

SENATE BILL 320

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By: **Senator Gladden**

Introduced and read first time: January 28, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Voter's Rights Protection Act of 2009**

3 FOR the purpose of altering the circumstances under which an individual may be
4 offered the opportunity to cast a provisional ballot; requiring the State Board of
5 Elections to ensure that the program of instruction for election judges
6 incorporates a thorough and detailed treatment of certain information;
7 requiring a local board to extend the hours that a polling place shall be open
8 under certain circumstances; prohibiting a vacancy in polling place staff from
9 delaying the opening of the polling place; prohibiting an election judge from
10 requiring a voter to present photo identification before voting, except as
11 authorized by State or federal law; requiring certain election judges to
12 document for further investigation any malfunction of the voting system and
13 other issues that arise during the course of an election; regulating the activities
14 of challengers or watchers at the polling place; prohibiting certain persons from
15 distributing, disseminating, or publishing, or being responsible for certain
16 activities, with respect to any item of campaign material that contains certain
17 fraudulent representations or implications; prohibiting the use of electronic
18 mail or telephone facilities or equipment with the intent to prevent, obstruct, or
19 delay the broadcast or exchange of certain registration information or the
20 registration of a person having a lawful right to register; prohibiting the use of
21 electronic mail or telephone facilities or equipment with the intent to prevent,
22 obstruct, or delay the broadcast or exchange of election-related information, or
23 the use of a telecommunications device to engage in certain communication;
24 making conforming changes; defining certain terms; prohibiting certain election
25 officials from preventing an individual from registering to vote or allowing a
26 challenge to an individual's registration status under certain circumstances;
27 prohibiting a person from willfully and knowingly engaging in certain conduct
28 and submitting certain evidence as the basis to challenge the right of certain
29 individuals to register to vote or to vote; authorizing a court to impose certain
30 penalties under certain circumstances; authorizing the Attorney General or a
31 registered voter to institute a court action for certain relief under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 circumstances; making technical changes; requiring the State Administrator of
 2 Elections and the Office of the Attorney General to review and report on issues
 3 relating to voting over the Internet; and generally relating to voter registration
 4 and voting procedures and requirements under the State election law.

5 BY repealing and reenacting, with amendments,
 6 Article – Election Law
 7 Section 9–404, 10–206, 10–301, 10–305, 10–310, 10–311, 16–101, 16–201, and
 8 16–1002
 9 Annotated Code of Maryland
 10 (2003 Volume and 2008 Supplement)

11 BY adding to
 12 Article – Election Law
 13 Section 13–401.1 and 16–201.1
 14 Annotated Code of Maryland
 15 (2003 Volume and 2008 Supplement)

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

18 **Article – Election Law**

19 9–404.

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

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

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

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

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

29 (2) (i) the individual’s name does not appear on the precinct
 30 register;

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

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

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

4 (c) (1) In addition to the individuals who cast provisional ballots under
5 subsections (a) and (b) of this section, any individual who appears to vote during a
6 period covered by a court order or other order extending the time for closing the polls
7 shall cast a provisional ballot.

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

11 10-206.

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

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

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

18 [(2)] (3) oversee the implementation of the program of instruction.

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

20 (1) an instruction manual and other written directives;

21 (2) curriculum for training sessions; and

22 (3) audiovisuals.

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

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

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

1 (e) The State Board shall provide election judges with uniform statewide
2 training on the voting system, including:

3 (1) all features of the voting system that provide access to voters with
4 disabilities; and

5 (2) the rights of voters with disabilities, including those rights
6 guaranteed by State and federal law.

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

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

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

14 10-301.

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

17 **(B) IF FOR ANY REASON A POLLING PLACE IS CLOSED FOR MORE THAN**
18 **1 HOUR BETWEEN 7 A.M. AND 8 P.M. ON AN ELECTION DAY, THE LOCAL BOARD**
19 **SHALL:**

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

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

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

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

29 10-305.

