

HOUSE BILL 168

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By: **Delegates Rosenberg and Luedtke**

Introduced and read first time: January 19, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Required Notifications – Voter Challenges or Intimidation**

3 FOR the purpose of requiring specimen ballots mailed to registered voters before an
4 election to include a certain notification concerning the forms of identification an
5 individual may present to establish the individual's identity if the individual's right
6 to vote is challenged at the polls; requiring information to be posted in each polling
7 place concerning the forms of identification an individual may present to establish
8 the individual's identity if the individual's right to vote is challenged at the polls;
9 requiring information to be posted in each polling place concerning federal and State
10 laws regarding prohibitions on voter intimidation; and generally relating to required
11 notifications concerning voter challenges or intimidation.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 8–102 and 10–306
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2016 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Election Law
19 Section 10–312 and 16–201
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2016 Supplement)

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

24 **Article – Election Law**

25 8–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) Except as required under subsection (d) of this section, a local board shall provide notice of each election in its county to the registered voters of the county by either:

(1) specimen ballot mailed at least 1 week before the first day of any early voting period before the election; or

(2) publication or dissemination by mass communication during the calendar week preceding the election.

(b) The notice shall include:

(1) the time and place of the election; and

(2) the offices, candidate names, and questions contained on the ballot.

(c) (1) If a local board provides notice by mailing specimen ballots, a specimen ballot shall be mailed to all registered voters in the county who are eligible to vote in the election.

(2) The specimen ballot shall be a facsimile of the ballot that the voter is entitled to vote in the election.

(3) (I) THE SPECIMEN BALLOT SHALL INCLUDE NOTIFICATION OF THE FORMS OF IDENTIFICATION AN INDIVIDUAL MAY PRESENT TO ESTABLISH THE INDIVIDUAL'S IDENTITY IF THE INDIVIDUAL'S RIGHT TO VOTE IS CHALLENGED AT THE POLLS UNDER § 10-312 OF THIS ARTICLE.

(II) THE NOTIFICATION SHALL BE INCLUDED IN A BLOCK OF TEXT HEADLINED "PLEASE READ! IMPORTANT".

(d) (1) In Prince George's County for the general election, the Board shall:

(i) provide notice by mailing specimen ballots; and

(ii) mail a specimen ballot to the household of each registered voter in the county.

(2) The costs for mailing specimen ballots in Prince George's County shall be included in the county's annual budget appropriation to the local board.

(e) (1) Unless a local board mails a specimen ballot to its registered voters in accordance with subsection (c) or (d) of this section, the local board shall give notice of the election by newspaper publication or other means of mass communication.

(2) The notice of election under this subsection shall be arranged, if practicable, in the same order and form as the ballot.

1 (3) (i) If newspaper publication is used in a county, the notice shall be
2 advertised in at least two newspapers of general circulation that are published in the
3 county.

4 (ii) In a county in which only one newspaper is published, the notice
5 shall be published in that newspaper.

6 10–306.

7 (a) (1) The State Board, in consultation with the election directors of the local
8 boards, shall specify and produce the following informational materials to be posted in each
9 polling place:

10 (i) a specimen ballot for that precinct;

11 (ii) instructions relating to the availability of assistance to elderly
12 and disabled voters;

13 (iii) information regarding the date of the election and the hours
14 during which the polling places will be open;

15 (iv) instructions on how to vote, including how to cast a vote;

16 (v) instructions for mail–in registrants and first–time voters;

17 (vi) general information on voting rights under applicable federal
18 and State laws and instructions on how to contact the appropriate local board if these rights
19 are alleged to have been violated;

20 (vii) information regarding provisional voting, including:

21 1. information on the right of an individual to cast a
22 provisional ballot;

23 2. how to fill out the provisional ballot application and cast
24 the provisional ballot; and

25 3. the standards that will be applied in determining whether
26 a provisional ballot will be counted; [and]

27 (viii) general information on federal and State laws regarding
28 prohibitions on acts of fraud and misrepresentation;

(IX) THE FORMS OF IDENTIFICATION AN INDIVIDUAL MAY PRESENT TO ESTABLISH THE INDIVIDUAL'S IDENTITY IF THE INDIVIDUAL'S RIGHT TO VOTE IS CHALLENGED AT THE POLLS UNDER § 10-312 OF THIS SUBTITLE; AND

(X) GENERAL INFORMATION ON FEDERAL AND STATE LAWS REGARDING PROHIBITIONS ON VOTER INTIMIDATION, INCLUDING THE REQUIREMENTS OF § 16-201 OF THIS ARTICLE.

(2) A local board may produce other materials appropriate for the polling places in the county.

(b) Before the polls open, the election judges for each precinct shall post all information specified under subsection (a) of this section.

10-312.

(a) (1) The right of an individual to vote may be challenged at the polls only on the grounds of identity.

(2) An individual whose right to vote is challenged at the polls may establish the individual's identity by presenting any of the following forms of identification:

(i) the individual's voter registration card;

(ii) the individual's Social Security card;

(iii) the individual's valid Maryland driver's license;

(iv) any identification card issued to the individual by a political subdivision of the State, the State, the federal government, or any unit of a political subdivision of the State, the State, or the federal government;

(v) any employee identification card of the individual that contains a photograph of the individual and is issued by the employer of the individual in the ordinary course of the employer's business; or

(vi) a copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the individual.

(3) If an individual establishes the individual's identity under paragraph (2) of this subsection, an election judge shall authorize the individual to vote a regular ballot.

(b) A challenge to an individual's right to vote shall be made before the individual is issued a ballot or a voting authority card.

1 (c) If a challenge is made, and the challenged individual does not present any of
2 the forms of identification specified under subsection (a)(2) of this section, the election judge
3 receiving the challenge shall:

4 (1) require the challenger to provide in writing, under penalty of perjury,
5 the reasons for the challenge;

6 (2) offer the challenged individual the opportunity to:

7 (i) cast a provisional ballot; and

8 (ii) submit an attestation, witnessed by the election judge, of the
9 individual's identity; and

10 (3) submit the provisional ballot and other materials related to the
11 challenge to the local board.

12 (d) During the canvass of provisional ballots, the local board shall determine,
13 based on the information submitted by the challenger and the challenged individual,
14 whether the challenged individual is:

15 (1) the registered voter he or she claims to be; and

16 (2) otherwise qualified to vote.

17 16–201.

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

19 (1) (i) impersonate another person in order to vote or attempt to vote;
20 or

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

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

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

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

28 (5) influence or attempt to influence a voter's voting decision through the
29 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 the
2 polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery,
3 reward, or offer of reward; or

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

7 (b) Except as provided in § 16–1002 of this title, a person who violates this section
8 is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or
9 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 Article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2017.