

SENATE BILL 726

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7lr1334

By: **Senators Rosapepe, Britt, Forehand, Frosh, Garagiola, Jones, Lenett, Peters, Pinsky, Raskin, Robey, and Zirkin**

Introduced and read first time: February 8, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Maryland Student Voting Rights Act**

3 FOR the purpose of requiring certain institutions of higher education to facilitate
4 student engagement in the electoral process by undertaking certain activities
5 and policies; requiring local boards of elections to provide the general public
6 access on the Internet to certain voter registration information; repealing a
7 provision that prohibits a local board from establishing a separate precinct at a
8 certain location; specifying that an individual who attends an institution of
9 higher education in the State who resides in an on-campus residential housing
10 facility may register for the precinct in which the institution is located or at an
11 alternate address; requiring each public institution of higher education in the
12 State to provide certain individuals with the opportunity to register to vote or to
13 update a voter registration record; providing that an individual may register to
14 vote by the Internet under certain circumstances; providing that if an applicant
15 provides a full Social Security number with a voter registration application the
16 name of the applicant promptly shall be added to the voter registry pending
17 further review by the applicable local board or the State Board of Elections;
18 requiring a local board to provide a certain notice to certain applicants for voter
19 registration under certain circumstances; requiring a local board to post within
20 a certain time period after an election the names of individuals voting by
21 provisional ballot; requiring local boards to adopt a certain plan; requiring each
22 local board to ensure that polling places are staffed to a certain standard and in
23 a certain manner on election day; providing that the budget of the State Board
24 for each fiscal year shall include funding necessary to support certain staffing
25 and operations at polling places to satisfy a certain standard; requiring each

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 local board to ensure that each polling place is equipped with the number of
2 voting machines specified under standards established by the State Board;
3 requiring the State Board to ensure that a voter who casts a provisional ballot
4 may access through the Internet information about the status of the ballot;
5 altering the standard for determining the area at certain polling places beyond
6 which electioneering may not take place; requiring local boards to establish
7 certain easy voting polling places; authorizing any qualified voter to vote at an
8 easy voting polling place; making stylistic changes; requiring the State Board to
9 adopt certain regulations; making a part of this Act contingent on the passage
10 and ratification of a certain constitutional amendment; and generally relating to
11 the Maryland Student Voting Rights Act.

12 BY adding to

13 Article – Election Law
14 Section 1–305
15 Annotated Code of Maryland
16 (2003 Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Election Law
19 Section 2–202, 2–303(a), 3–102, 3–201, 3–202, 3–204, 9–403, 10–201, 10–301.1,
20 10–302, 11–303, and 16–206
21 Annotated Code of Maryland
22 (2003 Volume and 2006 Supplement)

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

25 **Article – Election Law**

26 **1–305.**

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

29 **(B) AS LONG AS A STUDENT RESIDES IN AN ON-CAMPUS RESIDENTIAL
30 HOUSING FACILITY, A STUDENT ATTENDING AN INSTITUTION SUBJECT TO THIS
31 SECTION SHALL BE ASSIGNED ONE OFFICIAL RESIDENCE ADDRESS, EVEN IF THE
32 STUDENT RELOCATES TO A DIFFERENT ON-CAMPUS RESIDENTIAL HOUSING
33 FACILITY.**

3 (1) ALLOW CANDIDATES AND POLITICAL PARTIES TO DISTRIBUTE
4 CAMPAIGN MATERIAL TO STUDENTS AND EMPLOYEES AT THE INSTITUTION:

5 (I) IN PUBLIC PLACES ON CAMPUS; AND

(ii) THROUGH ON-CAMPUS MAILBOXES;

9 (I) COMMUNICATING WITH STUDENTS BY ELECTRONIC
10 MAIL A MINIMUM OF THREE TIMES IN THE THREE MONTHS BEFORE AN
11 ELECTION REGARDING VOTER REGISTRATION, VOTER EDUCATION, POLLING
12 PLACE LOCATIONS, AND THE AVAILABILITY OF ADDITIONAL INFORMATION ON
13 THE NONPARTISAN STUDENT VOTER EDUCATION WEBSITE MAINTAINED BY THE
14 INSTITUTION;

15 (II) COORDINATING A VOTER REGISTRATION DRIVE ON
16 CAMPUS AT THE START OF THE SCHOOL YEAR: AND

20 (D) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE
21 BOARD, AN INSTITUTION SUBJECT TO THIS SECTION SHALL PROVIDE THE
22 OPPORTUNITY TO APPLY TO REGISTER TO VOTE OR UPDATE A VOTER
23 REGISTRATION RECORD TO EACH ELIGIBLE STUDENT AT THE TIME THE
24 STUDENT REGISTERS FOR CLASSES OR OBTAINS A STUDENT IDENTIFICATION
25 CARD AT THE INSTITUTION.