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

- 1 [(a)] (B) If there is a vacancy in the polling place staff during voting hours:
- 2 (1) the local board may fill the vacancy with a substitute election judge
3 who has been recruited and trained; or
- 4 (2) an election judge who is present at the polling place may fill the
5 position of the absent election judge by appointing a person registered with the same
6 party affiliation as the absent election judge.
- 7 [(b)] (C) If a substitute election judge is appointed under subsection [(a)]
8 (B) of this section:
- 9 (1) either the election director, the election director's designee, or the
10 election judge making the substitute appointment shall administer the oath required
11 under § 10-204 of this title; and
- 12 (2) a chief election judge shall document any change in the polling
13 place staff in the records of the polling place.
- 14 10-310.
- 15 (a) For each individual who seeks to vote, an election judge, in accordance
16 with instructions provided by the local board, shall:
- 17 (1) locate the individual's name in the precinct register and locate the
18 preprinted voting authority card and then authorize the individual to vote a regular
19 ballot;
- 20 (2) (i) if the individual's name is not found on the precinct register,
21 search the inactive list and if the name is found, authorize the individual to vote a
22 regular ballot; or
- 23 (ii) if the individual's name is not on the inactive list, refer the
24 individual for provisional ballot voting under § 9-404 of this article;
- 25 (3) **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, establish the
26 identity of the voter by requesting the voter to state the month and day of the voter's
27 birth and comparing the response to the information listed in the precinct register;
- 28 (4) (i) except if a voter's personal information has been deemed
29 confidential by the local board, verify the address of the voter's residence; or
- 30 (ii) conduct an alternative verification as established by the
31 State Board, if the voter's personal information has been deemed confidential by the
32 local board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **(1) ANY ALLEGED MALFUNCTION OF THE VOTING EQUIPMENT;**

18 **(2) ISSUES THAT MAY REQUIRE FURTHER INVESTIGATION; AND**

19 **(3) ISSUES REGARDING THE CONDUCT OF CHALLENGERS AND**
20 **WATCHERS.**

21 10-311.

22 (a) (1) The following persons or entities have the right to designate a
23 registered voter as a challenger or a watcher at each place of registration and election:

24 (i) the State Board for any polling place in the State;

25 (ii) a local board for any polling place located in the county of
26 the local board;

27 (iii) a candidate;

28 (iv) a political party; and

29 (v) any other group of voters supporting or opposing a
30 candidate, principle, or proposition on the ballot.

31 (2) A person who appoints a challenger or watcher may remove the
32 challenger or watcher at any time.

1 (b) Except as provided in § 10–303(d)(2) of this subtitle and subsection (d) of
2 this section, a challenger or watcher has the right to:

3 (1) enter the polling place one-half hour before the polls open;

4 (2) enter or be present at the polling place at any time when the polls
5 are open;

6 (3) remain in the polling place until the completion of all tasks
7 associated with the close of the polls under § 10–314 of this subtitle and the election
8 judges leave the polling place;

9 (4) maintain a list of registered voters who have voted, or individuals
10 who have cast provisional ballots, and take the list outside of the polling place; and

11 (5) enter and leave a polling place for the purpose of taking outside of
12 the polling place information that identifies registered voters who have cast ballots or
13 individuals who have cast provisional ballots.

14 (c) (1) (i) A certificate signed by any party or candidate shall be
15 sufficient evidence of the right of a challenger or watcher to be present in the voting
16 room.

17 (ii) The State Board shall prescribe a form that shall be
18 supplied to the challenger or watcher by the person or entity designating the
19 challenger or watcher.

20 (2) A challenger or watcher shall be positioned near the election
21 judges and inside the voting room so that the challenger or watcher may see and hear
22 each person as the person offers to vote.

