
By: Senator Blount (Task Force to Review the State's Election Law)

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 1, 1996

CHAPTER ____

1 AN ACT concerning

2 **Commission to Revise the Election Code**

3 FOR the purpose of creating a Commission to Revise the Election Code; specifying the
4 composition, powers, and duties of the Commission; providing for the staffing of the
5 Commission; requiring the Commission to report its findings and recommendations,
6 including suggested legislative changes, to the Governor and the General Assembly
7 by a certain date; providing for the termination of this Act; and generally relating to
8 the establishment of the Commission to Revise the Election Code.

9 BY adding to

- 10 Article 41 - Governor - Executive and Administrative Departments
- 11 Section 18-309
- 12 Annotated Code of Maryland
- 13 (1993 Replacement Volume and 1995 Supplement)

14 Preamble

15 WHEREAS, During the 1995 Session, the General Assembly enacted legislation
16 to establish the Task Force to Review the State's Election Law to analyze Maryland's
17 election process in the wake of the contentious 1994 general election; and

18 WHEREAS, Over the course of the summer and fall of 1995, the Task Force to
19 Review the State's Election Law received considerable testimony from individuals
20 involved in the State's election process; and

21 WHEREAS, The comments and testimony of State and local election law officials
22 and other individuals involved in the administration and enforcement of the election laws
23 consistently affirmed that a comprehensive, substantive revision of Article 33 of the

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1 Annotated Code is required in order to remove archaic provisions and resolve omissions
2 and contradictions that exist in the current law; and

3 WHEREAS, The usual Code Revision process is limited to making stylistic,
4 restructuring, nonsubstantive changes in the law, but not substantive revisions; and

5 WHEREAS, A major substantive revision of Article 33 is required to make the law
6 comport with the needs of modern election administration, to make the law mesh with the
7 realities of current and future technologies, and to clarify the respective roles of election
8 boards and professional administrators at the local and State level; and

9 WHEREAS, The Task Force did not have the time needed to accomplish the level
10 of significant rewriting of the election law that is so urgently required; now, therefore,

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

13 **Article 41 - Governor - Executive and Administrative Departments**

14 18-309.

15 (A) THERE IS A COMMISSION TO REVISE THE ELECTION CODE.

16 (B) THE COMMISSION SHALL BE COMPOSED OF NINE MEMBERS APPOINTED
17 AS FOLLOWS:

18 (1) TWO INDIVIDUALS DESIGNATED BY THE SPEAKER OF THE HOUSE
19 OF DELEGATES AND ONE INDIVIDUAL DESIGNATED BY THE MINORITY LEADER OF
20 THE HOUSE OF DELEGATES;

21 (2) TWO INDIVIDUALS DESIGNATED BY THE PRESIDENT OF THE
22 SENATE OF MARYLAND AND ONE INDIVIDUAL DESIGNATED BY THE MINORITY
23 LEADER OF THE SENATE; AND

24 (3) THREE INDIVIDUALS DESIGNATED BY THE GOVERNOR, AT LEAST
25 ONE OF WHOM SHALL BE A MEMBER OF THE MINORITY PARTY.

26 (C) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE
27 COMMISSION.

28 (D) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION FOR
29 SERVING ON THE COMMISSION, BUT IS ENTITLED TO REIMBURSEMENT FOR
30 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN
31 THE STATE BUDGET.

32 (E) THE COMMISSION SHALL:

33 (1) REVIEW ARTICLE 33 OF THE ANNOTATED CODE OF MARYLAND, AND
34 OTHER STATUTORY LAW RELATING TO ANY ASPECT OF THE ELECTIONS PROCESS,
35 FOR CLARITY, PRECISION, CONSISTENCY, CONFORMITY, COMPLETENESS, AND
36 EFFECTIVENESS;

1 (2) REVIEW THE SELECTION, OPERATION, AND ORGANIZATION OF THE
2 STATE ADMINISTRATIVE BOARD OF ELECTION LAWS AND THE LOCAL BOARDS OF
3 SUPERVISORS OF ELECTIONS;

4 (3) REVIEW THE LAW RELATING TO THE INTEGRATION OF COMPUTER
5 TECHNOLOGY INTO THE ADMINISTRATION OF ELECTIONS;

6 (4) REVIEW THE LAW RELATING TO THE CONDUCT OF ELECTIONS,
7 INCLUDING:

8 (I) POLLING PLACE SELECTION AND PROCEDURES PRIOR TO,
9 DURING, AND AFTER AN ELECTION;

10 (II) STANDARDS FOR VOTING SYSTEMS;

11 (III) REGISTRATION OF VOTERS;

12 (IV) THE SELECTION, TRAINING, AND COMPENSATION OF
13 ELECTION JUDGES;

14 (V) THE ABSENTEE VOTING PROCESSES;

15 (VI) POSTELECTION PROCEDURES; AND

16 (VII) ANY OTHER MATTERS THAT THE COMMISSION CONSIDERS
17 APPROPRIATE; AND

18 (5) SUBMIT A COMPREHENSIVE REVISION OF THE ELECTION CODE
19 THAT REMOVES ARCHAIC PROVISIONS, RESOLVES OMISSIONS AND
20 CONTRADICTIONS, AND INCORPORATES SUBSTANTIVE, STRUCTURAL CHANGES IN
21 THE CURRENT LAW THAT THE COMMISSION CONSIDERS NECESSARY TO MEET THE
22 NEEDS OF MODERN ELECTION ADMINISTRATION.

23 ~~(F) THE COMMISSION MAY EXPEND FUNDS IN ACCORDANCE WITH THE~~
24 ~~STATE BUDGET.~~

25 ~~(G) THE COMMISSION SHALL EMPLOY A STAFF DIRECTOR WHO SHALL~~
26 ~~RECEIVE COMPENSATION AS PROVIDED IN THE BUDGET.~~

27 ~~(H) THE DEPARTMENT OF LEGISLATIVE REFERENCE SHALL PROVIDE STAFF~~
28 ~~SERVICES TO THE COMMISSION.~~

29 (G) THE COMMISSION SHALL ISSUE A FINAL REPORT OF ITS FINDINGS AND
30 RECOMMENDATIONS, INCLUDING A DRAFT REVISION OF THE ELECTION CODE, TO
31 THE GOVERNOR AND, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE,
32 TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31, 1997.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 June 1, 1996. It shall remain effective until December 31, 1997, and at the end of
35 December 31, 1997, with no further action required by the General Assembly, this Act
36 shall be abrogated and of no further force and effect.

