

SENATE BILL 901

G1

3lr2889

By: **Senators Dyson and Conway**

Introduced and read first time: February 11, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Elections by Mail**

3 FOR the purpose of requiring that elections be conducted by mail; requiring the State
4 Board of Elections, in consultation with the local boards of elections, to select a
5 certain voting system; requiring the State Board to adopt certain regulations;
6 requiring local boards of elections to mail a ballot to certain voters by certain
7 deadlines; authorizing certain voters to request that a local board provide a
8 ballot to the voter; requiring a voter who receives a ballot to take certain action
9 to vote the ballot; providing for the methods by which a voter may return a
10 ballot; specifying that a ballot must be received by a certain deadline;
11 authorizing an individual, under certain circumstances, to request a
12 replacement ballot; requiring a local board, under certain circumstances, to take
13 certain action regarding replacement ballots; requiring a voter to take certain
14 action to vote a replacement ballot; providing for the circumstances under which
15 ballots are to be counted; requiring that a voter who is at a certain location by a
16 certain time on the day of an election be allowed to deposit a ballot; providing
17 for the circumstances under which the deadline for returning ballots may be
18 extended; requiring a ballot to contain a certain statement; repealing certain
19 language and various provisions of law that are rendered obsolete by this Act;
20 altering certain definitions; making certain conforming changes; and generally
21 relating to elections by mail.

22 BY repealing

23 Article – Election Law

24 Section 9–101 through 9–105 and the subtitle “Subtitle 1. Voting Systems”;
25 9–401 through 9–408 and the subtitle “Subtitle 4. Provisional Ballots”;
26 9–501 through 9–506 and the subtitle “Subtitle 5. Montgomery County
27 Voting by Mail”; 10–101 through 10–315 and the title “Title 10. Polling
28 Places”; 11–202, 11–303, 11–403, 16–203, 16–207, 16–303, and 16–304;
29 and 16–801 through 16–804 and the subtitle “Subtitle 8. Voting
30 Equipment”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2012 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Election Law
5 Section 1–101, 2–202(b)(6), 2–303, 9–205, 16–201(a)(6), 16–205(a)(2), and
6 16–206
7 Annotated Code of Maryland
8 (2010 Replacement Volume and 2012 Supplement)

9 BY adding to
10 Article – Election Law
11 Section 9–101 through 9–107 to be under the new subtitle “Subtitle 1. Elections
12 by Mail”
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2012 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That Section(s) 9–101 through 9–105 and the subtitle “Subtitle 1. Voting
17 Systems”; 9–401 through 9–408 and the subtitle “Subtitle 4. Provisional Ballots”;
18 9–501 through 9–506 and the subtitle “Subtitle 5. Montgomery County Voting by
19 Mail”; 10–101 through 10–315 and the title “Title 10. Polling Places”; 11–202, 11–303,
20 11–403, 16–203, 16–207, 16–303, and 16–304; and 16–801 through 16–804 and the
21 subtitle “Subtitle 8. Voting Equipment” of Article – Election Law of the Annotated
22 Code of Maryland be repealed.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article – Election Law**

26 1–101.

27 (a) In this article the following words have the meanings indicated unless a
28 different meaning is clearly intended from the context.

29 (b) “Absentee ballot” means a ballot not used in a polling place.

30 (c) “Authorized candidate campaign committee” means a political committee
31 established under Title 13 of this article and authorized by a candidate to promote the
32 candidate’s candidacy.

33 (d) (1) “Ballot” or “official ballot” includes:

34 (i) an absentee ballot; **OR**

35 (ii) [a provisional ballot;

1 (iii) a document ballot; or

2 (iv) a voting machine ballot] **A BALLOT FOR VOTING BY MAIL.**

3 (2) “Ballot” or “official ballot” does not include:

4 (i) a sample ballot; or

5 (ii) a specimen ballot.

6 (e) “Ballot face” means a single side of a sheet on which are printed some or
7 all of the contests to be voted on by a voter.

