

HOUSE BILL 1216

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3lr1837
CF SB 750

By: **Delegates Miller, Valentine, and McComas**

Introduced and read first time: February 10, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting – Proof of Identity**

3 FOR the purpose of altering the manner in which an election judge is required to establish
4 the identity of a voter; requiring an election judge to refer a voter for provisional
5 voting if the voter is unable to provide the required identification; prohibiting a
6 person from voting or attempting to vote under a false form of identification; and
7 generally relating to proof of identity of voters.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 10–310(a) and (b) and 16–201(a)(1)

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Election Law

15 Section 16–201(b) and (c)

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2022 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 10–310.

22 (a) For each individual who seeks to vote, an election judge, in accordance with
23 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 ballot;

3 (2) (i) if the individual's name is not found on the election register,
4 search the inactive list and if the name is found, authorize the individual to vote a regular
5 ballot; or

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

8 (3) establish the identity of the voter by [requesting the voter to state the
9 month and day of the voter's birth and comparing the response to the information listed in
10 the election register] **REQUIRING THE VOTER TO:**

11 **(I) PRESENT A CURRENT GOVERNMENT–ISSUED PHOTO**
12 **IDENTIFICATION THAT INCLUDES A SIGNATURE; AND**

13 **(II) PROVIDE A WRITTEN SIGNATURE IN THE PRESENCE OF THE**
14 **ELECTION JUDGE TO MATCH THE SIGNATURE ON THE IDENTIFICATION PRESENTED**
15 **UNDER ITEM (I) OF THIS ITEM;**

16 (4) (i) except if a voter's personal information has been deemed
17 confidential by the local board, verify the address of the voter's residence; or

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

20 (5) if any changes to the voting authority card are indicated by a voter,
21 make the appropriate changes in information on the card or other appropriate form; and

22 (6) have the voter sign the voting authority card and either issue the voter
23 a ballot or send the voter to a machine to vote.

24 (b) **(1) [On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
25 **SUBSECTION, ON** the completion of the procedures set forth in subsection (a) of this
26 section, a voter may vote in accordance with the procedures appropriate to the voting
27 system used in the polling place.

28 **(2) THE ELECTION JUDGE SHALL REFER A VOTER FOR PROVISIONAL**
29 **BALLOT VOTING UNDER § 9–404 OF THIS ARTICLE IF THE VOTER IS UNABLE TO**
30 **PROVIDE IDENTIFICATION AS REQUIRED UNDER SUBSECTION (A)(3)(I) OF THIS**
31 **SECTION.**

32 16–201.

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

1 (1) (i) impersonate another person in order to vote or attempt to vote;
2 [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 (b) Except as provided in § 16–1002 of this title, a person who violates this section
7 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or
8 imprisonment for not more than 5 years or both.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2023.