26 2-202.

27 (a) Except for the City of Baltimore, the provisions of this section do not
28 apply to a municipal corporation in the State in which the municipal or charter
29 elections are regulated by the public local laws of the State or the charter of the
30 municipal corporation.

3 (1) oversee the conduct of all elections held in its county and ensure
4 that the elections process is conducted in an open, convenient, and impartial manner;

12 (i) supplies and equipment required by the State Board; and
13 (ii) office and polling place equipment expenses;

14 (4) adopt any regulation it considers necessary to perform its duties
15 under this article, which regulation shall become effective when it is filed with and
16 approved by the State Board;

19 (6) establish and alter the boundaries and number of precincts in
20 accordance with § 2-303 of this title, and provide a suitable polling place for each
21 precinct, and assign voters to precincts;

26 (8) make determinations and hear and decide challenges and appeals
27 as provided by law:

28 (9) (i) aid in the prosecution of an offense under this article; and

(11) administer voter registration and absentee voting for nursing homes and assisted living facilities in accordance with procedures established by the State Administrator, subject to the approval of the State Board.

13 (2) recommend to the Garrett County Delegation to the General
14 Assembly any adjustments of the boundaries of those districts that are necessary to
15 maintain districts of substantially equal population.

16 2-303.

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

22 (iii) combine or abolish precincts.

14 3-102.

15 (a) **(1)** Except as provided in subsection (b) of this section, an individual
16 may become registered to vote if the individual:

17 [(1)] (I) is a citizen of the United States;

18 [(2)] (II) is at least 18 years old or will be 18 years old on or before
19 the day of the next succeeding general or special election;

20 [3] (III) is a resident of the State as of the day the individual seeks to
21 register; and

22 [(4)] (IV) registers pursuant to this title.

23 (2) AN INDIVIDUAL ATTENDING AN INSTITUTION OF HIGHER
24 EDUCATION IN THE STATE WHO RESIDES IN AN ON-CAMPUS RESIDENTIAL
25 HOUSING FACILITY MAY REGISTER IN THE PRECINCT IN WHICH THE
26 INSTITUTION IS LOCATED OR AT AN ALTERNATIVE PERMANENT ADDRESS.

27 (b) An individual is not qualified to be a registered voter if the individual:

28 (1) has been convicted of theft or other infamous crime, unless the
29 individual:

12 (c) Notwithstanding subsection (b) of this section, an individual is not
13 qualified to be a registered voter if the individual has been convicted of a second or
14 subsequent crime of violence, as defined in § 14–101 of the Criminal Law Article.

15 3-201.

16 (a) An individual may apply to become a registered voter:

17 (1) at a local board office or the State Board office;

18 (2) at a registration site administered by a local board;

19 (3) by mail;

20 (4) when applying to the Motor Vehicle Administration for the

21 issuance, renewal, or modification of a driver's license or identification card;

22 (5) when applying for services at a voter registration agency; [or]

23 (6) BY THE INTERNET, IN ACCORDANCE WITH REGULATIONS
24 ADOPTED BY THE STATE BOARD; OR

25 [6] (7) with the assistance of a volunteer authorized by the State or
26 local board.

4 3-202.

10 (ii) state the penalties for the submission of a false application;
11 and

12 (iii) provide the applicant with the opportunity to cancel a
13 current registration.

28 (i) the qualifications to become a registered voter;

29 (ii) if an individual declines to register, this fact

29 (ii) if an individual declines to register, this fact will remain
30 confidential and be used only for voter registration purposes;

4 (iv) notification to the applicant that submission of the form to
5 an individual other than an official, employee, or agent of a local board does not assure
6 that the form will be filed or filed in a timely manner.

7 [(3)] (4) The statewide voter registration application may not
8 require:

9 (i) notarization or other formal authentication; or

10 (ii) any additional information, other than the information
11 necessary to enable election officials to determine the eligibility of the applicant and to
12 administer voter registration and other parts of the election process.

15 (ii) No other registration form may be used for registration
16 purposes except:

20 3. as provided in § 3–203(b) of this subtitle;

25 (b) The voter registration application form prescribed pursuant to the
26 National Voter Registration Act of 1993 shall be accepted by the appropriate election
27 official for purposes of voter registration.