8 (f) “Ballot issue committee” means a political committee that is formed to
9 promote the success or defeat of a question to be submitted to a vote at an election.

10 (g) “Ballot style” means a unique aggregation of contests that make up the
11 ballot for a particular group of voters identified by common characteristics of residence
12 location, party affiliation, or both.

13 (h) “Campaign finance entity” means a political committee established under
14 Title 13 of this article.

15 (i) “Campaign finance report” means a report, statement, affidavit, or other
16 document that is:

17 (1) authorized or required under this article;

18 (2) related to the campaign finance activities of a campaign finance
19 entity or to expenses associated with a legislative newsletter; and

20 (3) filed or submitted on a form prescribed by the State Board under
21 this article.

22 (j) “Campaign manager” means a person designated by a candidate, or the
23 candidate’s representative, to exercise general overall responsibility for the conduct of
24 the candidate’s political campaign.

25 (k) (1) “Campaign material” means any material that:

26 (i) contains text, graphics, or other images;

27 (ii) relates to a candidate, a prospective candidate, or the
28 approval or rejection of a question; and

29 (iii) is published or distributed.

1 (2) "Campaign material" includes:

2 (i) material transmitted by or appearing on the Internet or
3 other electronic medium; and

4 (ii) an oral commercial campaign advertisement.

5 (l) (1) "Candidate" means an individual who files a certificate of
6 candidacy for a public or party office.

7 (2) "Candidate" includes:

8 (i) an incumbent judge of the Court of Appeals or Court of
9 Special Appeals at an election for continuance in office; and

10 (ii) an individual, prior to that individual filing a certificate of
11 candidacy, if a campaign finance entity has been established on behalf of that
12 individual.

13 (m) (1) "Contest" means:

14 (i) the aggregate of candidates who run against each other or
15 among themselves for nomination for, or election to, an office or multiple offices of the
16 same category; or

17 (ii) the positive and negative voting options for a question
18 submitted to the voters.

19 (2) "Contest" includes, in a general election for an office, the write-in
20 option.

21 (n) "Continuing political committee" means a political committee that is
22 permitted to continue in existence from year to year.

23 (o) (1) "Contribution" means the gift or transfer, or promise of gift or
24 transfer, of money or other thing of value to a campaign finance entity to promote or
25 assist in the promotion of the success or defeat of a candidate, political party, or
26 question.

27 (2) "Contribution" includes proceeds from the sale of tickets to a
28 campaign fund-raising event.

29 (p) "County" means a county of the State or Baltimore City.

30 (q) "Disabled" means having a temporary or permanent physical disability.

1 (r) (1) “Distributor” means a person engaged for profit in the distribution
2 of campaign material by hand delivery or direct mail.

3 (2) “Distributor” does not include salaried employees, agents, or
4 volunteers of the person.

5 [(s) (1) “Document ballot” means a ballot used with a voting system in
6 which the voter individually is issued a ballot on which to indicate one or more votes.

7 (2) “Document ballot” includes:

8 (i) a machine–read ballot, such as an optically scanned ballot;
9 and

10 (ii) a hand–counted paper ballot.]

11 [(t) (S) “Driver’s license” includes an identification card issued by the
12 Motor Vehicle Administration.

13 [(u) (T) “Elderly” means 65 years of age or older.

14 [(v) (U) (1) “Election” means the process by which voters cast votes on
15 one or more contests under the laws of this State or the United States.

16 (2) “Election” includes, unless otherwise specifically provided in this
17 article, all general elections, primary elections, and special elections.

18 (3) “Election” does not include, unless otherwise specifically provided
19 in this article, a municipal election other than in Baltimore City.

20 [(w) (V) “Election cycle” means the period that begins on the January 1
21 that follows a gubernatorial election and continues until the December 31 that is 4
22 years later.

23 [(x) (W) “Election register” means the list of voters eligible to vote[:

24 (1) in a precinct on election day; or

25 (2) in a county early voting center during early voting].

26 [(y) (X) “Electronic signature” means an electronic sound, symbol, or
27 process attached to or logically associated with a record and executed or adopted by a
28 person with the intent to sign the record.

