

SENATE BILL 693

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SB 624/08 – EHE

9lr2036

By: **Senators Rosapepe, Frosh, Garagiola, Harrington, Jones, Lenett, Madaleno, McFadden, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, Stone, and Zirkin**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Maryland Student Voting Rights Act of 2009**

3 FOR the purpose of requiring certain institutions of higher education to develop a
4 certain plan to promote student involvement in the electoral process; requiring
5 certain institutions of higher education to provide certain students with the
6 opportunity to register to vote or to update a voter registration record; making
7 the implementation of certain requirements contingent on the appropriation of
8 certain funds in the State budget; requiring the State Board of Elections to post
9 certain information on its website regarding voting units for each election;
10 altering the standard for determining the area at certain polling places beyond
11 which electioneering may not take place; requiring a local board of elections to
12 mail an absentee ballot to a qualified voter by a certain date; requiring the
13 State Board to conduct certain reviews and evaluations and submit certain
14 reports to the General Assembly by certain dates; and generally relating to the
15 Maryland Student Voting Rights Act of 2009.

16 BY adding to
17 Article – Election Law
18 Section 1–305
19 Annotated Code of Maryland
20 (2003 Volume and 2008 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Election Law
23 Section 3–204, 9–306, 10–302, and 16–206
24 Annotated Code of Maryland
25 (2003 Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 **1–305.**

5 (A) THIS SECTION APPLIES TO EACH PUBLIC INSTITUTION OF HIGHER
6 EDUCATION IN THE STATE.

7 (B) AN INSTITUTION SUBJECT TO THIS SECTION SHALL DEVELOP A
8 PLAN TO PROMOTE STUDENT INVOLVEMENT IN THE ELECTORAL PROCESS BY:

9 (1) COORDINATING A VOTER REGISTRATION DRIVE ON CAMPUS
10 AT THE START OF THE SCHOOL YEAR; AND

11 (2) DESIGNATING AN INDIVIDUAL AT THE INSTITUTION TO
12 COORDINATE VOTER REGISTRATION AND VOTER EDUCATION ACTIVITIES ON
13 THE CAMPUS.

14 **3–204.**

15 (a) (1) The State Board shall designate public agencies and
16 nongovernmental agencies as voter registration agencies where qualified individuals
17 may apply to register to vote.

18 (2) The State Board shall designate the following offices as voter
19 registration agencies:

20 (i) all offices in the State that provide public assistance;

21 (ii) all offices in the State that provide State-funded programs
22 primarily engaged in providing services to individuals with disabilities; and

23 (iii) all public institutions of higher education in the State.

24 (3) The State Board and the Secretary of Defense shall jointly develop
25 and implement procedures for persons to apply to register to vote at recruitment
26 offices of the armed forces of the United States, which shall be deemed voter
27 registration agencies.

28 (b) Except for a public institution of higher education in the State, which
29 institution shall comply with the requirements of subsection (c) of this section, each
30 voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

1 (1) distribute a voter registration application approved by the State
2 Board or the Federal Election Commission with each application for service or
3 assistance it renders and with each recertification, renewal, or change of address form
4 relating to such service or assistance;

5 (2) provide a document to prospective registrants that includes:

6 (i) the question, "If you are not registered to vote where you live
7 now, would you like to apply to register to vote here today?";

8 (ii) if the agency provides public assistance, the statement,
9 "Applying to register or declining to register to vote will not affect the amount of
10 assistance that you will be provided by this agency.";

11 (iii) boxes for the applicant to check to indicate whether the
12 applicant would like to register or declines to register to vote together with the
13 statement (in close proximity to the boxes and in prominent type), "If you do not check
14 either box, you will be considered to have decided not to register to vote at this time.";

15 (iv) the statement, "If you would like help in filling out the voter
16 registration application form, we will help you. The decision whether to seek or accept
17 help is yours. You may fill out the application form in private.";

18 (v) the statement, "If you believe that someone has interfered
19 with your right to register or to decline to register to vote, your right to privacy in
20 deciding whether to register or in applying to register to vote, or your right to choose
21 your own political party or other political preference, you may file a complaint with the
22 State Board of Elections."; and

23 (vi) the address and toll free telephone number of the State
24 Board;

25 (3) provide each applicant who does not decline to register to vote and
26 who accepts assistance the same degree of assistance with regard to completion of the
27 registration application as is provided by the office with regard to the completion of its
28 own applications, unless the applicant refuses such assistance; and

29 (4) accept the completed voter registration application for transmittal
30 to the appropriate election board.

31 (c) (1) At the time that an individual enrolls, registers, **OBTAINS A**
32 **STUDENT IDENTIFICATION CARD**, or pays for course work provided by a public
33 institution of higher education in the State, the institution shall provide the individual
34 with an opportunity to request a voter registration application[. If] **AND, IF** the
35 individual requests a voter registration application, [the institution shall] provide, or
36 cause to be provided, an application to the individual.

