

G1

6lr0233

(PRE-FILED)

By: Delegates Leopold and Clagett

Requested: August 16, 1995

Introduced and read first time: January 10, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 6, 1996

CHAPTER ____

1 AN ACT concerning

2 **Election Judges - Appointment - Declines**

3 FOR the purpose of authorizing a person who has declined to affiliate with a political
4 party to serve as an election judge under certain circumstances; requiring that, for
5 each precinct, the sum of the number of judges who belong to the majority party and
6 the number of judges who belong to the principal minority party may not be less
7 than a certain number; allowing an election board to designate as a chief judge only
8 a person who belongs to either the majority party or the principal minority party;
9 requiring that under certain circumstances, the substitution of an election judge
10 who has declined to affiliate with a party be with another person who has declined
11 to affiliate with a party; and generally relating to the appointment of judges of
12 elections.

13 BY repealing and reenacting, without amendments,
14 Article 33 - Election Code
15 Section 1-1(a)(11)
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 33 - Election Code
20 Section 2-7(a) and (c) and 2-8
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1995 Supplement)

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

2

1 **Article 33 - Election Code**

2 1-1.

3 (a) As used in this article the following terms shall have the meanings indicated
4 unless a contrary meaning is clearly intended from the context in which the term appears:

5 (11) The "majority party" means the principal political party to which the
6 incumbent Governor belongs, if the incumbent Governor is a member of one of the two
7 principal political parties; if the incumbent Governor is not a member of one of the two
8 principal political parties, "majority party" means the principal political party whose
9 candidate for Governor received the highest number of votes at the last preceding general
10 election. The principal "minority party" means the other of the two principal political
11 parties. The "principal political parties" means the two parties whose candidates for
12 Governor received the highest and second highest number of votes at the last preceding
13 general election.

14 2-7.

15 (a) (1) Each board biennially shall appoint for each precinct, at least four [(4)]
16 judges. [An equal number of such judges shall be selected from the majority party and
17 the principal minority party in the State; and the board in making any such appointments
18 shall designate the persons intended by it to represent each such political party.] The
19 board may require the attendance BEFORE THE BOARD of [these] persons [before it]
20 APPOINTED AS JUDGES for examination with respect to their qualifications.

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

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

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

25 OR

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

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

32 (4) FOR EACH PRECINCT:

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

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

3

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

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

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

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

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

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

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

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

28 2-8.

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

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

4

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1996.