

HOUSE BILL 118

G1

11r0974

By: **Delegates Kipke and George**

Introduced and read first time: January 24, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Qualification of Voters – Option to Present Proof of Identity**

3 FOR the purpose of requiring the statewide voter registration application to provide
4 an applicant with the opportunity to elect to be required to present certain
5 identification to establish the individual's identity when the individual seeks to
6 vote; requiring certain information regarding the voter identification option to
7 be given to each applicant who is completing a statewide voter registration
8 application; requiring an election judge to establish certain information with
9 regard to certain voters; requiring an election judge to qualify a certain voter by
10 requiring the voter to present a certain form of identification; requiring an
11 election judge to authorize an individual to vote a regular ballot under certain
12 circumstances; requiring an election judge to refer a certain individual who is
13 unable to present a certain form of identification for provisional ballot voting;
14 prohibiting a person from voting or attempting to vote under a false form of
15 identification; and generally relating to the proof of identity of voters.

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 3–202, 10–310, and 16–201
19 Annotated Code of Maryland
20 (2010 Replacement Volume)

21 BY repealing and reenacting, without amendments,
22 Article – Election Law
23 Section 3–203(c)
24 Annotated Code of Maryland
25 (2010 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Election Law

2 3–202.

3 (a) (1) The statewide voter registration application shall:

4 (i) require the signature of the applicant, subject to the
5 penalties of perjury, by which the applicant swears or affirms that the information
6 contained in the registration application is true and that the applicant meets all of the
7 qualifications to become a registered voter;8 (ii) state the penalties for the submission of a false application;
9 [and]10 (iii) provide the applicant with the opportunity to cancel a
11 current registration; **AND**12 **(IV) PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO**
13 **ELECT TO BE REQUIRED TO PRESENT IDENTIFICATION TO AN ELECTION JUDGE**
14 **TO ESTABLISH THE INDIVIDUAL’S IDENTITY WHEN THE INDIVIDUAL SEEKS TO**
15 **VOTE.**16 (2) The following information shall be made available to each
17 applicant who is completing a statewide voter registration application:

18 (i) the qualifications to become a registered voter;

19 (ii) if an individual declines to register, this fact will remain
20 confidential and be used only for voter registration purposes;21 (iii) if an individual registers to vote, the office at which the
22 application is submitted will remain confidential and will be used only for voter
23 registration purposes; [and]24 (iv) notification to the applicant that submission of the form to
25 an individual other than an official, employee, or agent of a local board does not assure
26 that the form will be filed or filed in a timely manner; **AND**27 **(V) IF AN INDIVIDUAL ELECTS TO BE REQUIRED TO**
28 **PRESENT IDENTIFICATION WHEN THE INDIVIDUAL VOTES, BEFORE BEING**
29 **ALLOWED TO VOTE A REGULAR BALLOT THE INDIVIDUAL WILL BE REQUIRED TO**
30 **PRESENT A COPY OF:**31 1. A CURRENT AND VALID GOVERNMENT–ISSUED
32 PHOTO IDENTIFICATION; OR

1 **2. A UTILITY BILL, BANK STATEMENT, GOVERNMENT**
2 **CHECK, PAYCHECK, OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE**
3 **INDIVIDUAL'S NAME AND ADDRESS AND IS DATED WITHIN 3 MONTHS BEFORE**
4 **THE ELECTION.**

5 (3) The statewide voter registration application may not require:

6 (i) notarization or other formal authentication; or

7 (ii) any additional information, other than the information
8 necessary to enable election officials to determine the eligibility of the applicant and to
9 administer voter registration and other parts of the election process.

10 (4) (i) A statewide voter registration application shall be produced
11 exclusively by the State Board.

