

Chapter 157

(Senate Bill 279)

AN ACT concerning

Election Law – Improving Access to Voting

~~FOR the purpose of providing an exception to the voter registration deadline to allow an individual to register to vote or update an existing voter registration address and vote during early voting; requiring proof of residency to register or update an existing voter registration address during early voting; providing the types of acceptable proof; requiring the State Board of Elections to adopt regulations and establish procedures for the administration of voter registration during early voting; providing for certain methods of requesting an absentee ballot, including through the use of an accessible online application; requiring a local board of elections to provide a voter with an absentee ballot in the manner requested by the voter; requiring the State Board to provide an accessible optional online ballot marking tool; specifying certain certification requirements for the ballot marking tool; authorizing an absentee ballot to be sent by the Internet or facsimile transmission and requiring certain information to be provided with the ballot; altering the number of early voting centers for a county with a certain number of registered voters; altering the dates and times for early voting during certain elections; providing for a delayed effective date for certain provisions of this Act; requiring the State Board of Elections to review and conduct a certain analysis and submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to election law and improving access to voting.~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Election Law~~

~~Section 3 ~~204.1(b)~~, ~~3~~ ~~302~~, ~~9~~ ~~305~~, ~~9~~ ~~306~~, ~~9~~ ~~308~~, ~~9~~ ~~310~~, and ~~10~~ ~~301.1~~~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2012 Supplement)~~

~~BY adding to~~

~~Article – Election Law~~

~~Section 3 ~~305~~~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2012 Supplement)~~

FOR the purpose of requiring an individual who applies to register to vote or update an existing voter registration online to provide certain information; providing an exception to the voter registration deadline to allow an individual to register to vote or update an existing voter registration address and vote during early

voting; requiring proof of residency to register or update an existing voter registration address during early voting; providing the types of acceptable proof; requiring the State Board of Elections to adopt regulations and establish procedures for the administration of voter registration during early voting; providing for certain methods of requesting an absentee ballot, including through the use of an accessible online application; requiring an individual who requests an absentee ballot online to provide certain information; requiring a local board of elections to provide a voter with an absentee ballot in the manner requested by the voter; authorizing the State Board to provide an accessible optional online ballot marking tool; specifying certain certification requirements for the ballot marking tool; requiring a local board to follow certain procedures during the canvass of votes cast using an online ballot marking tool; authorizing an absentee ballot to be sent by the Internet or facsimile transmission and requiring certain information to be provided with the ballot; altering the number of early voting centers for a county with a certain number of registered voters; altering the dates and times for early voting during certain elections; increasing the amount of a certain fine that may be imposed for certain violations of election law; requiring the State Board to conduct a certain analysis of extending the early voting period and submit the analysis to certain committees of the General Assembly on or before a certain date; requiring the State Board to review and conduct an analysis of wait times at polling places and submit a certain report to certain committees of the General Assembly on or before a certain date; requiring the State Board to conduct a certain usability and accessibility evaluation of an online ballot marking tool and submit a certain report to certain committees of the General Assembly on or before a certain date; requiring the State Board to engage an independent consultant to study and make recommendations on improving the security of certain technology used in the conduct of elections; requiring the independent consultant to submit a certain report to certain committees of the General Assembly on or before a certain date; defining a certain term; providing for a delayed effective date for certain provisions of this Act; and generally relating to election law and improving access to voting.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3-204.1, 3-302, 9-305, 9-306, 9-310, 10-301.1, and 16-201

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Election Law

Section 3-305 and 9-308.1

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

~~Article Election Law~~

~~§ 302.~~

~~(a) [Registration] EXCEPT AS PROVIDED UNDER § 3-305 OF THIS SUBTITLE, REGISTRATION is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.~~

~~(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.~~

~~(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:~~

~~(1) there is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or~~

~~(2) the application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.~~

~~§ 305.~~

~~(A) DURING EARLY VOTING, AN INDIVIDUAL MAY APPEAR IN PERSON AT AN EARLY VOTING CENTER IN THE INDIVIDUAL'S COUNTY OF RESIDENCE AND APPLY TO REGISTER TO VOTE OR CHANGE THE VOTER'S ADDRESS ON AN EXISTING VOTER REGISTRATION.~~

