

HOUSE BILL 137

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HB 113/12 – W&M

3lr1465

By: **Delegates Kipke, Afzali, Aumann, Bates, Beitzel, Boteler, Cluster, Costa, Dwyer, Eckardt, Elliott, Fisher, George, Haddaway–Riccio, Hogan, Hough, Jacobs, Kach, Krebs, McComas, McDonough, McMillan, W. Miller, Myers, Norman, O’Donnell, Otto, Ready, Schuh, Smigiel, Stifler, Stocksdale, Szeliga, and Wood**

Introduced and read first time: January 17, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Polling Places – Proof of Identity**

3 FOR the purpose of requiring an election judge to establish a voter’s identity by
4 requiring the voter to present certain proof of identity; requiring a voter to vote
5 a provisional ballot if the voter is unable to provide certain proof of identity;
6 prohibiting a person from knowingly and willfully voting or attempting to vote
7 under a false form of identification; making conforming and clarifying changes;
8 and generally relating to requiring voters to present proof of identity at a
9 polling place.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 10–310 and 16–201
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2012 Supplement)

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

17 **Article – Election Law**

18 10–310.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

12 **[(3)] (1)** establish the **VOTER'S** identity [of the voter] by:

13 **(I)** requesting the voter to state the month and day of the
 14 voter's birth and comparing the response to the information listed in the election
 15 register; **AND**

16 **(II) REQUIRING THE VOTER TO PRESENT:**

17 **1. A CURRENT GOVERNMENT-ISSUED PHOTO**
 18 **IDENTIFICATION;**

19 **2. A VOTER NOTIFICATION CARD; OR**

20 **3. THE SPECIMEN BALLOT MAILED TO THE VOTER BY**
 21 **A LOCAL BOARD UNDER § 8-102 OF THIS ARTICLE;**

22 **[(4)] (2)** (i) except if a voter's personal information has been
 23 deemed confidential by the local board, verify the address of the voter's residence; or

24 (ii) conduct an alternative verification as established by the
 25 State Board, if the voter's personal information has been deemed confidential by the
 26 local board; **AND**

27 **[(5)] (3)** if any changes to the voting authority card are indicated by
 28 **[a] THE voter[.];**

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

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

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

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

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

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

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

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

17 (i) instruct the voter about the operation of the voting system;
18 and

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

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

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

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

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

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

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

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

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

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

14 (7) Except as provided in paragraph (3) or (4) of this subsection, an
15 individual over the age of 17 years may not accompany a voter into a voting booth.

16 16-201.

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

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

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

21 **(III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**
22 **IDENTIFICATION;**

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

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

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

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

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 June 1, 2013.