

HOUSE BILL 459

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CF SB 417

By: **Delegate D. Jones**

Introduced and read first time: January 22, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Administration – State Administrator, Local Boards, and Election**
3 **Directors**

4 FOR the purpose of requiring the State Board of Elections to evaluate the performance of
5 the State Administrator of Elections; requiring the State Administrator to provide a
6 performance evaluation of the election director of each local board of elections to the
7 local board, including any recommended disciplinary actions for failure to comply
8 with State law, regulations, and policies; requiring each local board to confer with
9 the State Administrator in appointing an election director, maintain a warehouse,
10 and provide for early voting center expenses; requiring, rather than authorizing,
11 election directors to take certain actions; requiring election directors to take certain
12 actions related to voting system equipment and security and to perform duties as
13 delegated by the local board; and generally relating to election administration.

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 2–102, 2–103, 2–202, 2–203, and 2–206
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2023 Supplement)

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

21 **Article – Election Law**

22 2–102.

23 (a) The State Board shall manage and supervise elections in the State and ensure
24 compliance with the requirements of this article and any applicable federal law by all
25 persons involved in the elections process.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) In exercising its authority under this article and in order to ensure compliance
2 with this article and with any requirements of federal law, the State Board shall:

3 (1) supervise the conduct of elections in the State;

4 (2) direct, support, monitor, and evaluate the activities of each local board;

5 (3) have a staff sufficient to perform its functions;

6 (4) adopt regulations to implement its powers and duties;

7 (5) receive, or in its discretion audit, campaign finance reports, account
8 books and records kept under § 13–221 of this article, independent expenditure reports filed
9 and records kept under § 13–306 of this article, electioneering communication reports filed
10 and records kept under § 13–307 of this article, and statements filed and records kept under
11 § 14–105 of this article;

12 (6) appoint a State Administrator in accordance with § 2–103 of this
13 subtitle;

14 **(7) AT LEAST ANNUALLY, EVALUATE THE PERFORMANCE OF THE**
15 **STATE ADMINISTRATOR;**

16 **[(7)] (8)** maximize the use of technology in election administration,
17 including the development of a plan for a comprehensive computerized elections
18 management system;

19 **[(8)] (9)** canvass and certify the results of elections as prescribed by law;

20 **[(9)] (10)** make available to the general public, in a timely and efficient
21 manner, information on the electoral process, including a publication that includes the text
22 of this article, relevant portions of the Maryland Constitution, and information gathered
23 and maintained regarding elections;

24 **[(10)] (11)** subject to § 2–106 of this subtitle and § 13–341 of this article,
25 receive, maintain, and serve as a depository for elections documents, materials, records,
26 statistics, reports, certificates, proclamations, and other information prescribed by law or
27 regulation;

28 **[(11)] (12)** prescribe all forms required under this article; and

29 **[(12)] (13)** serve as the official designated office in accordance with the
30 Uniformed and Overseas Citizens Absentee Voting Act for providing information regarding
31 voter registration and absentee ballot procedures for absent uniformed services voters and
32 overseas voters with respect to elections for federal office.

1 (c) The powers and duties assigned to the State Board under this article shall be
2 exercised in accordance with an affirmative vote by a supermajority of the members of the
3 State Board.

4 (d) For purposes of the Open Meetings Act, a project site visit or educational field
5 tour may not be considered a meeting of the State Board if no organizational business is
6 conducted.

7 2-103.

8 (a) There is a State Administrator of Elections.

9 (b) The State Administrator shall:

10 (1) be appointed by the State Board, with the advice and consent of the
11 Senate of Maryland, and serve at the pleasure of the State Board;

12 (2) receive a salary as provided in the State budget;

13 (3) as provided in the State budget, employ and supervise:

14 (i) a deputy administrator, who shall serve as State Administrator
15 in the event the State Administrator resigns, becomes disabled, or dies, pending the
16 appointment of a successor State Administrator; and

17 (ii) pursuant to the State Personnel and Pensions Article, other staff
18 of the State Board;

19 (4) supervise the operations of the local boards;

20 **(5) AT LEAST ANNUALLY, PROVIDE A PERFORMANCE EVALUATION OF**
21 **THE ELECTION DIRECTOR OF EACH LOCAL BOARD TO THE LOCAL BOARD,**
22 **INCLUDING ANY RECOMMENDED DISCIPLINARY ACTIONS FOR FAILURE TO COMPLY**
23 **WITH STATE LAWS, REGULATIONS, AND POLICIES;**

24 **[(5)] (6)** perform all duties and exercise all powers that are assigned by
25 law to the State Administrator or delegated by the State Board;

26 **[(6)] (7)** implement, in a uniform and nondiscriminatory manner, a
27 single, uniform, official, centralized, interactive computerized statewide voter registration
28 list;

29 **[(7)] (8)** provided the State Board is fully constituted with five duly
30 confirmed members, be subject to removal by the affirmative vote of four duly confirmed
31 members of the State Board; and

1 ~~[(8)] (9)~~ be the chief State election official.

2 (c) Before taking office, the appointee to the office of State Administrator shall
3 take the oath required by Article I, § 9 of the Maryland Constitution.

4 2–202.

5 (a) Except for the City of Baltimore, the provisions of this section do not apply to
6 a municipal corporation in the State in which the municipal or charter elections are
7 regulated by the public local laws of the State or the charter of the municipal corporation.

