

# HOUSE BILL 512

G1, L2

9lr1062

---

By: **Delegates Kipke, Beidle, Costa, Dwyer, George, King, Love, McConkey, Schuh, and Sophocleus**

Introduced and read first time: February 5, 2009

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Election Law – Photo Identification for Voting**

3 FOR the purpose of requiring an election judge in Anne Arundel County to establish  
4 certain information with regard to certain voters; requiring the election judge to  
5 qualify a voter by requesting the voter to present a certain form of photo  
6 identification; requiring the election judge to authorize an individual to vote a  
7 regular ballot under certain circumstances; allowing a voter in Anne Arundel  
8 County who is unable to present a certain form of photo identification to vote by  
9 provisional ballot under certain circumstances; prohibiting a person from voting  
10 or attempting to vote under a false form of identification; making stylistic  
11 changes; and generally relating to proof of identity of voters in Anne Arundel  
12 County.

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 2008 Supplement)

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

20 **Article – Election Law**

21 10–310.

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

12 ~~[(3)]~~ **(1)** establish the **VOTER'S** identity [of the voter] by:

13 **(I)** requesting the voter to state the month and day of the  
14 voter's birth and comparing the response to the information listed in the precinct  
15 register; **AND**

16 **(II) IN ANNE ARUNDEL COUNTY ONLY, REQUIRING THE**  
17 **VOTER TO PRESENT A CURRENT AND VALID GOVERNMENT ISSUED PHOTO**  
18 **IDENTIFICATION;**

19 ~~[(4)]~~ **(2)** (i) except if a voter's personal information has been  
20 deemed confidential by the local board, verify the address of the voter's residence; or

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

24 ~~[(5)]~~ **(3)** if any changes to the voting authority card are indicated by  
25 ~~[a]~~ **THE voter[,];**

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

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

31 ~~[(b)]~~ **(C)** **(1)** ~~[On]~~ **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**  
32 **SECTION, ON** the completion of the procedures set forth in [subsection (a)]

1 **SUBSECTIONS (A) AND (B) of this section, [a] THE ELECTION JUDGE SHALL**  
2 **AUTHORIZE THE INDIVIDUAL TO VOTE A REGULAR BALLOT.**

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

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

7 **(1) THE VOTER IS UNABLE TO PROVIDE PHOTO IDENTIFICATION**  
8 **AS REQUIRED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION; OR**

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

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

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

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

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

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

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

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

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

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

32 (4) If the voter requires the assistance of another in voting, but  
33 declines to select an individual to assist, an election judge, in the presence of another

1 election judge that represents another political party, shall assist the voter in the  
2 manner prescribed by the voter.

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

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

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

11 16–201.

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

13 (1) (i) impersonate another person in order to vote or attempt to  
14 vote; [or]

15 (ii) vote or attempt to vote under a false name; **OR**

16 **(III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**  
17 **IDENTIFICATION;**

18 (2) vote more than once for a candidate for the same office or for the  
19 same ballot question;

20 (3) vote or attempt to vote more than once in the same election, or vote  
21 in more than one election district or precinct;

22 (4) vote in an election district or precinct without the legal authority  
23 to vote in that election district or precinct;

24 (5) influence or attempt to influence a voter's voting decision through  
25 the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

26 (6) influence or attempt to influence a voter's decision whether to go to  
27 the polls to cast a vote through the use of force, fraud, threat, menace, intimidation,  
28 bribery, reward, or offer of reward; or

29 (7) engage in conduct that results or has the intent to result in the  
30 denial or abridgement of the right of any citizen of the United States to vote on  
31 account of race, color, or disability.

1           (b)    Except as provided in § 16–1002 of this title, a person who violates this  
2 section is guilty of a misdemeanor and on conviction is subject to a fine of not more  
3 than \$2,500 or imprisonment for not more than 5 years or both.

4           (c)    A person who violates this section is subject to § 5–106(b) of the Courts  
5 Article.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2009.