23 (d) (1) A challenger or watcher may not attempt to:

24 (i) ascertain how a voter voted or intends to vote;

25 (ii) converse in the polling place with any voter;

26 (iii) assist any voter in voting; [or]

27 (iv) physically handle an original election document **OR ANY**
28 **VOTING EQUIPMENT;**

29 (v) **MAKE A CHALLENGE INDISCRIMINATELY OR WITHOUT**
30 **GOOD CAUSE;**

1 (VI) INTERFERE WITH OR UNDULY DELAY THE WORK OF AN
2 ELECTION JUDGE; OR

3 (VII) MAKE A CHALLENGE OF A QUALIFIED VOTER FOR THE
4 PURPOSE OF ANNOYANCE OR DELAY.

5 (2) An election judge may eject a challenger or watcher who violates
6 the prohibitions under paragraph (1) of this subsection.

7 (e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
8 election judge shall permit an individual other than an accredited challenger or
9 watcher who desires to challenge the right to vote of any other individual to enter the
10 polling place for that purpose.

11 (2) A majority of the election judges may limit the number of
12 nonaccredited challengers and watchers allowed in the polling place at any one time
13 for the purpose of challenging the right of an individual to vote.

14 (3) A nonaccredited challenger or watcher shall leave the polling place
15 as soon as a majority of the election judges decides the right to vote of the individual
16 challenged by the challenger or watcher.

17 (4) In addition to restrictions provided under this subsection, all
18 restrictions on the actions of an accredited challenger or watcher provided under this
19 subtitle apply to a nonaccredited challenger or watcher.

20 **13-401.1.**

21 (A) THIS SECTION APPLIES TO CAMPAIGN MATERIAL THAT RELATES TO
22 OR DESCRIBES:

23 (1) THE TIME, PLACE, OR MANNER OF ANY ELECTION; OR

24 (2) THE QUALIFICATIONS FOR OR RESTRICTIONS ON VOTER
25 ELIGIBILITY FOR AN ELECTION.

26 (B) A PERSON, POLITICAL COMMITTEE, CAMPAIGN FINANCE ENTITY, OR
27 OTHER ORGANIZATION OR ENTITY MAY NOT DISTRIBUTE, DISSEMINATE, OR
28 PUBLISH OR CAUSE TO BE DISTRIBUTED, DISSEMINATED, OR PUBLISHED ANY
29 ITEM OF CAMPAIGN MATERIAL SUBJECT TO THIS SECTION KNOWING THE
30 CAMPAIGN MATERIAL IS FALSE AND WITH THE INTENT TO INFLUENCE A VOTER
31 OR TO PREVENT THE VOTER FROM EXERCISING THE RIGHT TO VOTE IN AN
32 ELECTION.

1 **(C) (1) A COURT MAY IMPOSE A CIVIL PENALTY UNDER § 13-604 OF**
2 **THIS TITLE FOR A VIOLATION OF THIS SECTION ONLY IF IT FINDS BY CLEAR AND**
3 **CONVINCING EVIDENCE THAT A VIOLATION OCCURRED.**

4 **(2) A COURT MAY ISSUE AN INJUNCTION UNDER § 13-605 OF THIS**
5 **TITLE AGAINST A VIOLATION OF THIS SECTION ONLY IF IT FINDS:**

6 **(I) BY CLEAR AND CONVINCING EVIDENCE THAT A**
7 **VIOLATION IS OCCURRING OR IS ABOUT TO OCCUR;**

8 **(II) AN INJUNCTION IS NECESSARY TO ACCOMPLISH THE**
9 **STATE'S INTEREST; AND**

10 **(III) OTHER AVAILABLE ALTERNATIVES ARE INSUFFICIENT**
11 **TO ACCOMPLISH THE STATE'S INTEREST.**

12 16-101.

