

# HOUSE BILL 1392

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By: **Chair, Ways and Means Committee (By Request - Departmental - Elections, State Board of)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Miscellaneous Technical and Clarifying Corrections**

3 FOR the purpose of altering a certain requirement for establishment of certain  
4 election precincts; requiring an election director to remove a voter from the  
5 statewide voter registration list under certain circumstances; requiring the  
6 State Administrator of Elections to make arrangements to receive reports of  
7 individuals convicted of certain crimes from certain other courts; clarifying  
8 certain requirements for retention and use of certain personal identification  
9 numbers; requiring the State Board of Elections to adopt regulations for local  
10 boards to provide notice of elections; repealing certain provisions requiring a  
11 local board to provide notice of certain elections using certain methods;  
12 repealing the requirement that a local board shall determine certain  
13 qualifications of a board of education candidate; clarifying that certain  
14 provisions applicable to an absentee ballot also apply to a provisional ballot;  
15 altering the forms a voter may use to apply for an absentee ballot; repealing the  
16 formula for ordering ballots; requiring the State Administrator to determine, in  
17 consultation with the local boards, the quantity of ballots and arrange for the  
18 printing of ballots; clarifying how a local board may provide a voter with an  
19 absentee ballot; altering certain standards for determining when a second  
20 absentee ballot may be issued to a voter; clarifying certain procedures for  
21 marking and sending a certain absentee ballot; repealing certain requirements  
22 concerning the mailing of absentee ballots; requiring the State Board to adopt  
23 guidelines for the distribution and return of absentee ballots; clarifying that a  
24 vacancy in the polling place staff may not delay the opening of the polling place;  
25 clarifying the instructions that are to be followed by certain election judges;  
26 altering the procedures to be followed to determine whether an individual at a  
27 polling place may vote a ballot; altering certain procedures for validating  
28 absentee ballots; altering the quantum of fault required for violation of certain  
29 provisions relating to concealment, damage, or destruction of voting equipment;  
30 clarifying that a certain provision is applicable to the unauthorized possession

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of a computer password; clarifying certain prohibitions on removing certain  
 2 equipment or supplies; clarifying that certain provisions are applicable to  
 3 certain electronic hardware; clarifying which election authority may authorize  
 4 an individual to access certain voting systems or possess certain voting system  
 5 components; prohibiting a person from possessing a voting unit unless  
 6 authorized to do so by the appropriate election authority; making certain  
 7 technical changes; and generally relating to the election laws.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 2–303(a), 3–501, 3–504(a), 3–505, 8–102, 8–803, 9–204(b), 9–215(b),  
 11 9–305(a), 9–306(b) and (d), 9–307(b), 9–406(b), 10–305, 10–310,  
 12 11–302(d), 16–801(a), 16–802(b), 16–803(a), and 16–804(a)

13 Annotated Code of Maryland

14 (2003 Volume and 2008 Supplement)

15 BY repealing

16 Article – Election Law

17 Section 9–310

18 Annotated Code of Maryland

19 (2003 Volume and 2008 Supplement)

20 BY adding to

21 Article – Election Law

22 Section 9–310

23 Annotated Code of Maryland

24 (2003 Volume and 2008 Supplement)

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

27 **Article – Election Law**

28 2–303.

29 (a) (1) Subject to paragraph (2) of this subsection, as it deems it expedient  
 30 for the convenience of voters, a local board may:

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

32 (ii) designate the location for polling places in any election  
 33 district, ward, or precinct in the county; and

34 (iii) combine or abolish precincts.

35 (2) (i) Except as provided under subparagraph (iii) of this  
 36 paragraph, a local board shall establish a separate precinct on campus or within  
 37 one-half mile of the campus to specifically serve a public or private institution of

1 higher education if the local board determines that at least 500 students, faculty, and  
2 staff who attend or work at the institution are registered voters in the precinct in  
3 which the institution is located.

4 (ii) If, in accordance with subparagraph (i) of this paragraph, a  
5 polling place is established at an institution of higher education that receives State  
6 funds, that institution shall:

7 1. provide without charge to the local board a facility for  
8 use as a polling place that meets all applicable requirements under this article and as  
9 established by the State Board; and

10 2. provide assistance to the local board in recruiting  
11 election judges to staff the polling place.

