

(d) (1) The local board shall conduct the hearing on each challenge.

(2) The willful failure of the challenger to appear at a hearing under this section shall be punishable by the penalties provided in § 16-1001 of this article.

(3) At the request of a party, or on its own motion, the local board shall issue subpoenas to witnesses to appear and testify at the hearings.

(4) Witnesses at the hearings shall be sworn.

(e) (1) All challenges shall be decided promptly after the hearing.

(2) An individual may not be removed from the registry unless the individual's ineligibility is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the individual is properly registered.

(3) If the local board determines that an individual should be added to or removed from the registry, the local board immediately shall add or remove the individual and notify the individual, by first class mail, of the board's action.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-602.

In subsection (c)(1)(ii) of this section, the former phrase "by certified mail" is deleted as redundant in light of subsection (c)(2) of this section.

No other changes are made.

Defined terms: "Local board" § 1-101

"State Board" § 1-101

3-603.

(a) (1) A party who is aggrieved by the final decision in a hearing by a local board is entitled to judicial review of the decision as provided in this section.

(2) (i) A petition for judicial review shall be filed with the circuit court of the county in which the local board is located.

(ii) The petition may be brought at any time, except that it may not be later than the third Tuesday preceding the next succeeding election.

(b) (1) The court, upon the presentation of evidence satisfactory to it, in its discretion may dispose of the matter summarily or in its discretion otherwise set the matter for hearing.

(2) Upon appropriate order of the court the local board shall make the required corrections.

(c) In determining whether an individual is or is not a resident of an election district or precinct, the presumption shall be that an individual shown to have acquired a residence in one locality retains that residence until it is affirmatively shown that the individual has acquired a residence elsewhere.

(d) (1) An appeal may be taken from any ruling of the circuit court to the Court of Special Appeals.