U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Nikki Baines Charlson
Title	Deputy Administrator
Office/Agency Name	Maryland State Board of Elections
Address 1	P.O. Box 6486
Address 2	151 West Street, Suite 200
City	Annapolis
State	Maryland
Zip Code	21401
E-mail Address	nikki.charlson@maryland.gov
Telephone (area Code and number)	410.269.2843
Fax Number (area code and number)	410.974.2019

DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An overvote occurs when a voter selects more than the maximum number of choices for a specific contest. This term is not defined in State statute or regulation.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An undervote occurs when a voter either makes no selection for a contest or makes less than the maximum number of selections for a contest. This term is not defined in State statute or regulation.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A blank ballot is a ballot where a voter has made no selections for any contest on the ballot. This term is not defined in State statute or regulation.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A spoiled ballot is a ballot on which a voter makes an error or otherwise spoils the ballot. The voter may return the spoiled ballot and be issued another ballot. Neither voided ballot nor spoiled ballot are defined in State statute or regulation, and the term "voided ballot" is not used in Maryland.

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Provisional ballot is defined as "a ballot that is cast by an individual but not counted until the individual's qualifications to vote have been confirmed by the local board [of elections]." This term is defined in § 1-101(ll) of the Election Law Article, Annotated Code of Maryland.

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee ballot is defined as a "ballot not used in a polling place." This term is defined in § 1-101(a) of the Election Law Article, Annotated Code of Maryland.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

This term is not defined in the Election Law Article, but the Constitution of Maryland, as amended by Chapter 513 of the Acts of 2007 and ratified by the voters of Maryland in the 2008 General Election, permits voters to vote inside or outside their election districts or wards and up to two weeks before an election. This constitutional amendment authorizes the Maryland General Assembly to enact legislation related to early voting, but the subsequently enacted law (Chapters 445 of the Acts of 2009) did not define "early voting."

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An active voter is a voter who registered to vote in Maryland and is not in a "pending" or "inactive" status under the provisions of the National Voter Registration Act of 1994. This term is not defined in State statute or regulation.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An inactive voter is a voter who is registered to vote in Maryland but has not responded to a confirmation notice. While this term is not defined in State statute or regulation, § 3-503 of the Election Law Article, Annotated Code of Maryland, specifies when a voter is placed into inactive status, how a voter is restored to active status, and when a voter is removed from the voter registration list.

2016 Response:

j) Other terms (please specify) _____

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

For the 2016 elections, a new paper-based voting system was implemented statewide. (Previously, the statewide voting system was a direct recording electronic voting system). The change to a paper-based voting system was required by Election Law Article, §9-102, Annotated Code of Maryland. Because of the new voting system, SBE revised and adopted many new regulations. Chapter 33.10.02 of the Code of Maryland Regulations addresses many of the new regulatory requirements related to the new voting system.

After the 2016 Primary Election, SBE evaluated three different ways of verifying the accuracy of a paper-based voting system. Because Maryland's new voting system captures a digital image of all voted ballots, SBE decided to use the digital images in the ballot tabulation audit to mitigate the risks associated with retabulating paper ballots. The ballot tabulation audits tested were: (1) manually tabulating digital images of voted ballots for a certain percentage of the precincts in a county; (2) using the principles of a risk limiting audit, manually tabulating digital images of voted ballots for a certain number of voted ballots in a county; and (3) using independent software to retabulate digital images of all of the voted ballots from a county. Based on the results from the post-primary election ballot tabulation audit, SBE will use independent software to retabulate digital images of all of the voted ballots cast in the general election. After the ballot tabulation audit in the 2016 General Election, SBE will propose a permanent ballot tabulation audit solution.

Effective January 1, 2016, election officials were required to offer same day registration and address changes during early voting. This is required by Election Law Article, §3-305, Annotated Code of Maryland. To register to vote or update an address during early voting, the individual must provide proof of residency to vote a regular ballot. An individual without proof of residency may vote a provisional ballot. SBE adopted regulations governing same day registration and address changes. See Subtitle 33.19 of the Code of Maryland Regulations.