12 (iii) A local board may not be required to establish a separate  
13 precinct as provided under subparagraph (i) of this paragraph if there is an  
14 established [precinct] **POLLING PLACE** within one-half mile of the public or private  
15 institution of higher education's campus that serves the voters who attend or work at  
16 the public or private institution of higher education.

17 3-501.

18 An election director [may] **SHALL** remove a voter from the statewide voter  
19 registration list only:

20 (1) at the request of the voter, provided the request is:

21 (i) signed by the voter;

22 (ii) authenticated by the election director; and

23 (iii) in a format acceptable to the State Board or on a  
24 cancellation notice provided by the voter on a voter registration application;

25 (2) upon determining, based on information provided pursuant to  
26 [§ 3-503] § **3-504** of this subtitle, that the voter is no longer eligible because:

27 (i) the voter is not qualified to be a registered voter as provided  
28 in § 3-102(b) of this title; or

29 (ii) the voter is deceased;

30 (3) if the voter has moved outside the State, as determined by  
31 conducting the procedures established in § 3-502 of this subtitle; [or]

1 (4) if, in accordance with the administrative complaint process under §  
2 3-602 of this title, the [local board has determined] **STATE ADMINISTRATOR OR**  
3 **THE STATE ADMINISTRATOR'S DESIGNEE HAS DETERMINED** that the voter is not  
4 qualified to be registered to vote; **OR**

5 (5) **IF THE LOCAL BOARD DETERMINES THAT:**

6 (I) **THE ADDRESS PROVIDED BY THE VOTER IS A**  
7 **COMMERCIAL ADDRESS, BASED ON EVIDENCE PROVIDED TO THE BOARD,**  
8 **INCLUDING A BUSINESS THAT RENTS MAILBOXES;**

9 (II) **AT LEAST TWO NOTICES HAVE BEEN MAILED TO THE**  
10 **VOTER REQUESTING THE VOTER'S RESIDENCE ADDRESS; AND**

11 (III) **THE VOTER HAS NOT PROPERLY RESPONDED TO THE**  
12 **NOTICES.**

13 3-504.

14 (a) (1) (i) Information from the agencies specified in this paragraph  
15 shall be reported to the State Administrator in a format and at times prescribed by the  
16 State Board.

17 (ii) The Department of Health and Mental Hygiene shall report  
18 the names and residence addresses (if known) of all individuals at least 16 years of age  
19 reported deceased within the State since the date of the last report.

20 (iii) The clerk of the circuit court for each county and the  
21 administrative clerk for each District Court shall report the names and addresses of  
22 all individuals convicted, in the respective court, of a felony since the date of the last  
23 report.

24 (iv) The clerk of the circuit court for each county shall report the  
25 former and present names and residence addresses (if known) of all individuals whose  
26 names have been changed by decree or order of the court since the date of the last  
27 report.

28 (2) The State Administrator shall make arrangements with the clerk  
29 of the United States District Court for the District of Maryland, **COURTS OF OTHER**  
30 **STATES, AND OTHER UNITED STATES DISTRICT COURTS** to receive reports of  
31 names and addresses, if available, of individuals convicted of a felony in that court.

32 3-505.

1 (a) The State Board shall adopt regulations for the retention and storage of  
2 and reasonable access to original voter registration applications and other voter  
3 registration records the State Board considers appropriate.

4 (b) (1) [Voter] **SUBJECT TO SUBSECTIONS (C)(2) AND (D) OF THIS**  
5 **SECTION, VOTER** registration records stored and retained in a local board office shall  
6 be open to public inspection.

7 (2) For the purpose of public inspection, original voter registration  
8 records:

9 (i) subject to § 4-527(b) of the Family Law Article and except  
10 upon the special order of the local board, shall be available at all times when a local  
11 board is open; and

12 (ii) may not be removed from the office of the local board except:

13 1. on order of a court; or

14 2. for temporary removal solely for purposes of data  
15 processing.

16 (c) (1) Consistent with regulations adopted by the State Board, local  
17 boards shall maintain for at least 2 years all records concerning programs to ensure  
18 the accuracy and currency of the statewide voter registration list.

19 (2) Except for records concerning a declination to register or the  
20 identity of a voter registration agency through which a particular voter applies for  
21 registration, the records described in paragraph (1) of this subsection are accessible  
22 under Title 10, Subtitle 6, Part III of the State Government Article (Access to Public  
23 Records).

