLOT OCCURS.**

11 9–307.

12 (b) An agent of the voter under this section:

13 (1) must be at least 18 years old;

14 (2) may not be a candidate on that ballot;

15 (3) shall be designated in a writing signed by the voter under penalty
16 of perjury; and

17 (4) shall execute an affidavit under penalty of perjury that the ballot
18 was:

19 (i) delivered to the voter who submitted the application; **AND**

20 (ii) **IF APPLICABLE**, marked and placed in an envelope by the
21 voter, or with assistance as allowed by regulation, in the agent's presence[;] and

22 [(iii)] returned to the local board by the agent.

23 9–310.

1 [(a) An absentee ballot shall be enclosed in specially printed envelopes, the
2 form and content of which shall be prescribed by the State Board.

3 (b) (1) A local board may use either two envelopes or three envelopes.

4 (2) If two envelopes are used, the inner envelope shall be designated
5 the “ballot/return envelope”, and, when issued, it shall fit inside the envelope
6 designated the “outgoing envelope”.

7 (3) If three envelopes are used, the innermost envelope shall be
8 designated the “ballot envelope”, which shall fit inside the envelope designated the
9 “return envelope”, both of which, when issued, shall fit inside the envelope designated
10 the “outgoing envelope”.

11 (c) When voted and returned to the local board, an absentee ballot shall be
12 enclosed in a ballot envelope or ballot/return envelope, on which has been printed an
13 oath prescribed by the State Board.] **THE STATE BOARD SHALL ADOPT**
14 **GUIDELINES FOR THE DISTRIBUTION AND RETURN OF ABSENTEE BALLOTS.**

15 9–406.

16 (b) An individual rendering assistance under this section shall execute a
17 certification as prescribed by the State Board and included in the instructions under [§
18 9–408] **§ 9–407(A)** of this subtitle.

19 10–201.

20 (a) (1) [(i) Except as provided in subparagraph (ii) of this paragraph,
21 each] **EACH** local board shall provide at least four election judges to be the staff for
22 each polling place.

23 [(ii) In a precinct with fewer than 200 registered voters, the local
24 board may provide two election judges for that precinct’s polling place.]

25 (2) An election judge shall be appointed in accordance with the
26 requirements of § 10–203 of this subtitle.

27 (b) (1) [Except as provided in paragraph (2) of this subsection, each]
28 **EACH** polling place shall have an equal number of election judges from:

29 (i) the majority party; and

(ii) the principal minority party.

(2) [(i) If the total number of election judges for a precinct is six or more:

1. a local board may provide one or more election judges who are not registered with either the majority party or principal minority political party; and

2. a] **A** local board may provide one or more election judges who are minors.

[(ii)] **(3)** The number of election judges [provided under this paragraph] **WHO ARE NOT MEMBERS OF THE PRINCIPAL POLITICAL PARTIES** may not exceed [the lesser of:

1. the number of election judges who belong to the majority party; or

2. the number of election judges who belong to the principal minority party] **THE NUMBER OF ELECTION JUDGES WHO ARE MEMBERS OF THE PRINCIPAL POLITICAL PARTIES.**

10–203.

(a) The election director, with the approval of the local board, shall appoint the election judges for each polling place [for a term that begins on the Tuesday that is 13 weeks before each statewide primary election].

(b) [One or two] **TWO** election judges in each precinct shall:

(1) be designated chief [judge] **JUDGES**; and

(2) supervise the staff at the polling place.

(c) [The term of office for an election judge continues until the Tuesday that is 13 weeks before the next statewide primary election unless:

(1) the local board excuses the person for good cause; or

1 (2) a special election is held during the election judge's term of office
2 and the State Board determines that a local board may not need the service of all of
3 the appointed election judges.

4 (d) A local board shall fill each vacant election judge position in the same
5 manner as set forth in subsection (a) of this section] **AN ELECTION JUDGE SERVES**
6 **AT THE PLEASURE OF THE LOCAL BOARD.**

7 10-305.

8 (a) **A VACANCY IN THE POLLING PLACE STAFF MAY NOT DELAY THE**
9 **OPENING OF THE POLLING PLACE.**

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

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

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

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

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

21 (2) a chief election judge shall document any change in the polling
22 place staff in the records of the polling place.