29 [(z) (Y) “Electronic storage format” means a computer disk or other
30 information storage and retrieval medium approved by the State Board.

1 **[(aa)] (Z)** “Expenditure” means a gift, transfer, disbursement, or promise of
2 money or a thing of value by or on behalf of a campaign finance entity to:

3 (1) promote or assist in the promotion of the success or defeat of a
4 candidate, political party, or question at an election; or

5 (2) pay for the publication expense of a legislative newsletter under
6 Title 13, Subtitle 4 of this article.

7 **[(bb)] (AA)** (1) “Independent expenditure” means an expenditure by a
8 person expressly advocating the success or defeat of a clearly identified candidate or
9 ballot issue if the expenditure is not made in coordination with, or at the request or
10 suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a
11 candidate, or a ballot issue committee.

12 (2) For purposes of this subsection, “clearly identified” means:

13 (i) the name of the candidate appears;

14 (ii) a photograph or drawing of the candidate appears; or

15 (iii) the identity of the candidate or ballot issue is apparent by
16 unambiguous reference.

17 **[(cc)] (BB)** “Local board” means a county board of elections.

18 **[(dd)] (CC)** “Majority party” means the political party to which the incumbent
19 Governor belongs, if the incumbent Governor is a member of a principal political
20 party. If the incumbent Governor is not a member of one of the two principal political
21 parties, “majority party” means the principal political party whose candidate for
22 Governor received the highest number of votes of any party candidate at the last
23 preceding general election.

24 **[(ee)] (DD)** “Partisan organization” means a combination of two or more
25 individuals formed for the purpose of organizing a new political party.

26 **[(ff)] (EE)** “Political action committee” means a political committee that is
27 not:

28 (1) a political party;

29 (2) a central committee;

30 (3) a slate;

1 (4) a political committee organized and operated solely to support or
2 oppose a single candidate; or

3 (5) a political committee organized and operated solely to support or
4 oppose a ballot issue.

5 **[(gg)] (FF)** “Political committee” means a combination of two or more
6 individuals that assists or attempts to assist in promoting the success or defeat of a
7 candidate, political party, or question submitted to a vote at any election.

8 **[(hh)] (GG)** “Political party” means an organized group that is qualified as a
9 political party in accordance with Title 4 of this article.

10 **[(ii)] (HH)** “Precinct” includes:

11 (1) an election district in a county that is not divided into precincts;

12 (2) an election precinct in an election district that is divided into
13 precincts; or

14 (3) a precinct in a ward of the City of Baltimore.

15 **[(jj)] (II)** “Principal minority party” means the principal political party
16 whose candidate for Governor received the second highest number of votes of any
17 party candidate at the last preceding general election.

18 **[(kk)] (JJ)** “Principal political parties” means the majority party and the
19 principal minority party.

20 **[(ll)]** “Provisional ballot” means a ballot that is cast by an individual but not
21 counted until the individual’s qualifications to vote have been confirmed by the local
22 board.]

23 **[(mm)] (KK)** “Responsible officers” means the chairman and treasurer of a
24 political committee.

25 **[(nn)] (LL)** “Sample ballot” means a facsimile of a ballot used for informational
26 purposes by a person or entity other than a local board.

27 **[(oo)] (MM)** “Slate” means a political committee of two or more candidates who
28 join together to conduct and pay for joint campaign activities.

29 **[(pp)] (NN)** “Specimen ballot” means a facsimile of a ballot used by a local
30 board to provide notice to registered voters of the contents of the ballot.

31 **[(qq)] (OO)** “State Administrator” means the State Administrator of Elections.

1 [(rr)] (PP) “State Board” means the State Board of Elections.

2 [(ss)] (QQ) “Transfer” means a monetary contribution that is made by one
3 campaign finance entity to another campaign finance entity, other than one made by
4 or to a political club.

5 [(tt)] (RR) “Treasurer” means an individual appointed in accordance with
6 Title 13, Subtitle 2 of this article.