24 **(D) (1) IN THIS SUBSECTION, "PERSONAL IDENTIFICATION NUMBER"**  
25 **MEANS AN INDIVIDUAL'S:**

26 **(I) MOTOR VEHICLE ADMINISTRATION DRIVER'S LICENSE**  
27 **OR IDENTIFICATION CARD NUMBER; OR**

28 **(II) FULL SOCIAL SECURITY NUMBER.**

29 **(2) A PERSONAL IDENTIFICATION NUMBER IS NOT SUBJECT TO**  
30 **PUBLIC DISCLOSURE AND MAY BE USED ONLY FOR VOTER REGISTRATION**  
31 **PURPOSES.**

32 8-102.

1            [(a) Except as required under subsection (d) of this section] **IN ACCORDANCE**  
2 **WITH REGULATIONS ADOPTED BY THE STATE BOARD**, a local board shall provide  
3 notice of each election [in its county to the registered voters of the county by either:

4            (1) specimen ballot mailed at least 1 week before the election; or

5            (2) publication or dissemination by mass communication during the  
6 calendar week preceding the election.

7            (b) The notice shall include:

8            (1) the time and place of the election; and

9            (2) the offices, candidate names, and questions contained on the ballot.

10           (c) (1) If a local board provides notice by mailing specimen ballots, a  
11 specimen ballot shall be mailed to all registered voters in the county who are eligible  
12 to vote in the election.

13           (2) The specimen ballot shall be a facsimile of the ballot that the voter  
14 is entitled to vote in the election.

15           (d) (1) In Prince George's County for the general election, the Board shall:

16                    (i) provide notice by mailing specimen ballots; and

17                    (ii) mail a specimen ballot to the household of each registered  
18 voter in the county.

19           (2) The costs for mailing specimen ballots in Prince George's County  
20 shall be included in the county's annual budget appropriation to the local board.

21           (e) (1) Unless a local board mails a specimen ballot to its registered voters  
22 in accordance with subsection (c) or (d) of this section, the local board shall give notice  
23 of the election by newspaper publication or other means of mass communication.

24           (2) The notice of election under this subsection shall be arranged, if  
25 practicable, in the same order and form as the ballot.

26           (3) (i) If newspaper publication is used in a county, the notice shall  
27 be advertised in at least two newspapers of general circulation that are published in  
28 the county.

29                    (ii) In a county in which only one newspaper is published, the  
30 notice shall be published in that newspaper].

1 [(a) Before certifying the name of a board of education candidate to appear on  
2 the ballot, the local board shall determine whether the candidate qualifies as provided  
3 under Title 3 of the Education Article and Title 5 of this article.

4 (b) Unless Title 3 of the Education Article requires a partisan election, an  
5 individual may not qualify as a board of education candidate or nominee by filing a  
6 petition or being nominated by a political party.

7 9-204.

8 (b) Except as otherwise specifically provided in this title, or unless a  
9 provision is clearly inappropriate to absentee ballots **AND PROVISIONAL BALLOTS**,  
10 the provisions of this subtitle relating to ballot content and arrangement shall apply to  
11 the arrangement of absentee **AND PROVISIONAL** ballots.

12 9-215.

13 (b) [Each local board shall arrange to have printed a supply of ballots that is  
14 at least the number that is the product of] **THE STATE ADMINISTRATOR SHALL:**

15 (1) [the percentage of voters in the county who voted in the election  
16 that was 4 years prior, plus 10%; multiplied by] **IN CONSULTATION WITH THE  
17 LOCAL BOARDS, DETERMINE THE QUANTITY OF BALLOTS NEEDED FOR EACH  
18 ELECTION; AND**

19 (2) [the current number of registered voters in the county] **ARRANGE  
20 TO HAVE THE BALLOTS PRINTED.**

21 9-305.

22 (a) An application for an absentee ballot, signed by the voter, may be made:

23 (1) on a form [produced by the local board and supplied to the voter]  
24 **PRESCRIBED BY THE STATE BOARD;**

25 (2) on a form provided under federal law; or

26 (3) in [a] **AN INFORMAL** written request that [includes] **SATISFIES  
27 THE REQUIREMENTS OF REGULATIONS ADOPTED BY THE STATE BOARD[:**

28 (i) the voter's name and residence address; and

29 (ii) the address to which the ballot is to be mailed, if different  
30 from the residence address].