13 **(a) IN THIS SECTION, "ELECTRONIC MAIL" MEANS THE TRANSMISSION**
14 **OF INFORMATION OR A COMMUNICATION BY THE USE OF A COMPUTER OR**
15 **OTHER ELECTRONIC MEANS THAT IS SENT TO A PERSON IDENTIFIED BY A**
16 **UNIQUE ADDRESS AND THAT IS RECEIVED BY THE PERSON.**

17 **(B) A person may not willfully and knowingly:**

18 (1) impersonate a voter or other person in order to register or attempt
19 to register in the name of the voter or other person;

20 (2) register to vote more than once;

21 (3) falsify residence in an attempt to register in the wrong location;

22 (4) secure registration through any unlawful means;

23 (5) cause by unlawful means the name of a qualified voter to be
24 stricken from the statewide voter registration list;

25 (6) prevent, hinder, or delay a person having a lawful right to register
26 from registering, through the use of force, threat, menace, intimidation, bribery,
27 reward, or offer of reward;

28 **(7) USE ELECTRONIC MAIL WITH THE INTENT TO:**

29 **(I) PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR**
30 **EXCHANGE OF INFORMATION RELATED TO REGISTERING TO VOTE; OR**

1 **(II) PREVENT, OBSTRUCT, OR DELAY A PERSON HAVING A**
2 **LAWFUL RIGHT TO REGISTER TO VOTE FROM REGISTERING TO VOTE;**

3 **(8) USE TELEPHONE FACILITIES OR EQUIPMENT WITH THE**
4 **INTENT TO:**

5 **(I) PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR**
6 **EXCHANGE OF INFORMATION RELATED TO REGISTERING TO VOTE; OR**

7 **(II) PREVENT, OBSTRUCT, OR DELAY A PERSON HAVING A**
8 **LAWFUL RIGHT TO REGISTER TO VOTE;**

9 **[(7)](9)** falsify any name on a registration;

10 **[(8)](10)** misrepresent any fact relating to registration; or

11 **[(9)](11)** induce or attempt to induce a person to violate any
12 prohibition in items (1) through **[(8)] (10)** of this subsection.

13 **[(b)](C)** A person who violates this section is guilty of a misdemeanor and
14 subject to a fine of not more than \$1,000 or imprisonment for not more than 5 years or
15 both.

16 **[(c)](D)** A person who violates this section is subject to § 5–106(b) of the
17 Courts Article.

18 16–201.

19 **(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 **(2) “ELECTION–RELATED INFORMATION” MEANS INFORMATION**
22 **RELATED TO:**

23 **(I) THE ENDORSEMENT, SUPPORT, AND PROMOTION OF, OR**
24 **OPPOSITION TO, ANY CLEARLY IDENTIFIED CANDIDATE OR SLATE OF**
25 **CANDIDATES FOR A STATE OR FEDERAL OFFICE, INCLUDING A CANDIDATE FOR**
26 **PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES, PRESIDENTIAL**
27 **ELECTOR, MEMBER OF THE UNITED STATES SENATE, MEMBER OF THE UNITED**
28 **STATES HOUSE OF REPRESENTATIVES, GOVERNOR, LIEUTENANT GOVERNOR,**
29 **MEMBER OF THE SENATE OF MARYLAND, OR MEMBER OF THE HOUSE OF**
30 **DELEGATES;**

31 **(II) THE TIME, PLACE, OR MANNER FOR AN ELECTION FOR**
32 **STATE OR FEDERAL OFFICE;**

1 **(III) REGISTRATION OR VOTING IN AN ELECTION FOR STATE**
2 **OR FEDERAL OFFICE; OR**

3 **(IV) THE FACILITATION OF TRANSPORT TO OR FROM**
4 **POLLING PLACES FOR AN ELECTION FOR STATE OR FEDERAL OFFICE.**

5 **(3) “ELECTRONIC MAIL” HAS THE MEANING STATED IN § 16-101**
6 **OF THIS TITLE.**

7 **(B)** A person may not willfully and knowingly:

8 (1) (i) impersonate another person in order to vote or attempt to
9 vote; or

10 (ii) vote or attempt to vote under a false name;