In September 2016, the members of the State Board of Elections certified for use an online ballot marking tool for all voters. Voters with disabilities were allowed, under a court order, to use the online ballot marking tool, but it was not available to other voters. For the 2016 General Election, any voter who wishes to receive an absentee via SBE's website may use the online ballot marking tool to make selections.

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Maryland's statewide voting system is a top-down system.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

n/a

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If a voter fails to respond to a confirmation notice, the voter's name is placed into inactive status on the State's voter registration list. See § 3-503, Election Law Article, Annotated Code of Maryland. A confirmation notice is defined as a notice, approved by the State Board, that is sent by forwardable mail with a return card. See § 3-502(a)(2), Election Law Article.
If an election official receives any information that a voter registered in Maryland has moved to a different address in Maryland, the appropriate election officials shall change the voter's record and send the voter a confirmation notice. See § 3-502(b), Election Law Article. If it appears from information from the United States Postal Service or from agencies handling condemnations and razings that a voter has moved to a different address outside of Maryland, the election official in the county where the voter most recently resided in the State shall send the voter a confirmation notice informing the voter of his or her potential inactive status. See § 3-502(c), Election Law Article.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Under § 3-501 of the Election Law Article, Annotated Code of Maryland, a voter may be removed only:
1. At the request of the voter as long as the request is signed by the voter, authenticated by the election director, and in a format acceptable to the State Board or on a cancellation notice provided by the voter on a voter registration application;
2. Upon determining based on information from death records, felony convictions, or condemnation or razing procedures, that the voter is no longer eligible to vote;
3. If the voter has moved out of Maryland, as determined by conducting a confirmation mailing; or
4. If, in accordance with the administrative complaint process, it has been determined that the voter is not qualified to be registered to vote.
For voters who provide an out-of-state address, the election director sends the voter a written notice of the removal. See COMAR 33.05.06.03.
If the local board of elections receives a report of a voter's death from an official source (state vital statistics agency), no notice to the voter's family is required. If the report is from

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Starting February 2012, MVA electronically transfers data to SBE. When an individual has a driver's license transaction at MVA and the driver indicates that s/he wishes to register to vote or update his or her voter registration, MVA stores the data needed for voter registration (including an electronic image of the individual's signature) and sends it to SBE nightly. Local election officials access these files and process them as new voter registration applications or changes to existing voter registration records.
This process replaces three labor intensive processes. First, the manual process for the individual to complete and MVA to forward the paper voter registration forms is no longer needed. Second, local election officials electronically process these records; no data entry is required. Lastly, election officials compared MVA data against voter data to identify individuals who indicated an interest in registering to vote or update their voter registration information but there was no record in the voter registration system of the individual or the

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Maryland does not use the National Change of Address.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Effective July 1, 2007, a new law went into effect concerning the restoration of voting rights for individuals previously convicted of a felony. Under this law, individuals previously convicted of a felony are eligible to vote when they have completed serving their courtordered sentence of imprisonment, including any parole or probation for the conviction. Previously, the individual was not eligible until he or she had completed "parole, community service, restitutions, and fines" in connection with a first conviction and was prohibited for life if he or she was convicted of a second crime or subsequent crime of violence.
If there is information about the individual's criminal conviction in the State's voter registration list, the local election officials use the court system's information to determine whether the applicant has completed his or her

2016 Response:

In March 2016, a new law went into effect changing the eligibility requirements for individuals who have been convicted of a felony. Under this new law, individuals who have been convicted of a felony and are on parole or probation are now eligible to register to vote. (Previously, an individual with a felony conviction was not eligible to register until s/he completed parole or probation.) See Election Law Article, §3-102(b)(1), Annotated Code of Maryland.

If there is information about the individual's criminal conviction in the State's voter registration list, the local election officials use this information to determine whether the applicant has completed his or her sentence of imprisonment and is now eligible to register and vote. If the information shows that the applicant has completed his or her sentence of imprisonment, the registration process proceeds. If the court system's information shows that the applicant has not

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. Maryland residents can register to vote, update existing voter registration records, and request an absentee ballot online. This online registration process is entirely electronic; no printing or mailing is required.
An individual can also use the online voter registration system to complete the voter registration application but then print, sign and mail the application.
SBE also posts a typeable PDF file of the voter registration application and absentee ballot request form. An individual can type the information into the form, print and sign the form, and mail it to his or her local election official. This is the only available option if an individual is a domestic, civilian voter and his or her driver's license and other personal identifying information cannot be validated by MVA.

