

**SB0201/725561/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 201, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (SB0201/255763/1), in Amendment No. 1, strike beginning with “Elections” in line 2 down through “Age” in line 3 and substitute “Voter’s Rights Protection Act of 2008”; strike beginning with “and” in line 7 down through the second “vote” in line 8 and substitute “altering the circumstances under which an individual may be offered the opportunity to cast a provisional ballot; requiring the State Board of Elections to ensure that the program of instruction for election judges incorporates a thorough and detailed treatment of certain information; requiring a local board to extend the hours that a polling place shall be open under certain circumstances; prohibiting a vacancy in polling place staff from delaying the opening of the polling place; prohibiting an election judge from requiring a voter to present photo identification before voting, except as authorized by State or federal law; requiring certain election judges to document for further investigation any malfunction of the voting system and other issues that arise during the course of an election; providing for the effective dates of this Act; and generally relating to voting procedures and requirements under the State election law”; and in line 11, after “3-102” insert “, 9-404, 10-206, 10-301, 10-305, and 10-310”.

AMENDMENT NO. 2

On page 3 of the Committee on Ways and Means Amendments, after line 2 of Amendment No. 2, insert:

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

Article – Election Law

(Over)

9-404.

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

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

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

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

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

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

(ii) an election official asserts that the individual is not eligible to vote; [or]

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

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

(c) (1) In addition to the individuals who cast provisional ballots under subsections (a) and (b) of this section, any individual who appears to vote during a

period covered by a court order or other order extending the time for closing the polls shall cast a provisional ballot.

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

10-206.

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

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

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

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

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

(1) an instruction manual and other written directives;

(2) curriculum for training sessions; and

(3) audiovisuals.

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

(Over)

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

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

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

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

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

10-301.

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

**(B) IF FOR ANY REASON A POLLING PLACE IS CLOSED FOR MORE THAN 1 HOUR BETWEEN 7 A.M. AND 8 P.M. ON AN ELECTION DAY, THE LOCAL BOARD SHALL:**

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

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

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

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

10-305.

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

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

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

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

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

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

(Over)

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

10-310.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

- (1) ANY ALLEGED MALFUNCTION OF THE VOTING EQUIPMENT;**
- (2) ISSUES THAT MAY REQUIRE FURTHER INVESTIGATION; AND**
- (3) ISSUES REGARDING THE CONDUCT OF CHALLENGERS AND WATCHERS.**

**SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2009.**”;

in line 3, strike “2.” and substitute “4.”; in the same line, after “That” insert “, except as provided in Section 3 of this Act.”.