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] **THE INSTRUCTION MANUAL ISSUED**
26 **UNDER § 10-206 OF THIS ARTICLE**, shall:

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

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

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

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

9 [(4)] **(3)** (i) except if a voter's personal information has been
10 deemed confidential by the local board, [verify] **REQUEST THAT THE VOTER STATE**
11 the address of the voter's residence; or

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

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

18 **(4) DETERMINE WHETHER THE VOTER MAY VOTE A REGULAR**
19 **BALLOT OR IS REQUIRED TO VOTE A PROVISIONAL BALLOT UNDER § 9–404 OF**
20 **THIS ARTICLE;**

21 **(5) ISSUE A VOTER AUTHORITY CARD AND, IF ANY CHANGES TO**
22 **THE VOTER AUTHORITY CARD ARE INDICATED BY THE VOTER, MAKE THE**
23 **APPROPRIATE CHANGES ON THE CARD OR OTHER APPROPRIATE FORM; AND**

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

26 **(B) IF THE VOTER IS LISTED AS INACTIVE, THE VOTER MAY VOTE A**
27 **REGULAR BALLOT IF THE VOTER COMPLETES THE WRITTEN AFFIRMATION**
28 **REQUIRED BY § 3–503 OF THIS ARTICLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11-302.

(d) (1) The State Board shall adopt regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of an absentee ballot or the vote cast in a particular contest.

(2) A local board may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board.

(3) The local board shall reject an absentee ballot if:

(i) before the ballot is canvassed, the local board determines that the voter died before election day;

(ii) the voter failed to sign the oath on the ballot envelope;

(iii) the local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

(iv) the local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(4) (I) [If] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the local board receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the local board shall **REJECT ALL BALLOTS SUBMITTED BY THAT INDIVIDUAL**[:

(i) count only the ballot with the latest properly signed oath;
and

(ii) reject any other ballot].

(II) IF TWO ABSENTEE BALLOTS ARE RECEIVED FROM THE SAME INDIVIDUAL, THE LOCAL BOARD SHALL ACCEPT THE BALLOT WITH THE LATER DATE, IF:

1 **1. AFTER THE INDIVIDUAL CAST AND RETURNED**
2 **THE INDIVIDUAL'S BALLOT:**

3 **A. A BALLOT CHANGE OCCURS;**

4 **B. A CANDIDATE IS DISQUALIFIED;**

5 **C. A CANDIDATE DIES; OR**

6 **D. ANOTHER CHANGE AFFECTING THE CONTENT OF**
7 **THE BALLOT OCCURS; AND**

8 **2. THE BALLOT WITH THE LATER DATE IS ISSUED**
9 **UNDER § 9-306(D) OF THIS ARTICLE.**

10 (5) If the intent of the voter is not clearly demonstrated, the local
11 board shall reject only the vote for that office or question.

12 (6) **[If] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF** an
13 absentee voter casts a vote for an individual who has ceased to be a candidate, the vote
14 for that candidate may not be counted, but that vote does not invalidate the remainder
15 of the ballot.

16 16-801.

17 (a) A person may not willfully **AND KNOWINGLY:**

18 (1) conceal, damage, or destroy voting equipment used or intended to
19 be used on the day of election; or

20 (2) remove voting equipment from the custody of the election judges or
21 other election officials.

22 16-802.

23 (b) An unauthorized person may not make or have in the person's possession
24 a key **OR PASSWORD** to any voting equipment that is used or will be used on the day
25 of election.

26 16-803.

1 (a) A person may not remove, deface, or destroy equipment or supplies **USED**
2 **BY A LOCAL BOARD OFFICE OR** placed in a polling place by election officials during
3 an election.

4 16-804.

5 (a) When an electronic voting system is used, a person may not willfully and
6 knowingly:

7 (1) access the system **OR POSSESS VOTING SYSTEM FIRMWARE OR**
8 **SOFTWARE** unless authorized to do so by the [appropriate election authority] **STATE**
9 **ADMINISTRATOR;** or

10 (2) tamper with or alter the **VOTING SYSTEM'S FIRMWARE,**
11 hardware, system components, or software utilized by the voting system, for the
12 purpose of affecting the vote count.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2007.