~~(B) (1) WHEN APPLYING TO REGISTER TO VOTE OR CHANGE AN ADDRESS ON AN EXISTING REGISTRATION DURING EARLY VOTING, THE APPLICANT SHALL PROVIDE PROOF OF RESIDENCY.~~

~~(2) THE APPLICANT SHALL PROVE RESIDENCY BY SHOWING THE ELECTION JUDGE:~~

~~(i) A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS; OR~~

~~(H) IF THE APPLICANT DOES NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS, A COPY OF AN OFFICIAL DOCUMENT THAT:~~

~~1. MEETS THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD; AND~~

~~2. CONTAINS THE APPLICANT'S NAME AND CURRENT ADDRESS.~~

~~(C) (1) WHEN AN INDIVIDUAL APPLIES TO REGISTER TO VOTE AT AN EARLY VOTING CENTER, THE ELECTION JUDGE SHALL DETERMINE WHETHER THE APPLICANT RESIDES IN THE COUNTY IN WHICH THE APPLICANT APPLIED AND IS QUALIFIED TO BECOME A REGISTERED VOTER.~~

~~(2) IF THE VOTER IS A RESIDENT OF THE COUNTY AND IS QUALIFIED TO REGISTER TO VOTE, THE ELECTION JUDGE SHALL:~~

~~(I) ISSUE THE VOTER A VOTING AUTHORITY CARD;~~

~~(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;~~

~~AND~~

~~(III) ISSUE THE VOTER A BALLOT.~~

~~(D) (1) WHEN A VOTER APPLIES TO CHANGE THE VOTER'S ADDRESS DURING EARLY VOTING, THE ELECTION JUDGE SHALL DETERMINE WHETHER THE VOTER RESIDES IN THE COUNTY IN WHICH THE VOTER SEEKS TO VOTE.~~

~~(2) IF THE VOTER IS A RESIDENT OF THE COUNTY, THE ELECTION JUDGE SHALL:~~

~~(I) ISSUE THE VOTER A VOTING AUTHORITY CARD;~~

~~(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;~~

~~AND~~

~~(III) ISSUE THE VOTER THE APPROPRIATE BALLOT FOR THE VOTER'S NEW ADDRESS.~~

~~(E) THE STATE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADMINISTRATION OF VOTER REGISTRATION DURING EARLY VOTING.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Election Law~~

~~§ 204.1.~~

~~(b) To apply to register to vote through the online voter registration system, an individual shall:~~

~~(1) complete the electronic voter registration application;~~

~~(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter;~~

~~(3) provide one of the following:~~

~~(i) a Maryland driver's license number or Maryland identification card number AND THE LAST FOUR DIGITS OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER OR OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE INDIVIDUAL; or~~

~~(ii) if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and~~

~~(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:~~

~~(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; or~~

~~(ii) the individual's Social Security number.~~

~~§ 305.~~

~~(a) [An application for] A VOTER MAY REQUEST an absentee ballot[, signed by the voter, may be made] BY COMPLETING AND SUBMITTING:~~

~~(1) [on a form produced by the local board and supplied to the voter] THE STATE BOARD APPROVED ABSENTEE BALLOT APPLICATION;~~

~~(2) [on] a form provided under federal law; [or]~~

~~(3) [in] a written request that includes:~~

~~(i) the voter's name [and], residence address, AND SIGNATURE; and~~

~~(ii) the address to which the ballot is to be mailed, if different from the residence address; OR~~

~~(4) AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, THE ACCESSIBLE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE STATE BOARD.~~

~~(b) [Except for a late application under subsection (c) of this section, an] AN application for an absentee ballot must be received by a local board:~~

~~(1) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY MAIL OR FACSIMILE TRANSMISSION, not later than the Tuesday preceding the election, at the time specified in the guidelines;~~

~~(2) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY THE INTERNET, NOT LATER THAN THE FRIDAY PRECEDING THE ELECTION, AT THE TIME SPECIFIED IN THE GUIDELINES; OR~~

~~(3) IF THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT APPLIES FOR AN ABSENTEE BALLOT IN PERSON AT THE LOCAL BOARD OFFICE, NOT LATER THAN THE CLOSING OF THE POLLS ON ELECTION DAY.~~

~~[(c) (1) Beginning on the Wednesday preceding the election, through the closing of the polls on election day, a registered voter or the voter's duly authorized agent may apply in person for an absentee ballot at the office of the local board.~~

