

BY: Commerce and Government Matters Committee

AMENDMENTS TO SENATE BILL NO. 139

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second “the” in line 3 down through “judges” in line 8, and substitute “a person who has declined to affiliate with a political party to serve as an election judge under certain circumstances; requiring that, for each precinct, the sum of the number of judges who belong to the majority party and the number of judges who belong to the principal minority party may not be less than a certain number; allowing an election board to designate as a chief judge only a person who belongs to either the majority party or the principal minority party; requiring that, under certain circumstances, the substitution of an election judge who has declined to affiliate with a party be with another person who has declined to affiliate with a party; and generally relating to the appointment of judges of elections”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 9 through 13, inclusive; in line 16, after “1-1(a)(10)” insert “and (11)”; and in line 21, after “2-7(a)” insert “and (c) and 2-8”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 7 and 8, inclusive.

AMENDMENT NO. 4

On page 2, after line 10, insert:

“(11) The “majority party” means the principal political party to which the incumbent Governor belongs, if the incumbent Governor is a member of one of the two principal political parties; if the incumbent Governor is not a member of one of the two principal political parties, “majority party” means the principal political party whose candidate for Governor received the highest number of votes at the last preceding general election. The principal “minority party” means the other of the two principal political parties. The “principal political parties” means the two parties

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whose candidates for Governor received the highest and second highest number of votes at the last preceding general election.”.

AMENDMENT NO. 5

On page 2, strike beginning with “EXCEPT” in line 13 down through “party.” in line 16; in line 17, after “attendance” insert “BEFORE THE BOARD”; in the same line strike “these”; and in the same line strike “before it” and substitute “APPOINTED AS JUDGES”.

AMENDMENT NO. 6

On page 2, strike in their entirety lines 19 through 22, inclusive, and substitute:

“(2) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, THE BOARD SHALL APPOINT A JUDGE WHO:

(I) BELONGS TO THE MAJORITY PARTY IN THE STATE;

(II) BELONGS TO THE PRINCIPAL MINORITY PARTY IN THE STATE;

OR

(III) HAS DECLINED TO AFFILIATE WITH A PARTY UNDER § 3-8 OF THIS ARTICLE.

(3) THE BOARD MAY NOT APPOINT A JUDGE WHO HAS DECLINED TO AFFILIATE WITH A PARTY UNDER § 3-8 OF THIS ARTICLE UNLESS THE BOARD HAS FIRST MADE AN EFFORT TO APPOINT TO THAT POSITION A JUDGE WHO BELONGS TO THE MAJORITY PARTY OR PRINCIPAL MINORITY PARTY.

(4) FOR EACH PRECINCT:

(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE NUMBER OF JUDGES SELECTED FROM THE MAJORITY PARTY MUST EQUAL THE NUMBER OF JUDGES SELECTED FROM THE PRINCIPAL MINORITY PARTY;

(II) IF THE BOARD APPOINTS ONE OR MORE JUDGES WHO HAVE DECLINED TO AFFILIATE WITH A PARTY UNDER § 3-8 OF THIS ARTICLE, THE NUMBER OF JUDGES SELECTED FROM THE MAJORITY PARTY MAY DIFFER FROM

THE NUMBER OF JUDGES SELECTED FROM THE PRINCIPAL MINORITY PARTY BY ONE JUDGE;

(III) THE SUM OF THE NUMBER OF JUDGES WHO BELONG TO THE MAJORITY PARTY AND THE NUMBER OF JUDGES WHO BELONG TO THE PRINCIPAL MINORITY PARTY MAY NOT BE LESS THAN FOUR; AND

(IV) THE NUMBER OF JUDGES WHO HAVE DECLINED TO AFFILIATE WITH A PARTY UNDER § 3-8 OF THIS ARTICLE MAY NOT EXCEED THE LESSER OF:

1. THE NUMBER OF JUDGES WHO BELONG TO THE MAJORITY PARTY; OR

2. THE NUMBER OF JUDGES WHO BELONG TO THE PRINCIPAL MINORITY PARTY.

(5) (I) THE BOARD SHALL DESIGNATE THE PERSONS INTENDED BY THE BOARD TO REPRESENT EACH POLITICAL PARTY.

(II) THE BOARD MAY DESIGNATE AS A CHIEF JUDGE ONLY A PERSON WHO BELONGS TO EITHER THE MAJORITY PARTY OR THE PRINCIPAL MINORITY PARTY.

(c) Each member of the board shall have a veto upon the proposed appointment of any judge. If in any instance in consequence of the use of such a veto, the board cannot agree upon an appointment AND A POLITICAL PARTY IS ENTITLED TO BE REPRESENTED BY AN ADDITIONAL JUDGE, then the member or members of the board belonging to the political party entitled to be represented by such judge shall name three [(3)] eligible persons for the office, and from this list the other member or members of the board shall appoint the judge. If the member or members of the board belonging to the political party entitled to be represented by a judge shall file in the office of the board a statement in writing that a suitable person cannot in his or their judgment be secured in any particular district or ward to fill the position of judge,

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the position then may be filled by a person otherwise qualified residing in another district or ward.

2-8.

(a) If any judge shall not be present at the expiration of fifteen minutes after the time for the opening of the polls, the judge or judges present shall fill the place of the absent judge by appointing in his stead a person [of the same political party] REGISTERED IN THE SAME MANNER WITH RESPECT TO PARTY AFFILIATION as the absentee. One of the judges shall administer to such substitute the oath required of the judge originally appointed.

(b) (1) After the opening of the polls, a judge may not absent himself until all the ballots cast have been counted and the returns completed. In case of absolute necessity, if any judge in attendance is compelled to absent himself, he shall appoint some fit person [of the same political party] REGISTERED IN THE SAME MANNER WITH RESPECT TO PARTY AFFILIATION as himself to act in his stead until his return, having first administered to the substitute the same oath as he himself has taken.

(2) A judge who is appointed to serve in a district, ward, or precinct other than the one in which he is registered to vote and who chooses to vote shall cast his vote by absentee ballot pursuant to § 27-1(a).

(c) Blank forms for the appointment of the substitute judges and the oath aforesaid shall be supplied by the board, and the oath when administered shall be preserved and returned by the judges to the board.

(d) The appointment and swearing in of all such substitutes and the reason therefor and the time when such substitute began and ceased to serve shall be noted by the judges on loose-leaf pages inserted in the binders containing the precinct cards; such substitute shall cease to act whenever the judge in whose stead he was appointed shall be present.”.