1 **(2) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IF A**
2 **STUDENT CHOOSES TO REGISTER TO VOTE OR TO UPDATE A VOTER**
3 **REGISTRATION RECORD DURING A TRANSACTION SPECIFIED UNDER**
4 **PARAGRAPH (1) OF THIS SUBSECTION:**

5 **(I) ALL APPLICABLE INFORMATION RECEIVED BY THE**
6 **INSTITUTION IN THE COURSE OF COMPLETING A TRANSACTION UNDER**
7 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE TRANSFERRED TO A VOTER**
8 **REGISTRATION APPLICATION;**

9 **(II) ANY ADDITIONAL NECESSARY INFORMATION SHALL BE**
10 **OBTAINED BY THE INSTITUTION AND MAY NOT DUPLICATE ANY INFORMATION**
11 **ALREADY OBTAINED WHILE COMPLETING A TRANSACTION UNDER PARAGRAPH**
12 **(1) OF THIS SUBSECTION; AND**

13 **(III) A VOTER REGISTRATION APPLICATION WITH ALL OF**
14 **THE APPLICANT'S VOTER REGISTRATION INFORMATION SHALL BE PRESENTED**
15 **TO THE APPLICANT TO SIGN OR AFFIRM ELECTRONICALLY.**

16 **(3) (I) AN APPLICANT MAY DECLINE TO REGISTER TO VOTE,**
17 **UPDATE THE APPLICANT'S VOTER REGISTRATION RECORD, OR CHANGE THE**
18 **APPLICANT'S NAME OR ADDRESS BY:**

19 **1. AFFIRMATIVELY INDICATING THE INFORMATION**
20 **ON THE APPLICATION; OR**

21 **2. FAILING TO SIGN THE VOTER REGISTRATION**
22 **APPLICATION.**

23 **(II) THE INSTITUTION SHALL MAINTAIN DECLINATION**
24 **INFORMATION IN A MANNER SPECIFIED JOINTLY BY THE STATE BOARD AND**
25 **THE MARYLAND HIGHER EDUCATION COMMISSION.**

26 **(4) WITHIN 5 DAYS AFTER THE RECEIPT OF AN APPLICATION**
27 **UNDER THIS SUBSECTION, THE INSTITUTION SHALL FORWARD TO THE STATE**
28 **BOARD THE VOTER REGISTRATION INFORMATION IN A MANNER AND FORMAT**
29 **SPECIFIED JOINTLY BY THE STATE BOARD AND THE MARYLAND HIGHER**
30 **EDUCATION COMMISSION.**

31 **(5) IMPLEMENTATION OF THE REQUIREMENTS OF PARAGRAPHS**
32 **(2) THROUGH (4) OF THIS SUBSECTION IS CONTINGENT ON:**

33 **(I) THE APPROPRIATION OF SUFFICIENT FUNDS IN THE**
34 **STATE BUDGET FOR INSTITUTIONS OF HIGHER EDUCATION, THE STATE BOARD,**

1 AND THE LOCAL BOARDS TO PERFORM THE FUNCTIONS SET FORTH IN
2 PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION; AND

3 (II) THE ADOPTION OF REGULATIONS BY THE STATE BOARD
4 TO IMPLEMENT THE REQUIREMENTS OF PARAGRAPHS (2) THROUGH (4) OF THIS
5 SUBSECTION.

6 (d) An applicant may mail the voter registration application to the
7 appropriate State election official or return it to the voter registration agency for
8 transmittal to the appropriate election official.

9 (e) Within 5 days from the acceptance of a voter registration application, the
10 voter registration agency shall forward the application to the appropriate State
11 election official.

12 (f) If a voter registration agency is an office described in subsection (a)(2)(ii)
13 of this section, which provides services to an individual with a disability at the
14 individual's home, the agency shall provide the services described in subsection (b) of
15 this section at the individual's home.

16 (g) (1) An individual who provides any service described in subsection (b)
17 of this section may not:

18 (i) seek to influence an applicant's political preference or party
19 registration;

20 (ii) display any political preference or party allegiance; or

21 (iii) make any statement to an applicant or take any action the
22 purpose or effect of which is to lead the applicant to believe that a decision to register
23 or not to register has any bearing on the availability of services or benefits.

24 (2) No information relating to a declination to register to vote in
25 connection with an application made at an office designated as a voter registration
26 agency may be used for any purpose other than the maintenance of voter registration
27 statistics.

28 (3) Notwithstanding § 3-501 of this title and § 10-611 of the State
29 Government Article, the identity of a voter registration agency through which a
30 particular voter has registered may not be disclosed to the public.

31 (h) Regulations necessary to carry out the requirements of this section and §
32 3-203 of this subtitle, including provisions for training the employees of voter
33 registration agencies and the Motor Vehicle Administration, shall be adopted by the
34 State Board in cooperation with each agency.

35 9-306.

1 (a) Promptly after receipt of an application, the election director shall review
2 the application and determine whether the applicant qualifies to vote by absentee
3 ballot.