28 (c) The application described in this section may be used by a registered
29 voter to change the voter's name, address, or party affiliation.

1 3–204.

2 (a) (1) The State Board shall designate public agencies and
3 nongovernmental agencies as voter registration agencies where qualified individuals
4 may apply to register to vote.

5 (2) The State Board shall designate the following offices as voter
6 registration agencies:

7 (i) all offices in the State that provide public assistance;

8 (ii) all offices in the State that provide State–funded programs
9 primarily engaged in providing services to individuals with disabilities; and

10 (iii) all public institutions of higher education in the State.

11 (3) The State Board and the Secretary of Defense shall jointly develop
12 and implement procedures for persons to apply to register to vote at recruitment
13 offices of the armed forces of the United States, which shall be deemed voter
14 registration agencies.

15 (b) Except for a public institution of higher education in the State, which
16 institution shall comply with the requirements of subsection (c) of this section, each
17 voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

18 (1) distribute a voter registration application approved by the State
19 Board or the Federal Election Commission with each application for service or
20 assistance it renders and with each recertification, renewal, or change of address form
21 relating to such service or assistance;

22 (2) provide a document to prospective registrants that includes:

23 (i) the question, “If you are not registered to vote where you live
24 now, would you like to apply to register to vote here today?”,

25 (ii) if the agency provides public assistance, the statement,
26 “Applying to register or declining to register to vote will not affect the amount of
27 assistance that you will be provided by this agency.”;

28 (iii) boxes for the applicant to check to indicate whether the
29 applicant would like to register or declines to register to vote together with the

1 statement (in close proximity to the boxes and in prominent type), "If you do not check
2 either box, you will be considered to have decided not to register to vote at this time.";

3 (iv) the statement, "If you would like help in filling out the voter
4 registration application form, we will help you. The decision whether to seek or accept
5 help is yours. You may fill out the application form in private.";

6 (v) the statement, "If you believe that someone has interfered
7 with your right to register or to decline to register to vote, your right to privacy in
8 deciding whether to register or in applying to register to vote, or your right to choose
9 your own political party or other political preference, you may file a complaint with the
10 State Board of Elections."; and

11 (vi) the address and toll free telephone number of the State
12 Board;

13 (3) provide each applicant who does not decline to register to vote and
14 who accepts assistance the same degree of assistance with regard to completion of the
15 registration application as is provided by the office with regard to the completion of its
16 own applications, unless the applicant refuses such assistance; and

17 (4) accept the completed voter registration application for transmittal
18 to the appropriate election board.

19 (c) At the time that an individual enrolls, registers, **OBTAINS A STUDENT**
20 **IDENTIFICATION CARD**, or pays for course work provided by a public institution of
21 higher education in the State, the institution shall:

22 (1) **PROVIDE THE INDIVIDUAL WITH THE OPPORTUNITY TO**
23 **REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD; OR**

24 (2) provide the individual with an opportunity to request a voter
25 registration application[. If] **AND, IF** the individual requests a voter registration
26 application, [the institution shall] provide, or cause to be provided, an application to
27 the individual.

28 (d) An applicant may mail the voter registration application to the
29 appropriate State election official or return it to the voter registration agency for
30 transmittal to the appropriate election official.

4 (f) If a voter registration agency is an office described in subsection (a)(2)(ii)
5 of this section, which provides services to an individual with a disability at the
6 individual's home, the agency shall provide the services described in subsection (b) of
7 this section at the individual's home.

10 (i) seek to influence an applicant's political preference or party
11 registration;

12 (ii) display any political preference or party allegiance; or

13 (iii) make any statement to an applicant or take any action the
14 purpose or effect of which is to lead the applicant to believe that a decision to register
15 or not to register has any bearing on the availability of services or benefits.

16 (2) No information relating to a declination to register to vote in
17 connection with an application made at an office designated as a voter registration
18 agency may be used for any purpose other than the maintenance of voter registration
19 statistics.

27 9-403.

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

30 (b) The guidelines shall provide for:

31 (1) the provisional ballot application process;

13 [9] (10) the free access system required under § 11-303(f) of this
14 article.

15 (c) The State Board shall:

18 (2) revise the guidelines if indicated.

19 10-201.

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

5 (II) THE PLAN SHALL INCLUDE THE HARDWARE, SOFTWARE,
6 AND HUMAN RESOURCE REQUIREMENTS REQUIRED FOR EACH PRECINCT IN THE
7 COUNTY TO MEET THE STANDARD SPECIFIED UNDER SUBPARAGRAPH (I) OF
8 THIS PARAGRAPH.