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

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

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

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

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

22 **(7) USE ELECTRONIC MAIL WITH THE INTENT TO:**

23 **(I) PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR**
24 **EXCHANGE OF ELECTION-RELATED INFORMATION; OR**

25 **(II) PREVENT, OBSTRUCT, OR DELAY ANY OTHER**
26 **TELECOMMUNICATIONS DEVICE FROM BEING USED TO ENGAGE IN**
27 **COMMUNICATIONS CONTAINING ELECTRONIC-RELATED INFORMATION;**

28 **(8) USE TELEPHONE FACILITIES OR EQUIPMENT WITH THE**
29 **INTENT TO:**

1 (I) PREVENT, OBSTRUCT, OR DELAY THE BROADCAST OR
2 EXCHANGE OF ELECTION-RELATED INFORMATION; OR

3 (II) PREVENT, OBSTRUCT, OR DELAY ANY OTHER
4 TELECOMMUNICATIONS DEVICE FROM BEING USED TO ENGAGE IN
5 COMMUNICATIONS CONTAINING ELECTION-RELATED INFORMATION;

6 [(7)](9) engage in conduct that results or has the intent to result in
7 the denial or abridgement of the right of any citizen of the United States to vote on
8 account of race, color, or disability; OR

9 (10) ENGAGE IN CONDUCT THAT RESULTS OR HAS THE INTENT TO
10 RESULT IN THE DISRUPTION OF POLLING PLACE ACTIVITIES.

11 (c) (1) WHENEVER A PERSON, POLITICAL COMMITTEE, CAMPAIGN
12 FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY HAS ENGAGED IN, OR
13 THERE IS REASONABLE GROUNDS TO BELIEVE THAT A PERSON, POLITICAL
14 COMMITTEE, CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY
15 IS ABOUT TO ENGAGE IN, AN ACT OR PRACTICE PROHIBITED BY SUBSECTION (B)
16 OF THIS SECTION, THE ATTORNEY GENERAL OR ANY REGISTERED VOTER MAY
17 INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE STATE FOR PREVENTIVE
18 RELIEF, INCLUDING AN APPLICATION FOR A TEMPORARY OR PERMANENT
19 INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER.

20 (2) THE CIRCUIT COURT SHALL HEAR AND DETERMINE THE
21 MATTER IMMEDIATELY ON FILING OF THE APPLICATION.

22 (3) THE GRANT OF A REMEDY BY THE CIRCUIT COURT UNDER
23 THIS SUBSECTION DOES NOT PRECLUDE ANY OTHER REMEDY AVAILABLE TO A
24 PERSON UNDER STATE OR FEDERAL LAW.

25 (4) THE CIRCUIT COURT SHALL:

26 (I) HAVE JURISDICTION OF ANY PROCEEDING INSTITUTED
27 IN ACCORDANCE WITH THIS SUBSECTION; AND

28 (II) EXERCISE ITS JURISDICTION WITHOUT REGARD TO
29 WHETHER A PERSON ASSERTING A RIGHT UNDER THIS SUBSECTION HAS
30 EXHAUSTED ANY ADMINISTRATIVE OR OTHER REMEDY AVAILABLE TO THAT
31 PERSON UNDER LAW.

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

1 (4) AN ERROR OR OMISSION ON A RECORD RELATING TO A VOTER
2 REGISTRATION APPLICATION OR A VOTER REGISTRATION, OR AN ERROR OR
3 OMISSION RELATING TO ANY OTHER ACT REQUISITE TO VOTING, PROVIDED THE
4 ERROR OR OMISSION IS NOT MATERIAL TO THE INDIVIDUAL'S ELIGIBILITY TO
5 VOTE; OR

6 (5) ANY OTHER EVIDENCE PRESCRIBED BY THE STATE BOARD,
7 UNLESS THAT EVIDENCE IS CORROBORATED BY OTHER INDEPENDENT
8 EVIDENCE THAT THE INDIVIDUAL IS INELIGIBLE TO REGISTER TO VOTE OR TO
9 VOTE.