4 (b) If the applicant qualifies to vote by absentee ballot, the local board shall
5 send the ballot:

6 (1) as soon as practicable after receipt of the request, **BUT NOT LATER**
7 **THAN THE FIFTH DAY BEFORE THE ELECTION;** or

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

10 (c) (1) If the members of the local board determine that the applicant is
11 not entitled to vote by absentee ballot, the local board shall notify the applicant as
12 soon as practicable after receipt of the application of the reasons for the rejection.

13 (2) (i) The local board may delegate the determination under
14 paragraph (1) of this subsection to the staff of the local board.

15 (ii) If the determination has been delegated, the applicant may
16 appeal the rejection to the members of the local board, who shall decide the appeal as
17 expeditiously as practicable.

18 (d) Not more than one absentee ballot may be issued to a voter unless the
19 election director of the local board has reasonable grounds to believe that an absentee
20 ballot previously issued to the voter has been lost, destroyed, or spoiled.

21 10-302.

22 (a) In a timely manner for each election, the local board shall provide for the
23 delivery to each polling place the supplies, records, and equipment necessary for the
24 conduct of the election.

25 (b) Each polling place shall be equipped with a computer device that contains
26 a record of all registered voters in the county and that is capable of being networked to
27 other polling place computer devices.

28 (c) **NOT LATER THAN 5 DAYS BEFORE AN ELECTION, THE STATE BOARD**
29 **SHALL POST ON THE STATE BOARD WEBSITE:**

30 (1) **THE NUMBER OF VOTING UNITS THE LOCAL BOARD INTENDS**
31 **TO ALLOCATE FOR EACH PRECINCT IN THE COUNTY FOR THAT ELECTION; AND**

32 (2) **THE STATE BOARD'S DETERMINATION OF THE NUMBER OF**
33 **VOTING UNITS THE LOCAL BOARD SHOULD ALLOCATE IN ACCORDANCE WITH ITS**

1 **REGULATIONS AND GUIDELINES FOR EACH PRECINCT IN THE COUNTY FOR THAT**
2 **ELECTION.**

3 16–206.

4 (a) A person may not:

5 (1) place any distinguishing mark on the person's own or another
6 person's ballot for the purpose of identifying the ballot;

7 (2) misrepresent the person's ability to mark a ballot or operate voting
8 equipment;

9 (3) interfere or attempt to interfere with a voter while the voter is
10 inside the polling room, marking a ballot, or operating voting equipment;

11 (4) induce or attempt to induce a voter to mark the voter's ballot in a
12 certain way;

13 (5) except for servicing by an authorized person, unlock any locked
14 compartment of a voting device unless instructed to do so by the election director;

15 (6) destroy or deface a ballot;

16 (7) remove a ballot from a building in which voting occurs, except as
17 otherwise provided in this article;

18 (8) delay the delivery of a ballot;

19 (9) possess on or before the day of election an official ballot printed for
20 the election, unless the possession of the ballot is necessary and appropriate for
21 carrying out the election process; or

22 (10) canvass, electioneer, or post any campaign material in the polling
23 place or beyond a line established by signs posted in accordance with subsection (b) of
24 this section.

25 (b) (1) At each polling place, one election judge from each principal
26 political party shall be designated by the local board and, acting jointly, shall post
27 signs delineating a line around the entrance and exit of the building that are closest to
28 that part of the building in which voting occurs.

29 (2) (I) **[The] SUBJECT TO SUBPARAGRAPH (II) OF THIS**
30 **PARAGRAPH, THE** line shall be located as near as practicable to 100 feet from the
31 entrance and exit and shall be established after consideration of the configuration of
32 the entrance and the effect of placement on public safety and the flow of pedestrian
33 and vehicular traffic.

1 **(II) AS TO A POLLING PLACE AT AN INSTITUTION OF HIGHER**
2 **EDUCATION, THE LINE PRESCRIBED UNDER SUBPARAGRAPH (I) OF THIS**
3 **PARAGRAPH SHALL BE AS NEAR AS PRACTICABLE TO 100 FEET FROM THE**
4 **ACTUAL POLLING PLACE WITHIN THE BUILDING IN WHICH VOTING OCCURS.**

5 (3) The signs shall contain the words “No Electioneering Beyond this
6 Point”.

7 (c) A person who violates this section is guilty of a misdemeanor and is
8 subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more
9 than 60 days or both.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of
11 Elections shall review and evaluate the implementation of the requirements of §
12 3–204(c)(2) through (5) of the Election Law Article as enacted by this Act and, in
13 accordance with § 2–1246 of the State Government Article, submit a report of its
14 findings and recommendations to the General Assembly on or before December 31,
15 2009.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the requirements of §
17 9–306(b) of the Election Law Article as enacted by this Act shall apply to each election
18 occurring on or after July 1, 2009, that is required to be held in accordance with the
19 Election Law Article. The State Board of Elections shall review and evaluate the
20 implementation by the local boards of elections in the State of the requirements of §
21 9–306(b) of the Election Law Article as enacted by this Act and, in accordance with §
22 2–1246 of the State Government Article, submit a report of its findings and
23 recommendations to the General Assembly on or before December 31, 2009.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2009.