1. POST THE PLAN ON THE BOARD'S WEBSITE; AND

13 (IV) ON OR BEFORE 30 DAYS AFTER THE PUBLIC HEARING,
14 THE LOCAL BOARD SHALL POST ANY REVISIONS TO THE PLAN ON ITS WEBSITE.

26 (II) THE DEVELOPMENT OF POLL-WORKER TRAINING
27 MATERIALS AND PROGRAMS BY FACULTY AT INSTITUTIONS OF HIGHER
28 EDUCATION

3 (i) the majority party; and

4 (ii) the principal minority party.

12 (ii) The number of election judges provided under this
13 paragraph may not exceed the lesser of:

18 10-302.

19 (a) **(1)** In a timely manner for each election, the local board shall provide
20 for the delivery to each polling place the supplies, records, and equipment necessary
21 for the conduct of the election.

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

4 11-303.

(b) A local board may not open an envelope of a provisional ballot until the local board has approved the provisional ballot application.

10 (c) The State Board shall adopt regulations to implement this section.

11 (d) (1) A local board may not reject a provisional ballot except by
12 unanimous vote and in accordance with regulations of the State Board.

13 (2) The local board shall reject a provisional ballot if:

14 (i) pursuant to paragraph (4) of this subsection, the local board
15 determines that the individual who cast the provisional ballot is not qualified to vote
16 that provisional ballot;

17 (ii) the individual failed to sign the oath on the provisional
18 ballot application;

19 (iii) the individual cast more than one ballot for the same
20 election; or

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

26 (4) For the purposes of this section, an individual is qualified to vote
27 the provisional ballot cast if the local board determines that:

28 (i) the individual is registered in the State;

7 (e) A local board shall count:

(2) only the votes cast by the voter for each candidate or question applicable to the precinct in which the voter resides, as determined by the address on the provisional ballot application of the voter.

17 (2) The system established under paragraph (1) of this subsection
18 shall ensure the confidentiality of the individual who accesses the system and the
19 secrecy of each ballot.

20 16-206.

21 (a) A person may not:

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

24 (2) misrepresent the person's ability to mark a ballot or operate voting
25 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;

28 (4) induce or attempt to induce a voter to mark the voter's ballot in a
29 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;

3 (6) destroy or deface a ballot;

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

6 (8) delay the delivery of a ballot;

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

22 (II) AS TO A POLLING PLACE AT AN INSTITUTION OF HIGHER
23 EDUCATION, THE LINE PRESCRIBED UNDER SUBPARAGRAPH (I) OF THIS
24 PARAGRAPH SHALL BE LOCATED AS NEAR AS PRACTICABLE TO 100 FEET FROM
25 THE ACTUAL POLLING PLACE WITHIN THE BUILDING.

26 (3) The signs shall contain the words "No Electioneering Beyond this
27 Point".

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Election Law**

4 10–301.1.

5 (a) Except as provided under Title 9, Subtitle 3 of this article, a voter shall
6 vote:

7 (1) in the voter's assigned precinct on election day; [or]

8 (2) in an early voting polling place as provided in this section; **OR**

9 **(3) IN AN EASY VOTING POLLING PLACE AS PROVIDED IN**
10 **SUBSECTION (E) OF THIS SECTION.**

11 (b) Each early voting polling place shall be open for voting:

12 (1) beginning the Tuesday before a primary or general election
13 through the Saturday before the election; and

14 (2) during the hours between 7 a.m. and 8 p.m. during the period
15 specified under paragraph (1) of this subsection.

16 (c) (1) As provided in this subsection, each local board shall establish the
17 early voting polling places in its county.

18 (2) (i) In the following counties, the local board shall establish
19 three early voting polling places for each primary or general election as specified in
20 subparagraph (iii) of this paragraph:

21 1. Anne Arundel;

22 2. Baltimore City;

23 3. Baltimore County;

24 4. Harford;

25 5. Howard;

1 6. Montgomery; and

2 7. Prince George's.

3 (ii) 1. Except for Charles County, in each county other than
4 a county specified in subparagraph (i) of this paragraph, the local board shall establish
5 one early voting polling place for each primary or general election in the county seat.

6 2. In Charles County, the early voting polling place shall
7 be established in Waldorf.