10 (C) A PERSON OTHER THAN A STATE OR LOCAL ELECTION OFFICIAL
11 MAY NOT WILLFULLY AND KNOWINGLY SUBMIT A FORMAL CHALLENGE UNDER
12 THIS SECTION TO AN INDIVIDUAL'S ELIGIBILITY TO REGISTER TO VOTE OR TO
13 VOTE IN AN ELECTION UNLESS THE CHALLENGE IS SUPPORTED BY PERSONAL,
14 FIRST-HAND KNOWLEDGE REGARDING THE GROUNDS FOR INELIGIBILITY
15 WHICH IS:

16 (1) DOCUMENTED IN WRITING; AND

17 (2) SUBJECT TO AN OATH OR ATTESTATION UNDER PENALTY OF
18 PERJURY ASSERTING THAT THE INDIVIDUAL WHO IS THE SUBJECT OF THE
19 CHALLENGE IS INELIGIBLE TO REGISTER TO VOTE OR TO VOTE IN THAT
20 ELECTION.

21 (D) A PERSON OTHER THAN A STATE OR LOCAL ELECTION OFFICIAL
22 MAY NOT WILLFULLY AND KNOWINGLY SUBMIT A FORMAL CHALLENGE TO AN
23 INDIVIDUAL'S ELIGIBILITY TO REGISTER TO VOTE OR TO VOTE IN AN ELECTION
24 IF THE BASIS FOR THE CHALLENGE IS EVIDENCE THAT CONSISTS OF:

25 (1) A VOTER CAGING DOCUMENT;

26 (2) A VOTER CAGING LIST;

27 (3) AN UNVERIFIED MATCH LIST;

28 (4) AN ERROR OR OMISSION ON A RECORD RELATING TO A VOTER
29 REGISTRATION APPLICATION OR A VOTER REGISTRATION, OR AN ERROR OR
30 OMISSION RELATING TO ANY OTHER ACT REQUISITE TO VOTING, PROVIDED THE
31 ERROR OR OMISSION IS NOT MATERIAL TO THE INDIVIDUAL'S ELIGIBILITY TO
32 VOTE; OR

33 (5) ANY OTHER EVIDENCE PRESCRIBED BY THE STATE BOARD.

1 **(E) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.**

2 **(F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
3 **MISDEMEANOR AND SUBJECT TO A FINE OF NOT MORE THAN \$2,500 OR**
4 **IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH FOR EACH OFFENSE.**

5 16-1002.

6 A person who violates [§ 16-201(a)(6) or (7)] **§ 16-201(B)(6) OR (9)** or §
7 16-903 of this title without knowing that the act is illegal shall pay a civil penalty and
8 have the matter adjudicated in accordance with § 13-604 of this article.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the State Administrator
10 of Elections and the Office of the Attorney General shall:

11 (1) review the efficacy of, and any legal impediments to, implementing a
12 system to allow qualified State voters to vote over the Internet;

13 (2) (i) consult with local election officials in Maryland to ascertain the
14 impact and assess any administrative challenges associated with implementing a
15 system of voting over the Internet; and

16 (ii) consult with officials in other jurisdictions in the United States and
17 in other countries that have implemented voting over the Internet for political
18 campaigns, and consult with private entities that have utilized voting over the
19 Internet for business purposes, to discuss their experiences with such a system;

20 (3) note any legal impediments to implementing a system of Internet voting
21 in the State and identify any changes to State statutory or constitutional law that
22 would be required to implement such a system;

23 (4) estimate the fiscal impact to the State and to the counties to implement a
24 system of voting over the Internet; and

25 (5) on or before December 31, 2010, submit a report of findings and
26 recommendations to the Governor, and, in accordance with § 2-1246 of the State
27 Government Article, to the General Assembly.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2009.