7 [(uu)] (SS) “Vote” means to cast a ballot that is counted.

8 [(vv)] “Voting machine” includes:

9 (1) a mechanical lever machine; and

10 (2) a direct recording electronic voting device.

11 [(ww)] “Voting machine ballot” means a ballot posted on or in the voting
12 machine and referred to by the voter to indicate the voting locations for each contest.]

13 [(xx)] (TT) “Voting system” means a method of [casting and] tabulating
14 ballots or votes.

15 [(yy)] (UU) “Write-in candidate” means an individual whose name will not
16 appear on the ballot but who files a certificate of candidacy in accordance with § 5-303
17 of this article.

18 [(zz)] (VV) “Write-in vote” means a vote cast, in a contest at a general
19 election, for an individual whose name is not on the ballot for that contest.

20 2-202.

21 (b) Each local board, in accordance with the provisions of this article and
22 regulations adopted by the State Board, shall:

23 (6) establish and alter the boundaries and number of precincts in
24 accordance with § 2-303 of this title[, and provide a suitable polling place for each
25 precinct, and assign voters to precincts];

26 2-303.

27 (a) (1) Subject to paragraph (2) of this subsection, as it deems it expedient
28 for the convenience of voters, a local board may:

1 (i) create and alter the boundaries for precincts in the county;

2 AND

3 [(ii) designate the location for polling places in any election
4 district, ward, or precinct in the county; and

5 (iii)] (II) combine or abolish precincts.

6 (2) (i) Except as provided under subparagraph (iii) of this
7 paragraph, a local board shall establish a separate precinct on campus or within
8 one-half mile of the campus to specifically serve a public or private institution of
9 higher education if the local board determines that at least 500 students, faculty, and
10 staff who attend or work at the institution are registered voters in the precinct in
11 which the institution is located.

12 [(ii) If, in accordance with subparagraph (i) of this paragraph, a
13 polling place is established at an institution of higher education that receives State
14 funds, that institution shall:

15 1. provide without charge to the local board a facility for
16 use as a polling place that meets all applicable requirements under this article and as
17 established by the State Board; and

18 2. provide assistance to the local board in recruiting
19 election judges to staff the polling place.

20 (iii)] (II) A local board may not be required to establish a
21 separate precinct as provided under subparagraph (i) of this paragraph if there is an
22 established precinct within one-half mile of the public or private institution of higher
23 education's campus that serves the voters who attend or work at the public or private
24 institution of higher education.

25 (b) Except as provided in subsection (e) of this section, a local board may not
26 create or change a precinct boundary or polling place during the period beginning the
27 Tuesday that is 13 weeks prior to a primary election, through the day of the general
28 election.

29 (c) Any precinct boundary established by a local board subsequent to July 1,
30 1987 shall follow visible features as defined by the Bureau of the Census, United
31 States Department of Commerce.

32 (d) Within 5 days of creating a new precinct or changing a precinct boundary,
33 a local board shall send to the State Administrator a written description of the new
34 boundary and a map of the area involved.

35 (e) (1) Unless the action is approved in advance by the State
36 Administrator, during the period January 1, in the second year preceding the

1 decennial census, through the effective date of any redistricting based on the census, a
2 local board may not create a new precinct or change a precinct boundary.

3 (2) Upon receipt of the written description and map relating to a
4 precinct boundary established during the period described in paragraph (1) of this
5 subsection, the State Administrator shall immediately forward the documents to the
6 Secretary of the Department of Planning and the Executive Director of the
7 Department of Legislative Services.

8 (f) Notwithstanding any restrictions imposed by this section, subject to the
9 approval of the State Board, a local board may create a new precinct or change a
10 precinct boundary [or polling place] if the local board determines that an emergency
11 exists.

12 (g) (1) The regulations adopted by the State Board shall include
13 procedures for the creation of new precincts and changes to precinct boundaries [or
14 polling places].

15 (2) A local board may create a new precinct or make a change in a
16 precinct boundary [or polling place] only in accordance with regulations adopted by
17 the State Board.