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Absentee and provisional ballots are counted centrally. Ballots cast on the touchscreen voting units during early voting are accumulated centrally on election day.

2016 Response:

Absentee and provisional ballots are counted centrally. Ballots voted during early voting and on election day are counted at the voting location. Results from each voting location are accumulated centrally.

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Each county has at least four additional "precincts" – one for all absentee ballots counted during the 1st absentee canvass, one for all provisional ballots counted during the provisional canvass, one for all absentee ballots counted during the 2nd absentee canvass, and at least one for votes cast at each early voting center. If a county has more than one early voting center, the county will have a corresponding "precinct" for each early voting center.

2016 Response:

Each county has at least four additional "precincts" – one for all absentee ballots counted during the 1st absentee canvass, one for all provisional ballots counted during the provisional canvass, one for all absentee ballots counted during the 2nd absentee canvass, and one for votes cast early voting centers. If a county has more than one early voting center, the county will have a corresponding "precinct" for each early voting center.

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

They are counted and reported in one of the absentee "precincts." If a UOCAVA ballot is counted during the 1st absentee canvass, the ballot will be counted and reported in this "precinct." Likewise, if an absentee ballot is counted during the 2nd absentee canvass, the ballot will be counted and reported in this "precinct."

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Maryland has no-excuse absentee voting.

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Before election day, a voter can choose to vote during early voting or vote by absentee ballot. The State's touchscreen voting system is used for early voting. Results from early voting are printed from the units and loaded into the central database on election day. See COMAR 33.17.07.04. There is a "precinct" for each early voting center, and all votes on a touchscreen voting unit at that early voting center are included in the corresponding "precinct."
If a voter wishes to vote by absentee ballot, the voter may go to a local board of elections' office, receive an absentee ballot, and vote the absentee ballot at the office. The ballot is an absentee ballot and therefore would be counted and reported in the "absentee" precinct. (Absentee ballots can also be mailed, faxed or delivered via the State Board of Elections' website.)

2016 Response:

Before election day, a voter can choose to vote during early voting or vote by absentee ballot. All voters - including voters who vote during early voting - cast a paper ballot.

Results from early voting are printed from the ballot scanners and loaded into the central database on election day. See Regulation 33.17.07.04 in the Code of Maryland Regulations. There is a "precinct" for each early voting center, and all votes tabulated by the ballot scanners at that early voting center are included in the corresponding "precinct."

If a voter wishes to vote by absentee ballot, the voter may go to a local board of elections' office, receive an absentee ballot, and vote the absentee ballot at the office. The ballot is an absentee ballot and therefore would be counted and reported in the

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A provisional ballot is issued under the following circumstances:
1. The voter's name is not on the precinct register (§ 9-104(b)(2)(i), Election Law Article, Annotated Code of Maryland);
2. The voter is unable to provide the required identification (§ 9-104(b)(2)(iii));
3. The voter's registration is "pending" because the voter's identification information could not be verified or was not provided (COMAR 33.16.03.01A(3));
4. An election official determines that the individual is not eligible to vote a regular ballot because:
a. The precinct register indicates that the voter was issued an absentee ballot or already voted;
b. The voter's party affiliation (as indicated on the precinct register) differs from the party the voter believes he or she is registered with and therefore the voter is unable to cast the correct party primary ballot;
c. The voter indicates, by not signing the change of address affirmation, that he or she is not eligible to cast a regular ballot in that precinct;
(§ 9-404(b)(2), Election Law Article & COMAR 33.16.03.01A(4));
5. The voter's right to vote is challenged and the voter was