8 (b) Each local board, in accordance with the provisions of this article and
9 regulations adopted by the State Board, shall:

10 (1) oversee the conduct of all elections held in its county and ensure that
11 the elections process is conducted in an open, convenient, and impartial manner;

12 (2) ~~[pursuant to]~~ **IN ACCORDANCE WITH** the State Personnel and
13 Pensions Article, or its county merit system, whichever is applicable, appoint an election
14 director to manage the operations and supervise the staff of the local board;

15 **(3) CONFER WITH THE STATE ADMINISTRATOR IN APPOINTING AN**
16 **ELECTION DIRECTOR UNDER ITEM (2) OF THIS SUBSECTION;**

17 ~~[(3)] (4)~~ maintain an office **AND WAREHOUSE** and be open for business
18 as provided in this article, and, subject to § 9–106 of this article, provide the supplies and
19 equipment necessary for the proper and efficient conduct of voter registration and election,
20 including:

21 (i) supplies and equipment required by the State Board; and

22 (ii) office, **EARLY VOTING CENTER**, and polling place equipment
23 expenses;

24 ~~[(4)] (5)~~ adopt any regulation it considers necessary to perform its duties
25 under this article, which regulation shall become effective when it is filed with and
26 approved by the State Board;

27 ~~[(5)] (6)~~ serve as the local board of canvassers and certify the results of
28 each election conducted by the local board;

29 ~~[(6)] (7)~~ establish and alter the boundaries and number of precincts in
30 accordance with § 2–303 of this title, and provide a suitable polling place for each precinct,
31 and assign voters to precincts;

1 **[(7)] (8)** provide to the general public timely information and notice, by
2 publication or mail, concerning voter registration and elections;

3 **[(8)] (9)** make determinations and hear and decide challenges and
4 appeals as provided by law;

5 **[(9)] (10)** (i) aid in the prosecution of an offense under this article; and
6 (ii) when the board finds there is probable cause to believe an offense
7 has been committed, refer the matter to the appropriate prosecutorial authority;

8 **[(10)] (11)** maintain and dispose of its records in accordance with the plan
9 adopted by the State Board under § 2–106 of this title; and

10 **[(11)] (12)** administer voter registration and absentee voting for nursing
11 homes and assisted living facilities in accordance with procedures established by the State
12 Administrator, subject to the approval of the State Board.

13 **(C) SUBSECTION (B)(3) OF THIS SECTION MAY NOT BE CONSTRUED TO**
14 **AFFECT THE EXCLUSIVE AUTHORITY OF A LOCAL BOARD TO APPOINT AN ELECTION**
15 **DIRECTOR UNDER SUBSECTION (B)(2) OF THIS SECTION.**

16 **[(c)] (D)** In Garrett County, following each decennial census of the United
17 States, the local board shall:

18 (1) evaluate the population of the county commissioner districts to
19 determine whether the districts are of substantially equal population; and

20 (2) recommend to the Garrett County Delegation to the General Assembly
21 any adjustments of the boundaries of those districts that are necessary to maintain districts
22 of substantially equal population.

23 **[(d)] (E)** In Montgomery County, the local board shall require an affirmative
24 vote of not fewer than three duly confirmed regular members of the local board, at least one
25 of whom shall be a member of the principal minority party, to appoint an election director.

26 2–203.

27 Each county shall appropriate the funds essential for the operations of its local board
28 to enable the local board to pay the reasonable expenses incurred by the local board to
29 exercise the powers and perform the duties prescribed for it by law, including:

30 (1) personnel expenses, such as compensation, workers' compensation, and
31 unemployment insurance;

32 (2) subject to § 9–106 of this article, polling place operation expenses; and

1 (3) subject to § 9–106 of this article, supplies and equipment required
2 under [§ 2–202(b)(3)] **§ 2–202(B)(4)** of this subtitle.

3 2–206.

4 Subject to the requirements of this article, **REGULATIONS ADOPTED BY THE**
5 **STATE BOARD** and the policies and guidance of the **STATE BOARD AND THE** local board,
6 the election director [may] **SHALL**:

7 (1) appoint the employees of the local board;

8 (2) train **ELECTION** judges [of election];

9 (3) give notice of elections;

10 (4) upon the request of an elderly or disabled voter whose polling place is
11 not structurally barrier free, provide an alternate polling place to the voter;

12 (5) issue voter notification cards;

13 (6) receive certificates of candidacy;

14 (7) verify petitions;

15 (8) in consultation with the local board, conduct the canvass [following] **OF**
16 an election; [and]

17 (9) subject to § 9–306 of this article, process and reject absentee ballot
18 applications;

19 **(10) MANAGE THE STORAGE, SECURITY, MAINTENANCE, AND**
20 **PREPARATION OF VOTING SYSTEM EQUIPMENT;**

21 **(11) WITHIN 24 HOURS, NOTIFY THE STATE ADMINISTRATOR AND**
22 **LOCAL BOARD IN WRITING OF:**

23 **(I) A SECURITY VIOLATION OR SIGNIFICANT ATTEMPTED**
24 **SECURITY VIOLATION, AS THOSE TERMS ARE DEFINED IN § 2–108 OF THIS TITLE,**
25 **THAT IMPEDES THE PROPER AND EFFICIENT OPERATION OF THE LOCAL BOARD; AND**

26 **(II) DAMAGE TO THE OFFICE, WAREHOUSE, VOTING SYSTEM**
27 **EQUIPMENT, OR OTHER MATERIALS USED TO CONDUCT AN ELECTION;**

1 **(12) ENSURE THE EQUIPMENT USED BY THE EMPLOYEES OF THE**
2 **LOCAL BOARD MEETS CYBERSECURITY REQUIREMENTS; AND**

3 **(13) PERFORM DUTIES AS DELEGATED BY THE LOCAL BOARD.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2024.