~~(2) A special application for an absentee ballot issued under this subsection shall be supplied by the staff of the local board to the voter or the voter's duly authorized agent.~~

~~(3) The application shall be made under penalty of perjury but without a formal oath.~~

~~(4) After review of the application, the staff shall issue an absentee ballot to the voter or the voter's duly authorized agent.]~~

~~(C) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE STATE BOARD SHALL REQUIRE THE APPLICANT TO PROVIDE:~~

~~(1) A MARYLAND DRIVER'S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER AND THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER OR OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE APPLICANT; OR~~

~~(2) IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER.~~

~~9-306.~~

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

~~(b) If the applicant qualifies to vote by absentee ballot, the local board shall [send] PROVIDE the ballot BY ONE OF THE FOLLOWING METHODS REQUESTED BY THE VOTER:~~

~~(1) MAIL;~~

~~(2) FACSIMILE TRANSMISSION;~~

~~(3) THE INTERNET; OR~~

~~(4) BY HAND DURING AN IN PERSON TRANSACTION.~~

~~(c) ONCE BALLOTS ARE AVAILABLE, THE LOCAL BOARD SHALL PROVIDE THE BALLOT TO A QUALIFIED APPLICANT:~~

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

~~(2) [if the ballots have not been received from the printer, as soon as practicable after the local board receives delivery of the ballots] IMMEDIATELY FOR AN IN PERSON TRANSACTION WITH A VOTER OR THE VOTER'S DULY AUTHORIZED AGENT.~~

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

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

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

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

~~9-308.~~

~~(a) A voter who requires assistance in casting an absentee ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:~~

- ~~(1) a candidate who is on that ballot;~~
- ~~(2) the voter's employer or an agent of the employer; or~~
- ~~(3) an officer or agent of the voter's union.~~

~~(b) An individual rendering assistance under this section shall execute a certification as prescribed by the State Board and included in the instructions under § 9-309 of this subtitle.~~

~~(c) (1) THE STATE BOARD SHALL PROVIDE AN ACCESSIBLE OPTIONAL ONLINE BALLOT MARKING TOOL FOR A VOTER WHO REQUESTED TO HAVE THE ABSENTEE BALLOT SENT BY THE INTERNET.~~

~~(2) (i) THE STATE BOARD SHALL CERTIFY THE ONLINE BALLOT MARKING TOOL IN ACCORDANCE WITH THE APPLICABLE CERTIFICATION STANDARDS UNDER § 9-102(D) OF THIS TITLE.~~

~~(ii) NOTWITHSTANDING SUBPARAGRAPH (i) OF THIS PARAGRAPH, § 9-102(D)(2) OF THIS TITLE IS NOT APPLICABLE TO THE STATE BOARD'S CERTIFICATION DETERMINATION IF THE U.S. ELECTION ASSISTANCE COMMISSION HAS NOT APPROVED SPECIFIC PERFORMANCE AND TEST STANDARDS FOR ONLINE BALLOT MARKING TOOLS.~~

~~9-310.~~

~~(a) (1) THIS SUBSECTION APPLIES ONLY TO AN ABSENTEE BALLOT THAT IS SENT BY MAIL.~~

~~(2) An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the State Board.~~

~~[(b) (1)] (3) (i) A local board may use either two envelopes or three envelopes.~~

~~[(2)] (ii) If two envelopes are used, the inner envelope shall be designated the "ballot/return envelope", and, when issued, it shall fit inside the envelope designated the "outgoing envelope".~~

~~[(3)] (iii) If three envelopes are used, the innermost envelope shall be designated the "ballot envelope", which shall fit inside the envelope designated the "return envelope", both of which, when issued, shall fit inside the envelope designated the "outgoing envelope".~~

~~[(e)] (4) When voted and returned to the local board, an absentee ballot shall be enclosed in a ballot envelope or ballot/return envelope, on which has been printed an oath prescribed by the State Board.~~

~~(B) IF AN ABSENTEE BALLOT IS SENT BY THE INTERNET OR FACSIMILE TRANSMISSION, THE LOCAL BOARD SHALL PROVIDE THE VOTER WITH AN ENVELOPE TEMPLATE, THE OATH PRESCRIBED BY THE STATE BOARD, AND INSTRUCTIONS FOR MARKING AND RETURNING THE ABSENTEE BALLOT.~~

