

# SENATE BILL 43

G1

9lr0956

(PRE-FILED)

---

By: **Senators Harris, Greenip, Colburn, and Kittleman**

Requested: November 10, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Qualification of Voters – Proof of Identity**

3 FOR the purpose of requiring an election judge to establish certain information with  
4 regard to certain voters; requiring an election judge to qualify a voter by  
5 requesting the voter to present a certain form of identification; requiring an  
6 election judge to authorize an individual to vote a regular ballot under certain  
7 circumstances; allowing a voter who is unable to present a certain form of  
8 identification to vote by provisional ballot under certain circumstances;  
9 prohibiting a person from voting or attempting to vote under a false form of  
10 identification; requiring the Motor Vehicle Administration to issue an  
11 identification card to certain voters at no charge; and generally relating to proof  
12 of identity of voters.

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 BY repealing and reenacting, without amendments,  
19 Article – Transportation  
20 Section 12–301(a) and (h)  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2008 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Transportation  
25 Section 12–301(b)  
26 Annotated Code of Maryland  
27 (2006 Replacement Volume and 2008 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Election Law**

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] **ESTABLISH THE VOTER'S IDENTITY AND VERIFY THE VOTER'S ADDRESS AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND**

(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] **ESTABLISH THE VOTER'S IDENTITY AND VERIFY THE VOTER'S ADDRESS AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; 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[;].

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

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

(I) 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; **AND**

(II) **REQUIRING THE VOTER TO PRESENT A CURRENT AND VALID GOVERNMENT ISSUED PHOTO IDENTIFICATION;**

~~[(4)]~~ (2) (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; **AND**

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

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

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

6 [(b)] (C) (1) [On] **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS**  
7 **SECTION, ON** the completion of the procedures set forth in [subsection (a)]  
8 **SUBSECTIONS (A) AND (B) of this section, [a] THE ELECTION JUDGE SHALL**  
9 **AUTHORIZE THE INDIVIDUAL TO VOTE A REGULAR BALLOT.**

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

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

14 (1) **THE VOTER IS UNABLE TO PROVIDE IDENTIFICATION AS**  
15 **REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION; OR**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 16–201.

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

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

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

25                   **(III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**  
26 **IDENTIFICATION;**

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

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

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

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

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

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

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

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

## **Article – Transportation**

12–301.

(a) On application, the Administration shall issue an identification card to any individual who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration; and

(4) Presents a completed application for an identification card on a form furnished by the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall establish a fee for the issuance of an identification card and for issuance of a duplicate identification card.

(2) A fee is not required if the applicant for the card:

(i) Is 65 years old or older;

(ii) Is legally blind;

(iii) Has permanently lost the use of a leg or an arm;

1 (iv) Is permanently disabled so severely that the applicant  
2 cannot move without the aid of crutches or a wheelchair; [or]

3 (v) Has a physical or mental impairment that substantially  
4 limits a “major life activity” as defined in the federal Americans with Disabilities Act;  
5 **OR**

6 **(VI) IS AT LEAST 18 YEARS OLD AND OBTAINS THE CARD FOR**  
7 **USE AS A VOTER IDENTIFICATION CARD WHEN VOTING.**

8 (h) An identification card may be used as legal identification of the  
9 individual to whom it is issued for any purpose.

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