

# HOUSE BILL 884

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By: **Delegates McDonough, Boteler, Impallaria, Kach, Kipke, and Shewell**

Introduced and read first time: February 6, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Voter Verification and Fairness Act**

3 FOR the purpose of requiring that an applicant for voter registration submit proof of  
4 United States citizenship with the application; specifying the types of  
5 documents that establish proof of United States citizenship; providing that the  
6 Motor Vehicle Administration may allow an applicant to register to vote only if  
7 the applicant signs a certain affidavit; altering the procedures for identification  
8 of voters by election judges at polling places; and generally relating to verifying  
9 the eligibility of potential voters to register and cast ballots in an election.

10 BY repealing and reenacting, without amendments,  
11 Article – Election Law  
12 Section 3–102(a) and 3–203(a)  
13 Annotated Code of Maryland  
14 (2003 Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Election Law  
17 Section 3–201, 3–203(b), and 10–310(a)  
18 Annotated Code of Maryland  
19 (2003 Volume and 2007 Supplement)

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

22 **Article – Election Law**

23 3–102.

24 (a) Except as provided in subsection (b) of this section, an individual may  
25 become registered to vote if the individual:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1)    is a citizen of the United States;

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

4           (3)    is a resident of the State as of the day the individual seeks to  
5 register; and

6           (4)    registers pursuant to this title.

7    3–201.

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

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

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

11                  (3)    by mail;

12                  (4)    when applying to the Motor Vehicle Administration for the  
13 issuance, renewal, or modification of a driver's license or identification card;

14                  (5)    when applying for services at a voter registration agency; or

15                  (6)    with the assistance of a volunteer authorized by the State or local  
16 board.

17           (b)    An individual who is at least 18 years old or will be 18 years old on or  
18 before the day of the next succeeding general or special election may be a volunteer  
19 under subsection (a)(6) of this section.

20           (c)    **TO ESTABLISH THAT AN APPLICANT FOR VOTER REGISTRATION IS A**  
21 **CITIZEN OF THE UNITED STATES AS REQUIRED UNDER § 3–102(A)(1) OF THIS**  
22 **TITLE, THE APPLICANT SHALL SUBMIT WITH THE VOTER REGISTRATION**  
23 **APPLICATION:**

24                   (1)    **A COPY OF A BIRTH CERTIFICATE OR VERIFICATION OF BIRTH**  
25 **IN THE UNITED STATES OR A TERRITORY OF THE UNITED STATES;**

26                   (2)    **A CURRENT OR EXPIRED PASSPORT ISSUED BY THE UNITED**  
27 **STATES OR A TERRITORY OF THE UNITED STATES; OR**

1                   **(3) A COPY OF THE DOCUMENT ISSUED BY THE UNITED STATES**  
2 **GOVERNMENT IDENTIFYING THE APPLICANT AS A NATURALIZED CITIZEN OF**  
3 **THE UNITED STATES.**

4 3–203.

5           (a) The Motor Vehicle Administration shall provide the opportunity to apply  
6 to register to vote or update a voter registration record to each individual who:

7                   (1) applies for or renews a driver's license or identification card; or

8                   (2) changes a name or address on an existing driver's license or  
9 identification card.

10           (b) (1) The Motor Vehicle Administration shall inquire orally or in writing  
11 whether the applicant wishes to register to vote or update a voter registration record  
12 during the transactions specified under subsection (a) of this section.

13                   **(2) THE MOTOR VEHICLE ADMINISTRATION MAY ALLOW THE**  
14 **APPLICANT TO REGISTER TO VOTE ONLY IF THE APPLICANT SIGNS AN**  
15 **AFFIDAVIT THAT:**

16                   **(I) INCLUDES A STATEMENT THAT AN APPLICANT WHO**  
17 **FALSELY CLAIMS TO BE A CITIZEN OF THE UNITED STATES FOR THE PURPOSE**  
18 **OF REGISTERING TO VOTE IS DEPORTABLE; AND**

19                   **(II) INDICATES THAT THE APPLICANT IS A CITIZEN OF THE**  
20 **UNITED STATES ELIGIBLE TO VOTE.**

21                   **[(2)] (3)** If the applicant chooses to register to vote or to update a  
22 voter registration record:

23                   (i) all applicable information received by the Motor Vehicle  
24 Administration in the course of completing a transaction under subsection (a) of this  
25 section shall be transferred to a voter registration application;

26                   (ii) any additional necessary information shall be obtained by  
27 the Motor Vehicle Administration and may not duplicate any information already  
28 obtained while completing a transaction under subsection (a) of this section; and

29                   (iii) a voter registration application with all of the applicant's  
30 voter registration information shall be presented to the applicant to sign or affirm  
31 electronically.

32                   **[(3)] (4)** (i) An applicant may decline to register to vote, update  
33 the applicant's voter registration record, or change the applicant's name or address by:

1. affirmatively indicating as such on the application; or
2. failing to sign the voter registration application.

(ii) The Motor Vehicle Administration shall maintain declination information in a manner specified jointly by the Motor Vehicle Administration and the State Board.

[(4)] (5) Within 5 days of the receipt of an application under subsection (a) of this section, the Motor Vehicle Administration shall forward to the State Board the voter registration information in a manner and format specified jointly by the Motor Vehicle Administration and the State Board.

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) 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];

**(I) REQUIRING THE VOTER TO PRESENT TO THE ELECTION JUDGE:**

**1. A VOTER NOTIFICATION CARD, A DRIVER'S LICENSE, OR AN IDENTIFICATION CARD ISSUED BY THE MOTOR VEHICLE ADMINISTRATION; OR**

**2. IF THE VOTER CANNOT PROVIDE A FORM OF IDENTIFICATION SPECIFIED IN ITEM 1 OF THIS ITEM, ANY OTHER FORM OF IDENTIFICATION THAT IS ISSUED BY A GOVERNMENTAL ENTITY AND THAT CONTAINS THE VOTER'S NAME, ADDRESS, AND DATE OF BIRTH; OR**

1                   (II)    IF THE VOTER DOES NOT HAVE ANY OF THE FORMS OF  
2 IDENTIFICATION DESCRIBED IN ITEM (I) OF THIS ITEM, REQUIRING THE VOTER  
3 TO STATE THE MONTH AND DAY OF THE VOTER'S BIRTH;

4                   (4)    (i)    except if a voter's personal information has been deemed  
5 confidential by the local board, verify the address of the voter's residence **AND THE**  
6 **VOTER'S DATE OF BIRTH**; or

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

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

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

15                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2008.