

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 190 (Senators Kagan and Rosapepe)
Education, Health, and Environmental Affairs

Election Law - International Election Observers

This bill establishes provisions applicable to international election observers designated by the State Board of Elections (SBE), including provisions specifying rights, protections, and restrictions applicable to international election observers. **The bill takes effect June 1, 2018.**

Fiscal Summary

State Effect: None. The bill does not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: For any polling place or early voting center in the State, SBE has the right to designate an individual as an international election observer at each place of registration and election. However, a local board of elections also may (1) determine at which polling places and early voting centers within the local board's jurisdiction a designated international election observer may be present and (2) assign an international election observer to a particular polling place or early voting center, as appropriate, to ensure efficient management of an election. SBE must notify the local boards if SBE designates an individual as an international election observer.

Election officials must provide a copy of a list of registered voters to an international election observer who submits a written application and a statement signed under oath that the list is not intended to be used for purposes unrelated to the electoral process.

An international election observer has similar rights and protections, and is subject to similar restrictions, as those applicable under current law to challengers and watchers. Subject to certain exceptions, international election observers have the right to access the voting room at a polling place or early voting center from one-half hour before the polls open through the closing of the polls and the time when election judges leave the polling place or early voting center. International election observers may also observe a board of canvassers and the staff of a local board of elections as they complete each part of the canvass. International election observers are prohibited from attempting to (1) ascertain how a voter voted or intends to vote; (2) converse in the polling place or early voting center with any voter; (3) assist any voter in voting; or (4) physically handle an original election document. An election judge may eject an international election observer who violates those prohibitions. SBE may also remove an international election observer at any time.

A certificate signed by SBE is sufficient evidence of the right of an international election observer to be present in the voting room. An election judge and a police officer on duty at a polling place or early voting center must protect international election observers in the exercise of their rights or discharge of their duties.

SBE may adopt implementing regulations, including regulations that establish a process for designating an international election observer.

Current Law: An election judge must allow the following individuals to have access to the voting room at a polling place or early voting center: (1) a voter; (2) an individual who accompanies a voter in need of assistance; (3) polling place staff; (4) a member or other representative of SBE or a local board; (5) an accredited watcher or challenger; (6) an individual under the age of 18 who accompanies a voter; and (7) any other individual authorized by SBE or a local board.

SBE, a local board, a candidate, a political party, and any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot each have the right to designate a registered voter as a challenger or a watcher at each place of registration and election. A challenger or watcher has access to the voting room in a polling place or early voting center and certain other rights and is also subject to restrictions on his or her conduct in the polling place or early voting center. A challenger or watcher is positioned near the election judges inside the voting room so that the challenger or watcher can see and hear each person as the person offers to vote.

Designated authorized observers, and any other individuals who wish to be present, may observe a board of canvassers (a local board of elections when canvassing the vote after an election), and the staff of a local board, as they complete each part of the canvass.

A copy of a list of registered voters must be provided to a Maryland registered voter upon receipt of a written application and a statement signed under oath that the list is not intended to be used for purposes unrelated to the electoral process.

Additional Information

Prior Introductions: SB 58 of 2017, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee but was subsequently withdrawn.

Cross File: None.

Information Source(s): State Board of Elections; Baltimore City; Howard, Montgomery, and Prince George's counties; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2018
nb/hlb

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