

SENATE BILL 597

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SB 803/06 – EHE

71r0665

By: **Senators Kittleman, Greenip, Haines, Harris, Jacobs, Munson, Simonaire,
and Stoltzfus**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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 and 16–201
16 Annotated Code of Maryland
17 (2003 Volume and 2006 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 12–301(a) and (h)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 12–301(b)
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2006 Supplement)

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

8 **Article – Election Law**

9 10–310.

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

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

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

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

22 **(B) THE ELECTION JUDGE SHALL:**

23 [(3)] **(1)** establish the **VOTER’S** identity [of the voter] by:

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

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

1 [[4]] (2) (i) except if a voter's personal information has been
2 deemed confidential by the local board, verify the address of the voter's residence; or

3 (ii) conduct an alternative verification as established by the
4 State Board, if the voter's personal information has been deemed confidential by the
5 local board; **AND**

6 [[5]] (3) if any changes to the voting authority card are indicated by
7 [a] **THE** voter[,]:

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

10 [[6]] (II) have the voter sign the voting authority card [and either
11 issue the voter a ballot or send the voter to a machine to vote] **OR OTHER**
12 **APPROPRIATE FORM SPECIFIED BY THE STATE BOARD.**

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

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

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

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

23 (2) **THE VOTER INDICATES A CHANGE OF RESIDENCE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

29 16–201.

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

- 1 (1) Is a resident of this State;
- 2 (2) Does not have a driver's license;
- 3 (3) Presents a birth certificate or other proof of age and identity
4 acceptable to the Administration; and
- 5 (4) Presents a completed application for an identification card on a
6 form furnished by the Administration.

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

- 10 (2) A fee is not required if the applicant for the card:
- 11 (i) Is 65 years old or older;
- 12 (ii) Is legally blind;
- 13 (iii) Has permanently lost the use of a leg or an arm;
- 14 (iv) Is permanently disabled so severely that the applicant
15 cannot move without the aid of crutches or a wheelchair; [or]
- 16 (v) Has a physical or mental impairment that substantially
17 limits a "major life activity" as defined in the federal Americans with Disabilities Act;
18 **OR**

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.