8 (iii) Early voting polling places shall be established at the
9 locations specified in this subparagraph for the following counties:

10 1. Anne Arundel County:

11 A. Brooklyn Park Senior Center
12 202 Hammonds Lane
13 Baltimore, MD 21225;

14 B. West County Library
15 1325 Annapolis Road
16 Odenton, MD 21114; and

17 C. American Legion Post #141
18 1707 Forest Drive
19 Annapolis, MD 21401;

20 2. Baltimore City:

21 A. Morgan State University
22 1700 E. Cold Spring Lane
23 Baltimore, MD 21251;

24 B. Coppin State University
25 2500 North Avenue
26 Baltimore, MD 21216; and

27 C. Du Burns Recreation Center
28 1301 S. Ellwood Avenue
29 Baltimore, MD 21224;

30 3. Baltimore County:

1 A. Randallstown Library
2 8604 Liberty Road
3 Randallstown, MD 21133;

4 B. Towson University
5 8000 York Road
6 Towson, MD 21252; and

7 C. Essex Library
8 1110 Eastern Boulevard
9 Essex, MD 21221;

10 4. Harford County:

11 A. Aberdeen Branch Library
12 21 Franklin Street
13 Aberdeen, MD 21001;

14 B. Harford County Government Building
15 212 South Bond Street
16 Bel Air, MD 21014; and

17 C. Joppa Branch Library
18 655 Towne Center Drive
19 Joppa, MD 21085;

20 5. Howard County:

21 A. East Columbia Library (Owen Brown)
22 6600 Cradlerock Way
23 Columbia, MD 21045;

24 B. Miller Branch Library
25 9421 Frederick Road
26 Ellicott City, MD 21042; and

27 C. Savage Branch Library
28 9525 Durness Lane
29 Laurel, MD 20723;

30 6. Montgomery County:

- 1 A. Germantown Public Library
2 12900 Middlebrook Road
3 Germantown, MD 20874;
- 4 B. Silver Spring Public Library
5 8901 Colesville Road
6 Silver Spring, MD 20910; and
- 7 C. Rockville City Hall
8 111 Maryland Avenue
9 Rockville, MD 20850; and

10 7. Prince George's County:

- 11 A. Upper Marlboro Library
12 14730 Main Street
13 Upper Marlboro, MD 20772;
- 14 B. Harmony Hall Regional Center
15 10701 Livingston Road
16 Fort Washington, MD 20744; and
- 17 C. Hyattsville Public Library
18 6530 Adelphi Road
19 Hyattsville, MD 20872.

20 (3) If the State Administrator determines, or a local election director
21 notifies the State Administrator, that a site specified under this subsection cannot be
22 used to accommodate early voting, the State Administrator shall select another site,
23 proximate to the site rejected, that is accessible to voters.

24 (4) Beginning 30 days prior to each primary and general election, the
25 State Board and each local board shall undertake steps to inform the public about
26 early voting and the location of early voting polling places in each county, including a
27 series of public service media announcements, mailings to all registered voters, and
28 other efforts.

29 (5) Polling places established by a local board under this section shall
30 meet the requirements of § 10–101 of this title.

31 (d) (1) A voter may vote at any early voting polling place in the voter's
32 county of residence.

(2) The local board shall ensure that every ballot style used in the county for the election is available at the early voting polling places.

3 (E) (1) IN ADDITION TO THE EARLY VOTING POLLING PLACES
4 ESTABLISHED UNDER THIS SECTION, EACH LOCAL BOARD SHALL ESTABLISH
5 EASY VOTING POLLING PLACES IN THE COUNTY FOR EACH ELECTION.

(2) THE EASY VOTING POLLING PLACES SHALL:

10 (II) BE OPEN FOR EARLY VOTING AND ON THE DAY OF A
11 PRIMARY, GENERAL, OR SPECIAL ELECTION;

12 (III) BE AVAILABLE TO ANY QUALIFIED VOTER IN THE STATE;
13 AND

14 (IV) BE PROGRAMMED TO INCLUDE EVERY BALLOT STYLE
15 USED IN THE STATE FOR THE ELECTION TO ENSURE THAT EACH QUALIFIED
16 VOTER MAY ACCESS THE FULL BALLOT FOR WHICH THE VOTER IS ELIGIBLE TO
17 VOTE.

22 [(e)] (F) On or before January 1, 2006, the State Board shall adopt
23 regulations and guidelines for the conduct of early voting **AND EASY VOTING**.

24 [(f)] (G) Any provision of this article that applies to election day also shall
25 apply to early voting **AND TO EASY VOTING**.

26 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
27 contingent on the passage of Chapter __ (S.B.1/H.B.__) (7lr0371/7lr0377) of the Acts
28 of the General Assembly of 2007, a constitutional amendment, and its ratification by
29 the voters of the State.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
2 this Act, this Act shall take effect October 1, 2007.