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By: **Delegate Malone**

Introduced and read first time: February 23, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Elections Boards - Electronic Data and Media - Access and Use**

3 FOR the purpose of requiring the State Board of Elections and local elections boards  
4 to furnish to certain political committees, on request and at a reasonable cost,  
5 certain tapes, discs, or other electronic data or compilations of data relating to  
6 the work of the boards; prohibiting the use of tapes, discs, electronic data, or  
7 compilations of data or certain information contained on or in the tapes, discs,  
8 electronic data, or compilations of data for commercial solicitation or other  
9 business purposes; requiring that a person requesting tapes, discs, electronic  
10 data, or a compilation of data sign a sworn affidavit regarding the use of the  
11 tapes, discs, data, or compilation; providing for a certain penalty for misuse;  
12 requiring the State Board of Elections to adopt regulations on or before a certain  
13 date to ensure uniformity by local boards in the electronic processing and  
14 compilation of voter registration information; requiring that the regulations  
15 include certain specifications; requiring local boards to comply with the  
16 regulations on or before a certain date; providing for the application of certain  
17 provisions of this Act; defining a certain term; and generally relating to the  
18 furnishing, compilation, and processing of certain tapes, discs, electronic data,  
19 and compilations of data by the State Board of Elections and local elections  
20 boards.

21 BY repealing and reenacting, with amendments,  
22 Article 33 - Election Code  
23 Section 2-106  
24 Annotated Code of Maryland  
25 (1997 Replacement Volume and 1999 Supplement)

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

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**Article 33 - Election Code**

2 2-106.

3 (a) The State Board and each local board shall maintain and dispose of its  
4 public records in accordance with the program for records management adopted by  
5 the State Board under Title 10, Subtitle 6, Part IV of the State Government Article.

6 (b) If produced and proved by a representative of the applicable board, a copy  
7 of a public record that is certified by and kept under the seal of the principal  
8 administrative officer of that board shall be evidence in any court to the same extent  
9 as the original record.

10 (C) (1) IN THIS SUBSECTION, "REASONABLE COSTS" MEANS NOT MORE  
11 THAN 15% OF THE COST OF DUPLICATING OR OTHERWISE FURNISHING THE DATA.

12 (2) (I) AT THE REQUEST OF A STATE POLITICAL ACTION COMMITTEE  
13 REGISTERED UNDER THE MARYLAND CAMPAIGN FINANCE ACT OR THE FEDERAL  
14 ELECTION CAMPAIGN ACT, THE STATE BOARD SHALL FURNISH TO THE POLITICAL  
15 ACTION COMMITTEE COPIES OF TAPES, DISCS, OR OTHER ELECTRONIC DATA OR  
16 COMPILATIONS OF DATA RELATING TO THE WORK OF THE BOARD.

17 (II) THE STATE BOARD MAY ASSESS A PERSON REQUESTING A  
18 TAPE, DISC, OR OTHER ELECTRONIC DATA OR COMPILATIONS OF DATA REASONABLE  
19 COSTS.

20 (3) (I) AT THE REQUEST OF A LOCAL POLITICAL COMMITTEE, A CLERK  
21 OF A LOCAL BOARD SHALL FURNISH TO THE LOCAL POLITICAL COMMITTEE COPIES  
22 OF TAPES, DISCS, OR OTHER ELECTRONIC DATA OR COMPILATIONS OF DATA  
23 RELATING TO THE WORK OF THE LOCAL BOARD.

24 (II) A COUNTY CLERK MAY ASSESS A PERSON REQUESTING A TAPE,  
25 DISC, OR OTHER ELECTRONIC DATA OR COMPILATION REASONABLE COSTS.

26 (4) (I) A STATE POLITICAL ACTION COMMITTEE OR LOCAL POLITICAL  
27 COMMITTEE MAY NOT USE A TAPE, DISC, OR OTHER ELECTRONIC DATA OR  
28 COMPILATION THAT IS OBTAINED UNDER THIS SUBSECTION FOR COMMERCIAL  
29 SOLICITATION OR OTHER BUSINESS PURPOSES.

30 (II) A STATE POLITICAL ACTION COMMITTEE OR LOCAL POLITICAL  
31 COMMITTEE MAY NOT USE INFORMATION CONTAINED ON OR IN A TAPE, DISC, OR  
32 OTHER ELECTRONIC DATA OR COMPILATION THAT IS OBTAINED UNDER THIS  
33 SUBSECTION AND THAT RELATES TO THE OPERATIONS OF A COUNTY GOVERNMENT  
34 FOR COMMERCIAL SOLICITATION OR OTHER BUSINESS PURPOSES.

35 (III) A STATE POLITICAL ACTION COMMITTEE OR LOCAL POLITICAL  
36 COMMITTEE REQUESTING A TAPE, DISC, OR OTHER ELECTRONIC DATA OR  
37 COMPILATION UNDER THIS SUBSECTION SHALL SIGN A SWORN AFFIDAVIT THAT THE  
38 TAPE, DISC, OR OTHER ELECTRONIC DATA OR COMPILATION OF DATA REQUESTED OR  
39 ANY INFORMATION CONTAINED ON THE TAPE, DISC, OR OTHER ELECTRONIC DATA

1 OR COMPILATION OF DATA SHALL BE USED ONLY FOR POLITICAL PURPOSES,  
2 INCLUDING USE BY OR FOR A CANDIDATE FOR OFFICE OR AN INCUMBENT OFFICE  
3 HOLDER.

4 (5) A PERSON THAT MISUSES A TAPE, A DISC, DATA, OR A COMPILATION  
5 OF DATA IN VIOLATION OF PARAGRAPH (4) OF THIS SUBSECTION IS GUILTY OF A  
6 FELONY AND IS SUBJECT ON CONVICTION TO IMPRISONMENT FOR NOT LESS THAN 1  
7 YEAR AND NOT EXCEEDING 10 YEARS.

8 (D) (1) ON OR BEFORE NOVEMBER 1, 2000, THE STATE BOARD SHALL ADOPT  
9 NECESSARY REGULATIONS TO ENSURE UNIFORMITY BY LOCAL BOARDS  
10 THROUGHOUT THE STATE IN THE ELECTRONIC PROCESSING AND COMPILATION OF  
11 VOTER REGISTRATION INFORMATION.

12 (2) THE STATE BOARD SHALL INCLUDE IN THE REGULATIONS ADOPTED  
13 UNDER THIS SUBSECTION:

14 (I) SPECIFICATIONS FOR A UNIFORM MEDIUM AND FILE  
15 STRUCTURE; AND

16 (II) A COMMUNICATIONS PROTOCOL.

17 (3) ON OR BEFORE JANUARY 1, 2001, EACH LOCAL BOARD  
18 ELECTRONICALLY PROCESSING OR COMPILING VOTER REGISTRATION INFORMATION  
19 SHALL COMPLY WITH THE REGULATIONS ADOPTED BY THE STATE BOARD UNDER  
20 THIS SUBSECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
22 construed only prospectively and the prohibitions contained in Article 33, § 2-106(c)  
23 of the Code, as enacted by this Act, may not be applied or interpreted to have any  
24 effect on or application to any uses of a tape, disc, or other electronic data or  
25 compilation before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 July 1, 2000.