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Provisional ballots that are cast in the wrong precinct are accepted. If the voter voted in the wrong precinct, only those contests for which the voter is eligible (based on the address he or she provided on the provisional ballot application) are counted. See 11-303(e), Election Law Article and COMAR 33.16.05.03D.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Election officials currently perform two post-election checks to verify the accuracy and integrity of the election.
First, the post-election voting system verification includes manually tallying all of the totals reports from each voting unit in the selected precincts and comparing the manual tallies against the reports generated by the voting system's election management system. Local election officials must conduct this verification on a random selection of 5% of its precincts or 3 precincts, whichever is greater. If a discrepancy is discovered, the discrepancy must be resolved before the election is certified.
Second, the post-election audit has a manual process and an automated process. In the manual audit, local election officials count signed voter authority cards (the form signed by voters during the check-in process) and compare the number of signed cards against the number of ballots cast in 5% of the precincts. If the numbers do not match, local election officials must try to determine the cause of the discrepancy. If the discrepancy cannot be explained but is less than the vote margin in any contest in that precinct, local election officials may certify the election. If the discrepancy is greater than the vote margin in any contest in that precinct, local election officials cannot certify the election until any corrective actions required by SBE are completed.
For the automated audit process, SBE provides a report for 100% of the precincts that compares the number of voters checked-in to vote (from the electronic pollbooks) against the number of ballots cast on the voting units. Local election officials conduct a manual audit on any precinct where there the difference between the number of voters checked in to vote and ballots cast is greater than 5.
The post-election audit also includes audit requirements for absentee and provisional ballots. Before the audit, SBE establishes the number of absentee and provisional ballots that will be audited. Local election officials randomly select the required number of ballots and determine whether they were properly accepted or rejected. If one or more ballots should have been counted, the local canvassing board must count the ballot before certifying the election. If one or more ballots should have been rejected but the number of ballots is less than the vote margin in any contest on the ballot, local election officials may certify the election. If the discrepancy

2016 Response:

In addition to the post-election audits described in the 2014 Statutory Overview, SBE is evaluating the most effective and efficient way to verify the accuracy of the State's new paper-based voting system.

After the 2016 Primary Election, SBE evaluated three different ways of verifying the accuracy of the voting system. The three ways were: (1) manually tabulating digital images of voted ballots for a certain percentage of the precincts in a county; (2) using the principles of a risk limiting audit, manually tabulating digital images of voted ballots for a certain number of voted ballots in a county; and (3) using independent software to retabulate digital images of all of the voted ballots from a county.

Based on the results from the post-primary election ballot tabulation audit, SBE will use independent software to retabulate digital images of all of the voted ballots cast in the general election. After the ballot tabulation audit in the 2016 General Election, SBE will propose a permanent ballot tabulation audit solution.

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

State law requires that the State Board of Elections develop an instruction program for pollworkers and oversee the implementation of instruction. The instruction program includes an instruction manual (developed in conjunction with the local boards of elections) and training curricula for each type of pollworker. See § 10-206, Election Law Article, Annotated Code of Maryland.
State law also requires that each pollworker attend training. See § 10-206, Election Law Article. The local boards of elections are required to conduct pollworker training classes before each presidential primary (February) and general (November) election, before the gubernatorial primary election (June), and if the State Administrator deems it necessary, before a gubernatorial general election (November). See COMAR 33.02.03.04.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Reports generated by the voting system's election management system are designed to show the number of overvotes (absentee and provisional only) and undervotes.

2016 Response:

Reports generated by the voting system's election management system are designed to show the number of overvotes and undervotes.

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

As required by federal law, an applicant is required to provide on the voter registration application a driver's license number or an identification card number issued by the Maryland Motor Vehicle Administration (MVA). If the applicant does not have a driver's license or ID card issued by the MVA, the applicant is required to provide at least the last four digits of his or her social security number.

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Generally, identity is established by asking the individual checking in to vote for his or her name, address and month and date of birth. See § 10-310 of the Election Law Article. There are, however, three categories of individuals who will be asked to provide additional identification information before voting for the first time:
1. Voters who: (a) registered to vote by mail after January 1, 2003, and before December 31, 2005; (b) either did not provide a driver's license or social security number or provided a number but it could not be verified; and (c) did not provide other identification information. See COMAR 33.07.06.04.
2. Applicants who: (a) submitted a voter registration application after January 1, 2006; (b) provided a driver's license, ID card number issued by the MVA, or social security number that could not be verified; and (c) have not provided other identification information. See COMAR 33.07.06.04. These applicants are asked to provide one of the following forms of identification before voting for the first time:
i. Current and valid photo identification (defined by COMAR 33.01.01.01B(14) as a Maryland driver's license, an MVA-issued identification card, a student ID card, an