18 **SUBTITLE 1. ELECTIONS BY MAIL.**

19 **9-101.**

20 **(A) ALL ELECTIONS SHALL BE CONDUCTED BY MAIL.**

21 **(B) THE STATE BOARD, IN CONSULTATION WITH THE LOCAL BOARDS,**
22 **SHALL SELECT A VOTING SYSTEM FOR TABULATING BALLOTS OR VOTES CAST IN**
23 **AN ELECTION BY MAIL.**

24 **(C) (1) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY**
25 **OUT THIS SUBTITLE.**

26 **(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**
27 **SUBSECTION SHALL:**

28 **(I) SPECIFY THE DATES AND TIMES THAT THE LOCATIONS**
29 **WHERE A VOTER MAY DEPOSIT A BALLOT UNDER § 9-103 OF THIS SUBTITLE ARE**
30 **TO BE OPEN;**

31 **(II) PROVIDE SECURITY REQUIREMENTS FOR THE**
32 **LOCATIONS WHERE A VOTER MAY DEPOSIT A BALLOT UNDER § 9-103 OF THIS**
33 **SUBTITLE;**

1 (III) REQUIRE THAT THE LOCATIONS WHERE A VOTER MAY
2 DEPOSIT A BALLOT UNDER § 9-103 OF THIS SUBTITLE BE OPEN ON THE DAY OF
3 THE ELECTION A MINIMUM OF 8 HOURS AND UNTIL AT LEAST 8 P.M.; AND

4 (IV) PROVIDE FOR THE PROCEDURES TO BE FOLLOWED IN
5 SELECTING AND USING THE VOTING SYSTEM SELECTED UNDER SUBSECTION (B)
6 OF THIS SECTION.

7 **9-102.**

8 (A) EACH LOCAL BOARD SHALL SEND, BY NONFORWARDABLE MAIL, A
9 BALLOT TO EACH VOTER WHO WAS REGISTERED TO VOTE AS OF THE 21ST DAY
10 BEFORE THE DAY OF THE ELECTION.

11 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
12 SUBSECTION, BALLOTS SHALL BE MAILED:

13 (I) NOT EARLIER THAN THE 18TH DAY BEFORE THE DAY OF
14 THE ELECTION; AND

15 (II) NOT LATER THAN THE 14TH DAY BEFORE THE DAY OF
16 THE ELECTION.

17 (2) IF A LOCAL BOARD DETERMINES THAT A VOTER DOES NOT
18 RECEIVE DAILY MAIL SERVICE FROM THE UNITED STATES POSTAL SERVICE, A
19 BALLOT SHALL BE MAILED TO THE VOTER:

20 (I) NOT EARLIER THAN THE 20TH DAY BEFORE THE DAY OF
21 THE ELECTION; AND

22 (II) NOT LATER THAN THE 18TH DAY BEFORE THE DAY OF
23 THE ELECTION.

24 (C) (1) IF A VOTER UPDATES THE VOTER'S REGISTRATION AFTER THE
25 21ST DAY BEFORE THE DAY OF THE ELECTION, THE VOTER MAY REQUEST THAT
26 THE LOCAL BOARD PROVIDE A BALLOT TO THE VOTER.

27 (2) IF A VOTER REQUESTS A BALLOT UNDER PARAGRAPH (1) OF
28 THIS SUBSECTION, THE LOCAL BOARD SHALL MAKE A BALLOT, RETURN
29 IDENTIFICATION ENVELOPE, AND SECRECY ENVELOPE AVAILABLE TO THE
30 VOTER:

- 1 **(I) BY MAIL;**
2 **(II) AT THE OFFICE OF THE LOCAL BOARD; OR**
3 **(III) AT ANOTHER LOCATION DESIGNATED BY THE LOCAL**
4 **BOARD.**

5 **9-103.**

6 **(A) TO VOTE A BALLOT, A VOTER SHALL:**

- 7 **(1) MARK THE BALLOT;**
8 **(2) SIGN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED**
9 **WITH THE BALLOT; AND**
10 **(3) COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE**
11 **BALLOT.**