1 9-306.

2 (b) If the applicant qualifies to vote by absentee ballot, the local board shall  
3 [send] **PROVIDE THE VOTER WITH** the ballot:

4 (1) as soon as practicable after receipt of the request; or

5 (2) if the ballots have not been received from the printer, as soon as  
6 practicable after the local board receives delivery of the ballots.

7 (d) Not more than one absentee ballot may be issued to a voter unless:

8 (1) the election director [of the local board] has reasonable grounds to  
9 believe that an absentee ballot previously issued to the voter has been lost, destroyed,  
10 or spoiled; **OR**

11 (2) **AFTER THE ABSENTEE BALLOT HAS BEEN ISSUED TO THE**  
12 **VOTER:**

13 (I) **A BALLOT CHANGE OCCURS;**

14 (II) **A CANDIDATE IS DISQUALIFIED;**

15 (III) **A CANDIDATE DIES; OR**

16 (IV) **ANOTHER CHANGE AFFECTING THE CONTENT OF THE**  
17 **BALLOT OCCURS.**

18 9-307.

19 (b) An agent of the voter under this section:

20 (1) must be at least 18 years old;

21 (2) may not be a candidate on that ballot;

22 (3) shall be designated in a writing signed by the voter under penalty  
23 of perjury; and

24 (4) shall execute an affidavit under penalty of perjury that the ballot  
25 was:

26 (i) delivered to the voter who submitted the application; **AND**

27 (ii) **IF APPLICABLE**, marked and placed in an envelope by the  
28 voter, or with assistance as allowed by regulation, in the agent's presence[;] and



1 [(iii)] returned to the local board by the agent.

2 [9-310.

3 (a) An absentee ballot shall be enclosed in specially printed envelopes, the  
4 form and content of which shall be prescribed by the State Board.

5 (b) (1) A local board may use either two envelopes or three envelopes.

6 (2) If two envelopes are used, the inner envelope shall be designated  
7 the "ballot/return envelope", and, when issued, it shall fit inside the envelope  
8 designated the "outgoing envelope".

9 (3) If three envelopes are used, the innermost envelope shall be  
10 designated the "ballot envelope", which shall fit inside the envelope designated the  
11 "return envelope", both of which, when issued, shall fit inside the envelope designated  
12 the "outgoing envelope".

13 (c) When voted and returned to the local board, an absentee ballot shall be  
14 enclosed in a ballot envelope or ballot/return envelope, on which has been printed an  
15 oath prescribed by the State Board.]

16 **9-310.**

17 **THE STATE BOARD SHALL ADOPT GUIDELINES FOR THE DISTRIBUTION**  
18 **AND RETURN OF ABSENTEE BALLOTS.**

19 9-406.

20 (b) An individual rendering assistance under this section shall execute a  
21 certification as prescribed by the State Board and included in the instructions under [§  
22 9-408] § **9-407** of this subtitle.

23 10-305.

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

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

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

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

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

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

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

8 10-310.

9            (a)     For each individual who seeks to vote, an election judge, in accordance  
10 with [instructions provided by the local board] **THE INSTRUCTION MANUAL ISSUED**  
11 **UNDER § 10-206 OF THIS ARTICLE**, 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];

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

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

20            (3)]     establish the identity of the voter by requesting the voter to state  
21 the month and day of the voter's birth and comparing the response to the information  
22 listed in the precinct register;

23            [(4)] (3)     (i)     except if a voter's personal information has been  
24 deemed confidential by the local board, [verify] **REQUEST THAT THE VOTER STATE**  
25 the address of the voter's residence; or

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

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

1           **(4) DETERMINE WHETHER THE VOTER MAY VOTE A REGULAR**  
2 **BALLOT OR IS REQUIRED TO VOTE A PROVISIONAL BALLOT UNDER § 9-404 OF**  
3 **THIS ARTICLE;**

4           **(5) ISSUE A VOTER AUTHORITY CARD AND, IF ANY CHANGES TO**  
5 **THE VOTER AUTHORITY CARD ARE INDICATED BY THE VOTER, MAKE THE**  
6 **APPROPRIATE CHANGES ON THE CARD OR OTHER APPROPRIATE FORM; AND**

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

9           **(B) IF THE VOTER IS LISTED AS INACTIVE, THE VOTER MAY VOTE A**  
10 **REGULAR BALLOT IF THE VOTER COMPLETES THE WRITTEN AFFIRMATION**  
11 **REQUIRED BY § 3-503 OF THIS ARTICLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 11-302.