12 (ii) No other registration form may be used for registration
13 purposes except:

14 1. a voter registration application produced by a local
15 board with the approval of the State Board;

16 2. as provided in subsection (b) of this section;

17 3. as provided in § 3-203(b) of this subtitle;

18 4. any other form prescribed by federal law for voter
19 registration; or

20 5. a federal write-in absentee ballot if used by a voter
21 authorized to vote a federal write-in absentee ballot under federal law.

22 (b) The voter registration application form prescribed pursuant to the
23 National Voter Registration Act of 1993 shall be accepted by the appropriate election
24 official for purposes of voter registration.

25 (c) The application described in this section may be used by a registered
26 voter to change the voter's name, address, or party affiliation.

27 3-203.

28 (c) (1) (i) In consultation with the Motor Vehicle Administration, the
29 State Board shall prepare a voter registration application to be used for voter
30 registration at the Motor Vehicle Administration.

1 (ii) Except as provided in this section, the voter registration
 2 portion of the application may not require information that duplicates information
 3 required in the driver's license or identification card portion of the application.

4 (2) The voter registration portion of the application shall:

5 (i) contain the same information as the statewide voter
 6 registration application prescribed in § 3–202(a) of this subtitle; and

7 (ii) require only the minimum amount of information necessary,
 8 including the applicant's telephone number:

9 1. to prevent duplicate voter registration; and

10 2. to enable the appropriate election official to assess the
 11 eligibility of an applicant and to administer voter registration and other aspects of the
 12 election process.

13 (3) The application shall contain a box for the applicant to check, with
 14 the statement, "I do not wish to register to vote at this time".

15 10–310.

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

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

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

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

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

29 **[(3)] (1)** establish the identity of the voter by:

30 **(I)** requesting the voter to state the month and day of the
 31 voter's birth and comparing the response to the information listed in the election
 32 register; **OR**

1 **(II) IF THE VOTER ELECTED ON THE VOTER REGISTRATION**
2 **APPLICATION TO BE REQUIRED TO PRESENT IDENTIFICATION, REQUIRING THE**
3 **VOTER TO PRESENT A COPY OF:**

4 **1. A CURRENT AND VALID GOVERNMENT-ISSUED**
5 **PHOTO IDENTIFICATION; OR**

6 **2. A UTILITY BILL, BANK STATEMENT, GOVERNMENT**
7 **CHECK, PAYCHECK, OR OTHER GOVERNMENT DOCUMENT THAT SHOWS THE**
8 **INDIVIDUAL'S NAME AND ADDRESS AND IS DATED WITHIN 3 MONTHS BEFORE**
9 **THE ELECTION;**

10 **[(4)] (2)** (i) except if a voter's personal information has been
11 deemed confidential by the local board, verify the address of the voter's residence; or

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

15 **[(5)] (3)** if any changes to the voting authority card are indicated by
16 **[a] THE** voter, make the appropriate changes in information on the card or other
17 appropriate form; and

18 **[(6)] (4)** have the voter sign the voting authority card and either
19 issue the voter a ballot or send the voter to a machine to vote.

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

24 **(2)** A voter may vote in accordance with the procedures appropriate to
25 the voting system used in the polling place.

26 **(D) THE ELECTION JUDGE SHALL REFER THE INDIVIDUAL FOR**
27 **PROVISIONAL BALLOT VOTING UNDER § 9-404 OF THIS ARTICLE IF THE VOTER**
28 **ELECTED ON THE VOTER REGISTRATION APPLICATION TO BE REQUIRED TO**
29 **PRESENT IDENTIFICATION AND THE ELECTION JUDGE IS UNABLE TO ESTABLISH**
30 **THE IDENTITY OF THE VOTER AS REQUIRED UNDER SUBSECTION (B)(1)(II) OF**
31 **THIS SECTION.**

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

1 (i) instruct the voter about the operation of the voting system;
2 and

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

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

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

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

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

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

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

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

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

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

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

33 16-201.

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

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

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

4 **(III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**
5 **IDENTIFICATION;**

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

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

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

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

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

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

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

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

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2011.**