12 **(B) (1) A VOTER MAY RETURN THE MARKED BALLOT TO THE LOCAL**
13 **BOARD BY:**

- 14 **(I) UNITED STATES MAIL;**
15 **(II) DEPOSITING THE BALLOT AT THE OFFICE OF THE LOCAL**
16 **BOARD; OR**
17 **(III) DEPOSITING THE BALLOT AT A LOCATION DESIGNATED**
18 **BY THE LOCAL BOARD.**

19 **(2) A BALLOT MUST BE RETURNED IN THE RETURN**
20 **IDENTIFICATION ENVELOPE.**

21 **(3) IF A VOTER RETURNS THE BALLOT BY MAIL, THE VOTER**
22 **SHALL PAY THE POSTAGE.**

23 **(4) AT EACH LOCATION AT WHICH A BALLOT MAY BE RETURNED,**
24 **THE LOCAL BOARD SHALL:**

25 **(I) PROMINENTLY DISPLAY A SIGN STATING THAT THE**
26 **LOCATION IS AN OFFICIAL BALLOT DROP SITE; AND**

1 **(II) PROVIDE AT LEAST THREE SUITABLE SURFACES AT**
2 **WHICH A VOTER MAY MARK THE VOTER'S BALLOT IN SECRECY.**

3 **(C) A BALLOT MUST BE RECEIVED BY THE LOCAL BOARD OR DEPOSITED**
4 **AT A LOCATION SPECIFIED IN SUBSECTION (B)(1)(II) OR (III) OF THIS SECTION**
5 **BY THE DEADLINE ESTABLISHED BY THE STATE ADMINISTRATOR IN**
6 **REGULATION.**

7 **9-104.**

8 **(A) (1) AN INDIVIDUAL MAY REQUEST A REPLACEMENT BALLOT IF:**

9 **(I) A BALLOT WAS MAILED TO THE INDIVIDUAL UNDER §**
10 **9-102 OF THIS SUBTITLE, BUT THE BALLOT WAS DESTROYED, SPOILED, LOST,**
11 **OR NOT RECEIVED BY THE VOTER; OR**

12 **(II) A BALLOT WAS NOT MAILED TO THE INDIVIDUAL**
13 **BECAUSE THE INDIVIDUAL DOES NOT APPEAR ON THE ELECTION REGISTER.**

14 **(B) IF THE LOCAL BOARD RECEIVES A REQUEST FOR A REPLACEMENT**
15 **BALLOT UNDER SUBSECTION (A) OF THIS SECTION, THE LOCAL BOARD SHALL:**

16 **(1) VERIFY THE REGISTRATION OF THE VOTER;**

17 **(2) VERIFY THAT A BALLOT HAS NOT BEEN RETURNED BY THE**
18 **VOTER;**

19 **(3) NOTE IN THE ELECTION REGISTER THAT THE VOTER HAS**
20 **REQUESTED A REPLACEMENT BALLOT;**

21 **(4) MARK THE RETURN IDENTIFICATION ENVELOPE CLEARLY TO**
22 **IDENTIFY THE BALLOT AS A REPLACEMENT BALLOT; AND**

23 **(5) ISSUE THE REPLACEMENT BALLOT AND A REPLACEMENT**
24 **BALLOT REQUEST FORM.**

25 **(C) (1) A REPLACEMENT BALLOT MAY BE:**

26 **(I) MAILED;**

27 **(II) MADE AVAILABLE AT THE LOCAL BOARD; OR**

28 **(III) MADE AVAILABLE AT ONE CENTRAL LOCATION THAT:**

1 1. IS IN THE ELECTORAL DISTRICT IN WHICH THE
2 ELECTION IS CONDUCTED; AND

3 2. IS DESIGNATED BY THE LOCAL BOARD.