17 (d) (1) The State Board shall adopt regulations that reflect the policy that  
18 the clarity of the intent of the voter is the overriding consideration in determining the  
19 validity of an absentee ballot or the vote cast in a particular contest.

20 (2) A local board may not reject an absentee ballot except by  
21 unanimous vote and in accordance with regulations of the State Board.

22 (3) The local board shall reject an absentee ballot if:

23 (i) before the ballot is canvassed, the local board determines  
24 that the voter died before election day;

25 (ii) the voter failed to sign the oath on the ballot envelope;

26 (iii) the local board received more than one ballot from the same  
27 individual for the same election in the same ballot envelope; or

28 (iv) the local board determines that an absentee ballot is  
29 intentionally marked with an identifying mark that is clearly evident and placed on  
30 the ballot for the purpose of identifying the ballot.

31 (4) (I) **[If EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
32 **THIS PARAGRAPH, IF** the local board receives more than one legally sufficient ballot,  
33 in separate envelopes, from the same individual, the local board shall[:

1 (i) count only the ballot with the latest properly signed oath;  
2 and

3 (ii) reject any other ballot] **REJECT ALL BALLOTS SUBMITTED**  
4 **BY THAT INDIVIDUAL; AND**

5 **(II) IF TWO ABSENTEE BALLOTS ARE RECEIVED FROM THE**  
6 **SAME INDIVIDUAL, THE LOCAL BOARD SHALL ACCEPT THE BALLOT WITH THE**  
7 **LATER DATE, IF:**

8 **1. AFTER THE INDIVIDUAL CAST AND RETURNED**  
9 **THE INDIVIDUAL'S BALLOT:**

10 **A. A BALLOT CHANGE OCCURS;**

11 **B. A CANDIDATE IS DISQUALIFIED;**

12 **C. A CANDIDATE DIES; OR**

13 **D. ANOTHER CHANGE AFFECTING THE CONTENT OF**  
14 **THE BALLOT OCCURS; AND**

15 **2. THE BALLOT WITH THE LATER DATE IS ISSUED**  
16 **UNDER § 9-306(D) OF THIS ARTICLE.**

17 (5) If the intent of the voter is not clearly demonstrated, the local  
18 board shall reject only the vote for that office or question.

19 (6) **[If] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF** an  
20 absentee voter casts a vote for an individual who has [ceased to be a candidate] **BEEN**  
21 **DISQUALIFIED OR DIES**, the vote for that candidate may not be counted, but that  
22 vote does not invalidate the remainder of the ballot.

23 16-801.

24 (a) A person may not willfully **AND KNOWINGLY:**

25 (1) conceal, damage, or destroy voting equipment used or intended to  
26 be used on the day of election; or

27 (2) remove voting equipment from the custody of the election judges or  
28 other election officials.

29 16-802.

1 (b) An unauthorized person may not make or have in the person's possession  
2 a key **OR PASSWORD** to any voting equipment that is used or will be used on the day  
3 of election.

4 16-803.

5 (a) A person may not remove, deface, or destroy equipment or supplies **USED**  
6 **BY A LOCAL BOARD OFFICE OR** placed in a polling place by election officials during  
7 an election.

8 16-804.

9 (a) When an electronic voting system is used, a person may not willfully and  
10 knowingly:

11 (1) access the system **OR POSSESS VOTING SYSTEM FIRMWARE OR**  
12 **SOFTWARE** unless authorized to do so by the [appropriate election authority] **STATE**  
13 **ADMINISTRATOR; [or]**

14 (2) **POSSESS A VOTING UNIT UNLESS AUTHORIZED TO DO SO BY**  
15 **THE APPROPRIATE ELECTION AUTHORITY; OR**

16 [(2)] (3) tamper with or alter the **VOTING SYSTEM'S FIRMWARE,**  
17 hardware, system components, or software [utilized by the voting system, for the  
18 purpose of affecting the vote count].

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