~~10-301.1.~~

~~(a) Except as provided under Title 9, Subtitle 3 of this article, during any regularly scheduled primary or general election a voter may vote:~~

~~(1) in the voter's assigned precinct on election day; or~~

~~(2) at an early voting center in the voter's county of residence on any early voting day in accordance with this section.~~

~~(b) (1) Each county shall have at least one early voting center established in the county as prescribed in this subsection.~~

~~(2) A county with fewer than [150,000] 125,000 registered voters shall have one early voting center established in the county, BUT IF THE COUNTY ENCOMPASSES A GEOGRAPHIC AREA LARGER THAN 400 SQUARE MILES, THE COUNTY MAY ESTABLISH ONE ADDITIONAL EARLY VOTING CENTER IN THE COUNTY.~~

~~(3) A county with more than [150,000] 125,000 REGISTERED VOTERS but fewer than 300,000 registered voters shall have three early voting centers established in the county.~~

~~(4) A county with more than 300,000 registered voters BUT FEWER THAN 450,000 REGISTERED VOTERS shall have five early voting centers established in the county.~~

~~(5) A COUNTY WITH MORE THAN 450,000 REGISTERED VOTERS SHALL HAVE EIGHT EARLY VOTING CENTERS.~~

~~(e) No later than 6 months before a primary election, the State Board, in collaboration with the local board in each county, shall designate each early voting center in that county.~~

~~(d) Each early voting center shall be open for voting as follows:~~

~~[(1) for the 2010 gubernatorial primary and general elections:~~

~~(i) beginning the second Friday before a primary or general election through the Thursday before the elections, but excluding Sunday; and~~

~~(ii) during the hours between 10 a.m. and 8 p.m.; and~~

~~(2) for the 2012 presidential primary and general elections:~~

~~(i) beginning the second Saturday before a primary or general election through the Thursday before the elections; and~~

~~(ii) 1. during the hours between 10 a.m. and 8 p.m. on the Saturday and the Monday through the Thursday during the early voting period; and~~

~~2. during the hours between 12 noon and 6 p.m. on the Sunday during the early voting period.]~~

~~(1) BEGINNING THE SECOND THURSDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTION; AND~~

~~(2) DURING THE FOLLOWING HOURS:~~

~~(i) IN A PRESIDENTIAL GENERAL ELECTION, DURING THE HOURS BETWEEN 8 A.M. AND 8 P.M. EACH EARLY VOTING DAY; AND~~

~~(H) IN ALL OTHER ELECTIONS, DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M. EACH EARLY VOTING DAY.~~

~~(e) Each early voting center shall satisfy the requirements of § 10-101 of this title.~~

~~(f) Beginning 30 days prior to each early voting period the State Board and each local board shall undertake steps to inform the public about early voting and the location of early voting centers in each county, including:~~

- ~~(1) a series of public service media announcements;~~
- ~~(2) mailings to all registered voters in each county; and~~
- ~~(3) other measures as appropriate.~~

~~(g) Except as expressly provided in this section, any provision of this article that applies to voting on election day also applies to early voting.~~

~~(h) The State Board shall adopt regulations and guidelines in accordance with the requirements of this section for the conduct of early voting.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Elections shall:~~

~~(1) (i) review the maximum wait times for Maryland voters in the 2010 and 2012 primary and general elections and identify the causes for wait times of more than 30 minutes; and~~

~~(ii) propose target maximum wait times for voters at early voting centers and polling places at primary and general elections in the State;~~

~~(2) review and conduct a detailed analysis concerning the deployment of voting equipment and related infrastructure and the staffing practices and procedures utilized by local boards of election at early voting centers during the early voting period and at polling places on election day to determine what adjustments could be implemented to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes;~~

~~(3) if it determines that additional voting equipment and related infrastructure and staff are needed to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes, provide an estimate of the fiscal costs of implementing each of those standards; and~~

~~(4) on or before December 31, 2013, submit a report of its findings and recommendations to the Senate Education, Health, Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2016.~~

~~SECTION 2. 4, 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 3-4 of this Act, this Act shall take effect July 1, 2013.~~

Article – Election Law

3-204.1.