4 (2) A LOCAL BOARD MAY NOT BE REQUIRED TO MAIL A
5 REPLACEMENT BALLOT IF THE REQUEST FOR THE REPLACEMENT BALLOT WAS
6 MADE LATER THAN 5 DAYS BEFORE THE DAY OF THE ELECTION.

7 (D) TO VOTE A REPLACEMENT BALLOT, THE VOTER SHALL COMPLETE,
8 SIGN, AND DEPOSIT A REPLACEMENT BALLOT REQUEST FORM WITH THE
9 REPLACEMENT BALLOT AT A LOCATION AT WHICH BALLOTS MAY BE DEPOSITED
10 UNDER § 9-103 OF THIS SUBTITLE.

11 **9-105.**

12 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A BALLOT
13 SHALL BE COUNTED ONLY IF:

14 (I) IT IS RETURNED IN THE RETURN IDENTIFICATION
15 ENVELOPE;

16 (II) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY
17 THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND

18 (III) THE SIGNATURE IS VERIFIED AS PROVIDED IN
19 SUBSECTION (B) OF THIS SECTION.

20 (2) A REPLACEMENT BALLOT MAY NOT BE COUNTED UNLESS THE
21 REPLACEMENT BALLOT REQUEST FORM THAT WAS DEPOSITED WITH THE
22 BALLOT IS COMPLETE AND SIGNED BY THE VOTER.

23 (B) THE LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER ON
24 THE RETURN IDENTIFICATION ENVELOPE BY COMPARING THE SIGNATURE WITH
25 THE SIGNATURE ON THE VOTER'S REGISTRATION CARD IN ACCORDANCE WITH
26 REGULATIONS ADOPTED BY THE STATE BOARD.

27 (C) IF THE LOCAL BOARD DETERMINES THAT A VOTER TO WHOM A
28 REPLACEMENT BALLOT HAS BEEN ISSUED HAS VOTED MORE THAN ONCE, THE
29 LOCAL BOARD SHALL COUNT ONLY ONE BALLOT CAST BY THE VOTER.

30 **9-106.**

1 A VOTER WHO IS AT A LOCATION AT WHICH A BALLOT MAY BE DEPOSITED
2 UNDER § 9-103 OF THIS SUBTITLE BY 8 P.M. ON THE DAY OF THE ELECTION
3 SHALL BE ALLOWED TO DEPOSIT THE BALLOT.

4 **9-107.**

5 (A) (1) IN THIS SUBSECTION, “EMERGENCY” MEANS A
6 HUMAN-CREATED OR NATURAL EVENT OR CIRCUMSTANCE THAT CAUSES OR
7 THREATENS WIDESPREAD LOSS OF LIFE, INJURY TO INDIVIDUALS, DAMAGE TO
8 PROPERTY, HUMAN SUFFERING, OR FINANCIAL LOSS.

9 (2) THE STATE ADMINISTRATOR MAY SUBMIT A WRITTEN
10 REQUEST TO THE GOVERNOR TO EXTEND THE DEADLINE FOR RETURNING
11 BALLOTS IF THE STATE ADMINISTRATOR, AFTER CONSULTING THE LOCAL
12 BOARD, DETERMINES THAT IT WOULD BE IMPOSSIBLE OR IMPRACTICABLE FOR
13 VOTERS TO RETURN BALLOTS OR FOR ELECTION OFFICIALS TO TABULATE
14 BALLOTS DUE TO AN EMERGENCY.

15 (B) (1) IF THE GOVERNOR RECEIVES A WRITTEN REQUEST UNDER
16 SUBSECTION (A) OF THIS SECTION, SUBJECT TO PARAGRAPH (3) OF THIS
17 SUBSECTION, THE GOVERNOR MAY ISSUE A WRITTEN PROCLAMATION TO
18 EXTEND THE DEADLINE.

19 (2) IF THE GOVERNOR ISSUES A WRITTEN PROCLAMATION
20 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE WRITTEN PROCLAMATION
21 SHALL INCLUDE:

22 (I) THE DETERMINATION OF THE GOVERNOR;

23 (II) THE REASON THE DEADLINE FOR RETURNING BALLOTS
24 IS BEING EXTENDED; AND

25 (III) THE DATE AND TIME BY WHICH BALLOTS MUST BE
26 RETURNED IN THE ELECTION.

