

SENATE BILL 279

G1

3lr0140
CF HB 224

By: **The President (By Request – Administration) and Senators Raskin, Benson, Conway, Ferguson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Pinsky, Pugh, Rosapepe, Young, ~~and Zirkin~~ Zirkin, Montgomery, Gladden, Kasemeyer, Jones–Rodwell, Manno, McFadden, Muse, and Peters**

Introduced and read first time: January 18, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 7, 2013

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Improving Access to Voting**

3 FOR the purpose of providing an exception to the voter registration deadline to allow
4 an individual to register to vote or update an existing voter registration address
5 and vote during early voting; requiring proof of residency to register or update
6 an existing voter registration address during early voting; providing the types of
7 acceptable proof; requiring the State Board of Elections to adopt regulations and
8 establish procedures for the administration of voter registration during early
9 voting; providing for certain methods of requesting an absentee ballot, including
10 through the use of an accessible online application; requiring a local board of
11 elections to provide a voter with an absentee ballot in the manner requested by
12 the voter; requiring the State Board to provide an accessible optional online
13 ballot marking tool; specifying certain certification requirements for the ballot
14 marking tool; authorizing an absentee ballot to be sent by the Internet or
15 facsimile transmission and requiring certain information to be provided with
16 the ballot; altering the number of early voting centers for a county with a
17 certain number of registered voters; altering the dates and times for early
18 voting during certain elections; providing for a delayed effective date for certain
19 provisions of this Act; requiring the State Board of Elections to review and
20 conduct a certain analysis and submit a certain report to certain committees of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 the General Assembly on or before a certain date; and generally relating to
2 election law and improving access to voting.

3 BY repealing and reenacting, with amendments,
4 Article – Election Law
5 Section ~~3–204.1(b)~~, 3–302, 9–305, 9–306, 9–308, 9–310, and 10–301.1
6 Annotated Code of Maryland
7 (2010 Replacement Volume and 2012 Supplement)

8 BY adding to
9 Article – Election Law
10 Section 3–305
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2012 Supplement)

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

15 **Article – Election Law**

16 3–302.

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

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

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

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

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

32 **3–305.**

33 **(A) DURING EARLY VOTING, AN INDIVIDUAL MAY APPEAR IN PERSON AT**
34 **AN EARLY VOTING CENTER IN THE INDIVIDUAL’S COUNTY OF RESIDENCE AND**

1 APPLY TO REGISTER TO VOTE OR CHANGE THE VOTER'S ADDRESS ON AN
2 EXISTING VOTER REGISTRATION.

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

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

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

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

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

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

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

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

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

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

27 (III) ISSUE THE VOTER A BALLOT.

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

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

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

4 9-305.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **(c) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE**
12 **STATE BOARD SHALL REQUIRE THE APPLICANT TO PROVIDE:**

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

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

23 9-306.

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

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

30 **(1) MAIL;**

31 **(2) FACSIMILE TRANSMISSION;**

32 **(3) THE INTERNET; OR**

1 **(4) BY HAND DURING AN IN-PERSON TRANSACTION.**

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

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

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

9 **[(c)] (D)** (1) If the members of the local board determine that the
10 applicant is not entitled to vote by absentee ballot, the local board shall notify the
11 applicant as soon as practicable after receipt of the application of the reasons for the
12 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)] (E)** Not more than one absentee ballot may be issued to a voter unless
19 the election director of the local board has reasonable grounds to believe that an
20 absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

21 9-308.

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

25 (1) a candidate who is on that ballot;

26 (2) the voter's employer or an agent of the employer; or

27 (3) an officer or agent of the voter's union.

28 (b) An individual rendering assistance under this section shall execute a
29 certification as prescribed by the State Board and included in the instructions under §
30 9-309 of this subtitle.

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

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

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

12 9-310.

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

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

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

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

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

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

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

33 10-301.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (2) DURING THE FOLLOWING HOURS:

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

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

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

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

17 (1) a series of public service media announcements;

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

19 (3) other measures as appropriate.

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

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

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

26 (1) (i) review the maximum wait times for Maryland voters in the
27 2010 and 2012 primary and general elections and identify the causes for wait times of
28 more than 30 minutes; and

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.