(a) The State Board may operate an online voter registration system that allows an individual to electronically:

(1) apply to become a registered voter; or

(2) change the individual's name, address, or party affiliation in the individual's existing voter registration record.

(b) To apply to register to vote through the online voter registration system, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(3) provide one of the following:

(i) a Maryland driver's license number or Maryland identification card number, **THE LAST FOUR DIGITS OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER, AND OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE INDIVIDUAL;** or

(ii) if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:

(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; or

(ii) the individual's Social Security number.

(c) To change an individual's name, address, or party affiliation in the individual's existing voter registration record, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to be a registered voter;

(3) provide one of the following:

(i) a Maryland driver's license number or Maryland identification card number, **THE LAST FOUR DIGITS OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER, AND OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE INDIVIDUAL; OR**

(ii) [a Maryland voter identification number on the individual's voter notification card; or

(iii)] if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:

(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; **OR**

(ii) [the electronic copy of the individual's signature that is on file in the statewide voter registration list; or

(iii)] the individual's Social Security number.

(d) The Motor Vehicle Administration shall transmit an electronic copy of an individual's driver's license or identification card signature to the State Board within 5

days of being notified by the State Board that the individual submitted a voter registration application through the online voter registration system.

(e) The State Board may:

(1) take any additional measures it deems necessary to ensure the integrity and accuracy of voter registration applications submitted through the online voter registration system; and

(2) adopt any regulations necessary to administer the online voter registration system.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

3-302.

(a) [Registration] EXCEPT AS PROVIDED UNDER § 3-305 OF THIS SUBTITLE, REGISTRATION is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.

(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.

(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:

(1) there is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or

(2) the application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.

3-305.

(A) DURING EARLY VOTING, AN INDIVIDUAL MAY APPEAR IN PERSON AT AN EARLY VOTING CENTER IN THE INDIVIDUAL’S COUNTY OF RESIDENCE AND APPLY TO REGISTER TO VOTE OR CHANGE THE VOTER’S ADDRESS ON AN EXISTING VOTER REGISTRATION.

(B) (1) WHEN APPLYING TO REGISTER TO VOTE OR CHANGE AN ADDRESS ON AN EXISTING REGISTRATION DURING EARLY VOTING, THE APPLICANT SHALL PROVIDE PROOF OF RESIDENCY.

(2) THE APPLICANT SHALL PROVE RESIDENCY BY SHOWING THE ELECTION JUDGE:

(I) A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS; OR

(II) IF THE APPLICANT DOES NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD THAT CONTAINS THE APPLICANT'S CURRENT ADDRESS, A COPY OF AN OFFICIAL DOCUMENT THAT:

1. MEETS THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD; AND

2. CONTAINS THE APPLICANT'S NAME AND CURRENT ADDRESS.

(C) (1) WHEN AN INDIVIDUAL APPLIES TO REGISTER TO VOTE AT AN EARLY VOTING CENTER, THE ELECTION JUDGE SHALL DETERMINE WHETHER THE APPLICANT RESIDES IN THE COUNTY IN WHICH THE APPLICANT APPLIED AND IS QUALIFIED TO BECOME A REGISTERED VOTER.

(2) IF THE VOTER IS A RESIDENT OF THE COUNTY AND IS QUALIFIED TO REGISTER TO VOTE, THE ELECTION JUDGE SHALL:

(I) ISSUE THE VOTER A VOTING AUTHORITY CARD;

(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD; AND

(III) ISSUE THE VOTER A BALLOT.

(D) (1) WHEN A VOTER APPLIES TO CHANGE THE VOTER'S ADDRESS DURING EARLY VOTING, THE ELECTION JUDGE SHALL DETERMINE WHETHER THE VOTER RESIDES IN THE COUNTY IN WHICH THE VOTER SEEKS TO VOTE.

(2) IF THE VOTER IS A RESIDENT OF THE COUNTY, THE ELECTION JUDGE SHALL:

(I) ISSUE THE VOTER A VOTING AUTHORITY CARD;

(II) HAVE THE VOTER SIGN THE VOTER AUTHORITY CARD;
AND

(III) ISSUE THE VOTER THE APPROPRIATE BALLOT FOR THE VOTER'S NEW ADDRESS.

(E) THE STATE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADMINISTRATION OF VOTER REGISTRATION DURING EARLY VOTING.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

9-305.