27 (3) THE GOVERNOR MAY NOT EXTEND THE DEADLINE FOR
28 RETURNING BALLOTS FOR MORE THAN 7 CALENDAR DAYS AFTER THE DATE OF
29 THE ELECTION.

30 (C) IF THE GOVERNOR EXTENDS THE DEADLINE UNDER SUBSECTION
31 (B) OF THIS SECTION, A LOCAL BOARD MAY NOT ORDER A TABULATION OF

1 VOTES UNTIL THE DATE AND TIME SET BY THE GOVERNOR BY WHICH BALLOTS
2 MUST BE RETURNED.

3 9–205.

4 Each ballot shall contain:

5 (1) a heading as provided in § 9–206(a) of this subtitle;

6 (2) a statement of each question that has met all of the qualifications
7 to appear on the ballot;

8 (3) the title of each office to be voted on;

9 (4) the name, as specified in the certificate of candidacy, or as
10 otherwise provided in Title 5 of this article, of each candidate who has been certified
11 by the State Board;

12 (5) a party designation for certain candidates as provided in this
13 subtitle;

14 (6) a means by which a voter may cast write-in votes, as provided in
15 this subtitle; [and]

16 (7) instructions to voters as provided in this subtitle; AND

17 (8) **THE FOLLOWING WARNING:**

18 **“ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY**
19 **INFLUENCES A VOTER TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN**
20 **FROM VOTING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
21 **TO A FINE, IMPRISONMENT, OR BOTH.”**

22 16–201.

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

24 (6) influence or attempt to influence a voter’s decision whether to [go
25 to the polls to] cast a vote through the use of force, fraud, threat, menace,
26 intimidation, bribery, reward, or offer of reward; or

27 16–205.

28 (a) (2) A person may not interfere with an individual lawfully present at
29 [a polling place or at] the canvass of votes.

1 16–206.

2 (a) A person may not:

3 (1) place any distinguishing mark on the person’s own or another
4 person’s ballot for the purpose of identifying the ballot;

5 (2) misrepresent the person’s ability to mark a ballot [or operate
6 voting equipment];

7 [(3) interfere or attempt to interfere with a voter while the voter is
8 inside the polling room, marking a ballot, or operating voting equipment;

9 (4) (3) induce or attempt to induce a voter to mark the voter’s ballot
10 in a certain way;

11 [(5) except for servicing by an authorized person, unlock any locked
12 compartment of a voting device unless instructed to do so by the election director;

13 (6) (4) destroy or deface a ballot; **OR**

14 [(7) remove a ballot from a building in which voting occurs, except as
15 otherwise provided in this article;

16 (8) (5) delay the delivery of a ballot[;

17 (9) possess on or before the day of election an official ballot printed for
18 the election, unless the possession of the ballot is necessary and appropriate for
19 carrying out the election process; or

20 (10) canvass, electioneer, or post any campaign material in the polling
21 place or beyond a line established by signs posted in accordance with subsection (b) of
22 this section].

23 [(b) (1) At each polling place, one election judge from each principal
24 political party shall be designated by the local board and, acting jointly, shall post
25 signs delineating a line around the entrance and exit of the building that are closest to
26 that part of the building in which voting occurs.

27 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
28 the line shall be located as near as practicable to 100 feet from the entrance and exit
29 and shall be established after consideration of the configuration of the entrance and
30 the effect of placement on public safety and the flow of pedestrian and vehicular
31 traffic.

1 (ii) In Montgomery County, on approval of the local board, the
2 line may be located at any point between 25 feet and 100 feet from the entrance and
3 exit.

4 (3) The signs shall contain the words “No Electioneering Beyond this
5 Point”.

6 (c)] (B) A person who violates this section is guilty of a misdemeanor and
7 is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not
8 more than 60 days or both.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2013.