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Same as the answers in (2)(b) above.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If a voter authorized to vote an absentee ballot under UOCAVA registered to vote by mail after January 1, 2003, and before December 31, 2005, is not required to show identification or provide additional information before voting for the first time.
If an individual authorized to vote an absentee ballot under UOCAVA registered to vote after January 1, 2006, he or she is treated the same as any other voter registration applicant. That is, he or she must provide a driver's license or ID number issued by the MVA or a social security number and the number must be verified. If the number does not verify, the applicant must provide the identification information listed in (b)(2) above. If the applicant did not provide a number on the application, he or she must provide a number and that number must be verified.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Section 10-311(a) of the Election Law Article, Annotated Code of Maryland, authorizes the following entities to designate a registered voter as an accredited challenger and watcher: (1) the State Board of Elections for any polling place in Maryland; (2) a local board for any polling place located in the county of the local board; (3) a candidate; (4) a political party; and (5) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot (interpreted to mean a "political committee" formed under § 13-207 of the Election Law Article).
Section 10-311(b) provides accredited challengers and watchers with the right to: (1) enter the polling place one-half hour before the polls open; (2) enter or be present at the polling place at any time when the polls are open; (3) remain in the polling place until all tasks associated with closing the polls are completed; (4) maintain a list of registered voters who have voted or individuals who have cast provisional ballots and take the list outside of the polling place; and (5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots (regular or provisional).
Non-accredited challengers or watchers may only enter a polling place to challenge the identify of a voter (only if there is a reasonable basis for asserting that the individual seeking to vote is not the registered voter that the individual claims to be) and must leave the polling place as soon as a majority of the election judges decides the right to vote of the voter challenged by the challenger or watcher. See § 10-311(e), Election Law Article and COMAR 33.07.07.02.

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. COMAR 33.01.05.06 was recently amended to clarify when the State Administrator is required to hold a hearing. Under the newly adopted regulations, a hearing is required for alleged violations of the Help America Vote Act, but the State Administrator is granted discretion on whether to hold a hearing on alleged violations of State law.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – Maryland 2014 Responses

A2. Chapters 157 and 158 of the Acts of 2013 were comprehensive election legislation that impacted several aspects of election administration and access to the electoral process. With one exception, the requirements were effective July 1, 2013. The requirements related to same day registration and address change during early voting are effective for the 2016 elections.

1. Online Voter Registration and Voter Updates

The legislation changed the personal identifying information a user of the online voter registration system must provide to authenticate himself or herself. Under this law, a user of this system must provide the last four digits of his or her social security number and "other information identified by the State Board that is not generally available to the public but is readily available to the individual." SBE subsequently adopted regulations that defined the "other information" as the date the individual's driver's license or the State ID card was issued.

To comply with these new authentication requirements, SBE added a required field for the user's last four digits of his or her social security number and a required field for the date the user's driver's license or State ID card was issued. This information is authenticated by the State's Motor Vehicle Administration before the user can proceed with the online transaction.

2. Absentee Ballots Requests

This legislation authorized **all** voters to submit online an absentee ballot request and altered the deadline for submitting a request for an absentee ballot. The user authentication requirements for the online system to request an absentee ballot are the same as the new authentication requirements for online voter registration. The deadline to request an absentee ballot depends on how the voter wants to receive the ballot. If the voter wants the absentee ballot mailed to him or her, the deadline to request the ballot remains the Tuesday before election day. If the voters wants to receive the absentee ballot electronically (via SBE's website), the deadline is the Friday before election day. SBE's online absentee ballot request process is part of the online voter registration system. As a result, when SBE implemented the new user authentication requirements for online voter registration and voter updates, the user authentication requirements also applied to the online absentee ballot request process. The online voter registration system already included a page for military and overseas voters to request an absentee ballot. To implement these new requirements, SBE altered the system to allow any voter to submit an online request for an absentee ballot. All documents were updated to reflect the two-tier deadline.