(a) [An application for] A VOTER MAY REQUEST an absentee ballot[, signed by the voter, may be made] BY COMPLETING AND SUBMITTING:

(1) [on a form produced by the local board and supplied to the voter] THE STATE BOARD APPROVED ABSENTEE BALLOT APPLICATION;

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

(3) [in] a written request that includes:

(i) the voter's name [and], residence address, AND SIGNATURE;
and

(ii) the address to which the ballot is to be mailed, if different from the residence address; OR

(4) AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, THE ACCESSIBLE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE STATE BOARD.

(b) [Except for a late application under subsection (c) of this section, an] AN application for an absentee ballot must be received by a local board:

(1) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY MAIL OR FACSIMILE TRANSMISSION, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) IF THE VOTER REQUESTS THE ABSENTEE BALLOT BE SENT BY THE INTERNET, NOT LATER THAN THE FRIDAY PRECEDING THE ELECTION, AT THE TIME SPECIFIED IN THE GUIDELINES; OR

(3) IF THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT APPLIES FOR AN ABSENTEE BALLOT IN PERSON AT THE LOCAL BOARD OFFICE, NOT LATER THAN THE CLOSING OF THE POLLS ON ELECTION DAY.

[(c) (1) Beginning on the Wednesday preceding the election, through the closing of the polls on election day, a registered voter or the voter's duly authorized agent may apply in person for an absentee ballot at the office of the local board.

(2) A special application for an absentee ballot issued under this subsection shall be supplied by the staff of the local board to the voter or the voter's duly authorized agent.

(3) The application shall be made under penalty of perjury but without a formal oath.

(4) After review of the application, the staff shall issue an absentee ballot to the voter or the voter's duly authorized agent.]

(C) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE STATE BOARD SHALL REQUIRE THE APPLICANT TO PROVIDE:

(1) A MARYLAND DRIVER'S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER, THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER, AND OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE APPLICANT; OR

(2) IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER.

9-306.

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

(b) If the applicant qualifies to vote by absentee ballot, the local board shall [send] PROVIDE the ballot BY ONE OF THE FOLLOWING METHODS REQUESTED BY THE VOTER:

- (1) MAIL;
- (2) FACSIMILE TRANSMISSION;
- (3) THE INTERNET; OR
- (4) BY HAND DURING AN IN-PERSON TRANSACTION.

(C) ONCE BALLOTS ARE AVAILABLE, THE LOCAL BOARD SHALL PROVIDE THE BALLOT TO A QUALIFIED APPLICANT:

- (1) as soon as practicable after receipt of the request; or
- (2) [if the ballots have not been received from the printer, as soon as practicable after the local board receives delivery of the ballots] IMMEDIATELY FOR AN IN-PERSON TRANSACTION WITH A VOTER OR THE VOTER'S DULY AUTHORIZED AGENT.

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

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

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

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

9-308.1.

(A) IN THIS SECTION:

(1) "ONLINE BALLOT MARKING TOOL" INCLUDES A SYSTEM THAT ALLOWS A VOTER TO:

(I) ACCESS A BLANK BALLOT THROUGH THE INTERNET;

(II) ELECTRONICALLY MARK THE BALLOT WITH THE VOTER'S SELECTIONS; AND

(III) PRINT A PAPER COPY OF THE MARKED BALLOT FOR MAILING TO A LOCAL BOARD; AND

(2) "ONLINE BALLOT MARKING TOOL" DOES NOT INCLUDE A SYSTEM THAT IS CAPABLE OF STORING, TABULATING, OR TRANSMITTING VOTES OR VOTED BALLOTS BY ELECTRONIC OR ELECTROMAGNETIC MEANS THROUGH THE INTERNET.

(B) THE STATE BOARD MAY PROVIDE AN ACCESSIBLE OPTIONAL ONLINE BALLOT MARKING TOOL FOR USE BY A VOTER WHO REQUESTED TO HAVE THE ABSENTEE BALLOT SENT BY THE INTERNET.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE STATE BOARD SHALL CERTIFY THAT AN ONLINE BALLOT MARKING TOOL SATISFIES ALL OF THE CERTIFICATION REQUIREMENTS UNDER § 9-102(D) OF THIS TITLE BEFORE APPROVING AN ONLINE BALLOT MARKING TOOL FOR USE BY VOTERS.

