

HOUSE BILL 705

G1

2lr1389

By: **Delegates Afzali, Cluster, Glass, Hough, Kipke, McComas, McDermott, Myers, O'Donnell, Otto, Parrott, Ready, and Smigiel**

Introduced and read first time: February 8, 2012

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 the Motor Vehicle Administration to transmit certain
4 physical identification information to the State Board of Elections for each
5 registered voter who is a driver's license or identification card holder; requiring
6 the election register to contain physical identification information for registered
7 voters who are eligible to vote at each precinct and early voting center;
8 requiring an election judge to establish a voter's identity by comparing the
9 voter's physical appearance to the physical identification information for the
10 voter or requiring the voter to present certain identification; requiring an
11 election judge to refer a voter for provisional voting if the voter's identity cannot
12 be verified or if the voter indicates a change of address; prohibiting a provisional
13 ballot cast by a voter whose identity cannot be verified from being counted
14 unless the voter presents certain identification in person at the office of the local
15 board within a certain period of time; prohibiting a person from voting or
16 attempting to vote under a false form of identification; defining certain terms;
17 and generally relating to requiring proof of identity of voters at polling places.

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 10–310 and 16–201
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2011 Supplement)

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

25 **Article – Election Law**

26 10–310.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(2) “ADMINISTRATION” MEANS THE MOTOR VEHICLE**
4 **ADMINISTRATION.**

5 **(3) “PHYSICAL IDENTIFICATION INFORMATION” MEANS THE**
6 **FOLLOWING DATA THAT IS ON FILE WITH THE ADMINISTRATION CONCERNING A**
7 **DRIVER’S LICENSE HOLDER OR AN IDENTIFICATION CARD HOLDER:**

8 **(I) A PHOTO;**

9 **(II) SEX;**

10 **(III) AGE;**

11 **(IV) HEIGHT;**

12 **(V) WEIGHT;**

13 **(VI) RACE; AND**

14 **(VII) GENERAL PHYSICAL CONDITION.**

15 **(B) THE ADMINISTRATION SHALL TRANSMIT PHYSICAL**
16 **IDENTIFICATION INFORMATION TO THE STATE BOARD FOR EACH REGISTERED**
17 **VOTER WHO IS A DRIVER’S LICENSE HOLDER OR AN IDENTIFICATION CARD**
18 **HOLDER.**

19 **(C) THE ELECTION REGISTER SHALL CONTAIN PHYSICAL**
20 **IDENTIFICATION INFORMATION FOR REGISTERED VOTERS WHO ARE ELIGIBLE**
21 **TO VOTE AT EACH PRECINCT OR EARLY VOTING CENTER.**

22 **[(a)] (D) For each individual who seeks to vote, an election judge, in**
23 **accordance with instructions provided by the local board, shall:**

24 (1) locate the individual’s name in the election register and locate the
25 preprinted voting authority card and then [authorize the individual to vote a regular
26 ballot] **ESTABLISH THE VOTER’S IDENTITY AND VERIFY THE VOTER’S ADDRESS**
27 **AS PROVIDED IN SUBSECTION (E) OF THIS SECTION; AND**

28 (2) (i) if the individual’s name is not found on the election register,
29 search the inactive list and if the name is found, [authorize the individual to vote a

1 regular ballot] ESTABLISH THE VOTER'S IDENTITY AND VERIFY THE VOTER'S
2 ADDRESS AS PROVIDED IN SUBSECTION (E) OF THIS SECTION; or

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

5 (E) THE ELECTION JUDGE SHALL:

6 [(3)] (1) establish the VOTER'S identity [of the voter] by:

7 (I) requesting the voter to state the month and day of the
8 voter's birth and comparing the response to the information listed in the election
9 register; AND

10 (II) 1. COMPARING THE VOTER'S PHYSICAL
11 APPEARANCE TO THE PHYSICAL IDENTIFICATION INFORMATION FOR THE
12 VOTER CONTAINED IN THE ELECTION REGISTER, IF PHYSICAL IDENTIFICATION
13 INFORMATION IS AVAILABLE FOR THE VOTER; OR

14 2. IF PHYSICAL IDENTIFICATION INFORMATION IS
15 NOT AVAILABLE FOR THE VOTER, REQUIRING THE VOTER TO PRESENT A VOTER
16 NOTIFICATION CARD, CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT
17 CHECK, PAYCHECK, OR OTHER DOCUMENT THAT THE STATE BOARD APPROVES
18 BY REGULATION THAT SHOWS THE NAME AND ADDRESS OF THE VOTER;

19 [(4)] (2) (i) except if a voter's personal information has been
20 deemed confidential by the local board, verify the address of the voter's residence; or

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

24 [(5)] (3) if any changes to the voting authority card are indicated by
25 [a] THE voter[.]:

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

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

31 [(b)] (F) (1) [On] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS
32 SECTION, ON the completion of the procedures set forth in [subsection (a)]

1 SUBSECTIONS (D) AND (E) of this section, [a] THE ELECTION JUDGE SHALL
2 AUTHORIZE THE VOTER TO VOTE A REGULAR BALLOT.

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

5 (G) THE ELECTION JUDGE SHALL REFER A VOTER FOR PROVISIONAL
6 BALLOT VOTING UNDER § 9-404 OF THIS ARTICLE IF:

7 (1) A CHIEF ELECTION JUDGE DETERMINES THAT THE VOTER'S
8 PHYSICAL APPEARANCE DOES NOT MATCH THE PHYSICAL IDENTIFICATION
9 INFORMATION FOR THE VOTER;

10 (2) THERE IS NO PHYSICAL IDENTIFICATION INFORMATION
11 AVAILABLE FOR THE VOTER AND THE VOTER IS UNABLE TO PROVIDE THE
12 IDENTIFICATION REQUIRED UNDER SUBSECTION (E)(1)(II)2 OF THIS SECTION;
13 OR

14 (3) THE VOTER INDICATES A CHANGE OF RESIDENCE.

15 (H) A BALLOT CAST BY A VOTER REFERRED FOR PROVISIONAL VOTING
16 UNDER SUBSECTION (G)(2) OF THIS SECTION MAY BE COUNTED ONLY IF THE
17 VOTER PRESENTS THE IDENTIFICATION REQUIRED UNDER SUBSECTION
18 (E)(1)(II)2 OF THIS SECTION IN PERSON AT THE OFFICE OF THE LOCAL BOARD
19 WITHIN 7 DAYS OF ELECTION DAY.

20 [(c)] (I) (1) Before a voter enters a voting booth, at the request of the
21 voter, an election judge shall:

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

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

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

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

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

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

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

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

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

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

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

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

22 16–201.

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

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

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

27 **(III) VOTE OR ATTEMPT TO VOTE UNDER A FALSE FORM OF**
28 **IDENTIFICATION REQUIRED UNDER § 10–310(E)(1)(II)2 OF THIS ARTICLE;**

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

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

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

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2012.