3. *Electronic Delivery of Absentee Ballots*

The legislation authorized any absentee voter – including domestic, civilian voters – to receive an absentee ballot electronically.

4. *Online Absentee Ballot Marking Tool*

The legislation defined an online ballot marking tool and authorized SBE to implement an accessible online ballot marking tool. The tool allows a voter to access a ballot online, electronically mark the ballot, and print the marked ballot for return by mail. If a barcode is printed on the voter's ballot and used by local election officials to generate a ballot that can be read by the State's voting system, the local board must compare the ballot returned by the voter and the ballot generated from the barcode before counting the ballot. The legislation required that the members of the State Board of Elections certify its use before it can be used in an election and identified the applicable certification standards.

5. *Early Voting*

Under this legislation, the number of days, times, and locations for early voting were increased. Starting with the 2014 elections, early voting starts the second Thursday before the election and ends the Thursday before the election. The hours of early voting depend on the type of election. In a presidential general election, the hours of early voting will be 8 am to 8 pm. For all other elections, the hours will be 10 am to 8 pm. The formula for the number of early voting centers per county changed, and each local jurisdiction has the option to add one additional early voting center. For the 2014 elections, there were 64 early voting centers; in the 2012 elections, there were 46 centers. This legislation also authorized voter registration and changes of address during early voting starting with the 2016 elections. Upon proof of residency, the individual will be authorized to vote a regular ballot; the individual will not be required to vote a provisional ballot. Same day registration and changes of address will not be authorized on election day.

6. *Studies and Reports*

The legislation also required a number of studies and analyses. SBE was required to:

a. Perform a detailed analysis of the options and administrative requirements associated with extending early voting through the Sunday before the election.

b. Review the maximum wait times for Maryland voters in the 2010 and 2012 elections and identify the causes of wait times greater than 30 minutes and propose target maximum wait times for voters at early voting centers and polling places.

c. Conduct an accessibility and usability evaluation of the online ballot marking tool to assess its accessibility and usability by voters with disabilities.

d. Engage an independent consultant to study and make recommendations on improving the security of online delivery and marking of absentee ballots, the return and tabulation of absentee ballots that are delivered and marked electronically, online voter registration, and online absentee ballot applications. SBE entered into an agreement with the University of Baltimore to conduct the first three analyses and an independent security consultant to perform the required security analysis. The final reports are posted at http://elections.maryland.gov/press_room/reports.html. Other legislation was enacted in the 2013 and 2014 Legislative Sessions that impact election administration.

1. *Special Elections by Mail*

Chapters 197 and 198 of the Acts of 2013 expanded the existing law for conducting special elections by mail. Previously, only one jurisdiction in Maryland (Montgomery County) was authorized to conduct a special election by mail. This 2013 legislation authorizes any jurisdiction in Maryland to conduct a special election by mail.

2. *Electioneering*

Chapter 498 of the Acts of 2013 defines when a public building serving as a polling place must allow the placement of campaign signs and prohibits the use of a private building as a polling place if owner of the building does not allow electioneering or the placement of campaign signs during a specified time frame.

3. *List Maintenance*

Chapter 467 of the Acts of 2014 establishes a process for information received from the Social Security Administration about a deceased individual. Under this new law, a local board must mail notice to the deceased voter or his or her family stating that voter will be removed from the list of registered voters unless the voter or his or her representative objects to the removal and shows cause why the removal should not proceed.

4. *Municipal Elections*

Chapter 438 of the Acts of 2014 provides a mechanism for a municipal corporation to request that its election be included on ballots for State elections. Additionally, Maryland continues to participate in the

Electronic Registration Information Center (ERIC). With this program, Maryland receives updated information on registered voters and identifies individuals who appear to be eligible to vote but are not yet registered.

As mentioned above, the members of State Board of Elections have the authority to certify the use of an accessible online ballot marking tool. In April 2014, the members did not certify its use for the 2014 Primary Election. In response, the National Federation of the Blind and three individuals with disabilities filed a lawsuit in federal court. In August 2014, the court ordered SBE to make available to voters with disabilities who need to use the tool to vote independently the online ballot marking tool for the 2014 General Election. On September 22, 2014, the Attorney General's Office, on behalf of SBE, filed a notice of appeal.