(2) AN ONLINE BALLOT MARKING TOOL IS NOT REQUIRED TO SATISFY THE REQUIREMENTS OF:

(I) § 9-102(D)(2) OF THIS TITLE IF THE U.S. ELECTION ASSISTANCE COMMISSION HAS NOT APPROVED SPECIFIC PERFORMANCE AND TEST STANDARDS FOR ONLINE BALLOT MARKING TOOLS; OR

(II) § 9-102(D)(1)(III) OF THIS TITLE.

(D) (1) THIS SUBSECTION APPLIES IF AN ONLINE BALLOT MARKING TOOL UTILIZES A BAR CODE THAT IS USED TO GENERATE A BALLOT THAT IS ACCEPTABLE FOR MACHINE TABULATION.

(2) A LOCAL BOARD SHALL COMPARE THE VOTE IN EACH CONTEST ON THE BALLOT MARKED BY THE VOTER TO THE VOTE IN EACH CONTEST ON THE BALLOT GENERATED FROM THE BAR CODE DURING THE CANVASS.

(3) IF THERE IS A DISCREPANCY IN ANY CONTEST BETWEEN THE VOTE ON THE BALLOT MARKED BY THE VOTER AND THE VOTE ON THE BALLOT GENERATED FROM THE BAR CODE, THE VOTE ON THE BALLOT MARKED BY THE VOTER SHALL BE CONSIDERED VALID AND SHALL BE COUNTED.

9-310.

(a) (1) THIS SUBSECTION APPLIES ONLY TO AN ABSENTEE BALLOT THAT IS SENT BY MAIL.

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

[(b) (1)] (3) (I) A local board may use either two envelopes or three envelopes.

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

[(3)] (III) If three envelopes are used, the innermost envelope shall be designated the "ballot envelope", which shall fit inside the envelope designated the "return envelope", both of which, when issued, shall fit inside the envelope designated the "outgoing envelope".

[(c)] (4) When voted and returned to the local board, an absentee ballot shall be enclosed in a ballot envelope or ballot/return envelope, on which has been printed an oath prescribed by the State Board.

(B) IF AN ABSENTEE BALLOT IS SENT BY THE INTERNET OR FACSIMILE TRANSMISSION, THE LOCAL BOARD SHALL PROVIDE THE VOTER WITH AN ENVELOPE TEMPLATE, THE OATH PRESCRIBED BY THE STATE BOARD, AND INSTRUCTIONS FOR MARKING AND RETURNING THE ABSENTEE BALLOT.

10-301.1.

(a) Except as provided under Title 9, Subtitle 3 of this article, during any regularly scheduled primary or general election a voter may vote:

(1) in the voter's assigned precinct on election day; or

(2) at an early voting center in the voter's county of residence on any early voting day in accordance with this section.

(b) (1) Each county shall have at least one early voting center established in the county as prescribed in this subsection.

(2) A county with fewer than [150,000] 125,000 registered voters shall have one early voting center established in the county.

(3) A county with more than [150,000] 125,000 REGISTERED VOTERS but fewer than 300,000 registered voters shall have three early voting centers established in the county.

(4) A county with more than 300,000 registered voters BUT FEWER THAN 450,000 REGISTERED VOTERS shall have five early voting centers established in the county.

(5) A COUNTY WITH MORE THAN 450,000 REGISTERED VOTERS SHALL HAVE EIGHT EARLY VOTING CENTERS.

(6) IN ADDITION TO THE EARLY VOTING CENTERS REQUIRED IN THIS SUBSECTION, EACH COUNTY MAY ESTABLISH ONE ADDITIONAL EARLY VOTING CENTER IF THE STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARD, AND THE GOVERNING BODY OF THE COUNTY AGREE TO ESTABLISH AN ADDITIONAL EARLY VOTING CENTER.

(c) No later than 6 months before a primary election, the State Board, in collaboration with the local board in each county, shall designate each early voting center in that county.

(d) Each early voting center shall be open for voting as follows:

[(1) for the 2010 gubernatorial primary and general elections:

(i) beginning the second Friday before a primary or general election through the Thursday before the elections, but excluding Sunday; and

(ii) during the hours between 10 a.m. and 8 p.m.; and

(2) for the 2012 presidential primary and general elections:

(i) beginning the second Saturday before a primary or general election through the Thursday before the elections; and

(ii) 1. during the hours between 10 a.m. and 8 p.m. on the Saturday and the Monday through the Thursday during the early voting period; and

2. during the hours between 12 noon and 6 p.m. on the Sunday during the early voting period.]

