

# HOUSE BILL 35

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(PRE-FILED)

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By: **Delegate R. Long**

Requested: August 21, 2022

Introduced and read first time: January 11, 2023

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elections – In-Person Voting – Proof of Identity**

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

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 10–310 and 16–201  
12 Annotated Code of Maryland  
13 (2022 Replacement Volume and 2022 Supplement)

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

16 **Article – Election Law**

17 10–310.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 **[(3) (B) THE ELECTION JUDGE SHALL establish the VOTER'S identity**  
 8 **[of the voter] by:**

9 **(1) requesting the voter to state the month and day of the voter's birth and**  
 10 **comparing the response to the information listed in the election register;**

11 **(2) REQUIRING THE VOTER TO PRESENT:**

12 **(I) A VALID GOVERNMENT-ISSUED PHOTO IDENTIFICATION; OR**

13 **(II) 1. A VALID NONGOVERNMENT-ISSUED PHOTO**  
 14 **IDENTIFICATION; AND**

15 **2. A CURRENT UTILITY BILL, BANK STATEMENT,**  
 16 **PAYCHECK, GOVERNMENT CHECK, OR OTHER GOVERNMENT DOCUMENT THAT**  
 17 **STATES THE VOTER'S NAME AND ADDRESS;**

18 **[(4) (3) (i) except if a voter's personal information has been deemed**  
 19 **confidential by the local board, verify the address of the voter's residence; or**

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

22 **[(5) (4) if any changes to the voting authority card are indicated by a**  
 23 **voter, make the appropriate changes in information on the card or other appropriate form;**  
 24 **and**

25 **[(6) (5) have the voter sign the voting authority card and either issue the**  
 26 **voter a ballot or send the voter to a machine to vote.**

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

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

3           **(D) THE ELECTION JUDGE SHALL REFER THE INDIVIDUAL FOR A**  
4 **PROVISIONAL BALLOT UNDER § 9-404 OF THIS ARTICLE IF THE VOTER IS UNABLE TO**  
5 **PROVIDE IDENTIFICATION AS REQUIRED UNDER SUBSECTION (B)(2) OF THIS**  
6 **SECTION.**

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

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

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

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

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

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

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

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

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

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

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

32           (6) If a voter requires assistance under paragraph (4) or (5) of this  
33 subsection, the election judge shall record, on a form prescribed by the State Board, the

1 name of the voter who required assistance and the name of the individual providing  
2 assistance to the voter.

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

5 16–201.

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

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

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

10 **(III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**  
11 **IDENTIFICATION;**

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

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

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

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

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

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

26 (b) Except as provided in § 16–1002 of this title, a person who violates this section  
27 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or  
28 imprisonment for not more than 5 years or both.

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

30 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
31 **October 1, 2023.**