(1) BEGINNING THE SECOND THURSDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTION; AND

(2) DURING THE FOLLOWING HOURS:

(I) IN A PRESIDENTIAL GENERAL ELECTION, DURING THE HOURS BETWEEN 8 A.M. AND 8 P.M. EACH EARLY VOTING DAY; AND

(II) IN ALL OTHER ELECTIONS, DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M. EACH EARLY VOTING DAY.

(e) Each early voting center shall satisfy the requirements of § 10-101 of this title.

(f) Beginning 30 days prior to each early voting period the State Board and each local board shall undertake steps to inform the public about early voting and the location of early voting centers in each county, including:

(1) a series of public service media announcements;

(2) mailings to all registered voters in each county; and

(3) other measures as appropriate.

(g) Except as expressly provided in this section, any provision of this article that applies to voting on election day also applies to early voting.

(h) The State Board shall adopt regulations and guidelines in accordance with the requirements of this section for the conduct of early voting.

16-201.

(a) A person may not willfully and knowingly:

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

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

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

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

(4) vote in an election district or precinct without the legal authority 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~~] **\$5,000** 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.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Elections shall conduct a detailed analysis of options and administrative requirements for extending the early voting period to the Sunday before election day.

(b) As part of its analysis under subsection (a) of this section, the State Board shall evaluate at least the following options:

(1) supplying paper supplemental lists with the names of voters who voted at an early voting center to polling places on election day; and

(2) updating the electronic poll books used on election day with the names of voters who voted at an early voting center.

(c) The analysis shall address the following:

(1) technical changes required to support early voting through the Sunday before election day;

(2) the impact of extending early voting to the Sunday before election day on other election procedures;

(3) an estimate of the fiscal impact of extending early voting to the Sunday before election day; and

(4) the potential effect on voter turnout of extending the early voting period to the Sunday before election day.

(d) The State Board shall consult with elections officials in at least 5 other states that offer early voting through the Sunday before election day and complete a written analysis of the policies and practices of those states and how they might be applied in Maryland.

(e) The State Board shall submit a report of its findings and recommendations, including the information required under subsection (d) of this section, on or before December 31, 2013, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.

SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of Elections shall:

(a) (1) review the maximum wait times for Maryland voters in the 2010 and 2012 primary and general elections and identify the causes for wait times of more than 30 minutes; and

(2) propose target maximum wait times for voters at early voting centers and polling places at primary and general elections in the State;

(b) review and conduct a detailed analysis concerning the deployment of voting equipment and related infrastructure and the staffing practices and procedures utilized by local boards of election at early voting centers during the early voting period and at polling places on election day to determine what adjustments could be implemented to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes;

(c) if it determines that additional voting equipment and related infrastructure and staff are needed to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes, provide an estimate of the fiscal costs of implementing each of those standards; and

(d) on or before December 31, 2013, submit a report of its findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Elections shall conduct an accessibility and usability evaluation of the online ballot marking tool authorized under this Act to assess its accessibility and usability by voters with disabilities, including:

- (1) a public demonstration of the system; and
- (2) an evaluation by individuals representing a cross-section of voters with disabilities.

(b) The State Board shall conduct the accessibility and usability evaluation under this section before approving an online ballot marking tool for use by voters with disabilities.

(c) The State Board shall submit a report summarizing the results of the evaluation under this section on or before December 31, 2013, to the Senate Education, Health, and Environmental Affairs Committee and House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Elections shall engage an independent consultant to study and make recommendations on improving the security of:

- (1) online delivery and marking of absentee ballots and the return and tabulation of absentee ballots that are delivered and marked electronically;
- (2) other online voter services, including online voter registration and online absentee ballot applications; and
- (3) any other voting technology specified by the State Board.

(b) The independent consultant shall submit a report of its findings and recommendations on or before December 31, 2013, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2-1246 of the State Government Article.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2016.

SECTION 9. AND BE IT FURTHER ENACTED, That except as provided in Section 8 of this Act, this Act shall take effect July 1, 2013.

Approved by the Governor, May 2, 2013.