
By: Delegate Curran (Task Force to Review the State's Election Law)

Introduced and read first time: January 10, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commission to Revise the Election Code**

3 FOR the purpose of creating a Commission to Revise the Election Code; specifying the
4 composition, powers, and duties of the Commission; providing for the staffing of the
5 Commission; requiring the Commission to report its findings and recommendations,
6 including suggested legislative changes, to the Governor and the General Assembly
7 by a certain date; providing for the termination of this Act; and generally relating to
8 the establishment of the Commission to Revise the Election Code.

9 BY adding to

10 Article 41 - Governor - Executive and Administrative Departments

11 Section 18-309

12 Annotated Code of Maryland

13 (1993 Replacement Volume and 1995 Supplement)

14 Preamble

15 WHEREAS, During the 1995 Session, the General Assembly enacted legislation
16 to establish the Task Force to Review the State's Election Law to analyze Maryland's
17 election process in the wake of the contentious 1994 general election; and

18 WHEREAS, Over the course of the summer and fall of 1995, the Task Force to
19 Review the State's Election Law received considerable testimony from individuals
20 involved in the State's election process; and

21 WHEREAS, The comments and testimony of State and local election law officials
22 and other individuals involved in the administration and enforcement of the election laws
23 consistently affirmed that a comprehensive, substantive revision of Article 33 of the
24 Annotated Code is required in order to remove archaic provisions and resolve omissions
25 and contradictions that exist in the current law; and

26 WHEREAS, The usual Code Revision process is limited to making stylistic,
27 restructuring, nonsubstantive changes in the law, but not substantive revisions; and

28 WHEREAS, A major substantive revision of Article 33 is required to make the law
29 comport with the needs of modern election administration, to make the law mesh with the

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1 realities of current and future technologies, and to clarify the respective roles of election
2 boards and professional administrators at the local and State level; and

3 WHEREAS, The Task Force did not have the time needed to accomplish the level
4 of significant rewriting of the election law that is so urgently required; now, therefore,

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

7 **Article 41 - Governor - Executive and Administrative Departments**

8 18-309.

9 (A) THERE IS A COMMISSION TO REVISE THE ELECTION CODE.

10 (B) THE COMMISSION SHALL BE COMPOSED OF NINE MEMBERS APPOINTED
11 AS FOLLOWS:

12 (1) TWO INDIVIDUALS DESIGNATED BY THE SPEAKER OF THE HOUSE
13 OF DELEGATES AND ONE INDIVIDUAL DESIGNATED BY THE MINORITY LEADER OF
14 THE HOUSE OF DELEGATES;

15 (2) TWO INDIVIDUALS DESIGNATED BY THE PRESIDENT OF THE
16 SENATE OF MARYLAND AND ONE INDIVIDUAL DESIGNATED BY THE MINORITY
17 LEADER OF THE SENATE; AND

18 (3) THREE INDIVIDUALS DESIGNATED BY THE GOVERNOR.

19 (C) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE
20 COMMISSION.

21 (D) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION FOR
22 SERVING ON THE COMMISSION, BUT IS ENTITLED TO REIMBURSEMENT FOR
23 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN
24 THE STATE BUDGET.

25 (E) THE COMMISSION SHALL:

26 (1) REVIEW ARTICLE 33 OF THE ANNOTATED CODE OF MARYLAND, AND
27 OTHER STATUTORY LAW RELATING TO ANY ASPECT OF THE ELECTIONS PROCESS,
28 FOR CLARITY, PRECISION, CONSISTENCY, CONFORMITY, COMPLETENESS, AND
29 EFFECTIVENESS;

30 (2) REVIEW THE SELECTION, OPERATION, AND ORGANIZATION OF THE
31 STATE ADMINISTRATIVE BOARD OF ELECTION LAWS AND THE LOCAL BOARDS OF
32 SUPERVISORS OF ELECTIONS;

33 (3) REVIEW THE LAW RELATING TO THE INTEGRATION OF COMPUTER
34 TECHNOLOGY INTO THE ADMINISTRATION OF ELECTIONS;

35 (4) REVIEW THE LAW RELATING TO THE CONDUCT OF ELECTIONS,
36 INCLUDING:

37 (I) POLLING PLACE SELECTION AND PROCEDURES PRIOR TO,
38 DURING, AND AFTER AN ELECTION;

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1 (II) STANDARDS FOR VOTING SYSTEMS;

2 (III) REGISTRATION OF VOTERS;

3 (IV) THE SELECTION, TRAINING, AND COMPENSATION OF
4 ELECTION JUDGES;

5 (V) THE ABSENTEE VOTING PROCESSES;

6 (VI) POST-ELECTION PROCEDURES; AND

7 (VII) ANY OTHER MATTERS THAT THE COMMISSION CONSIDERS
8 APPROPRIATE; AND

9 (5) SUBMIT A COMPREHENSIVE REVISION OF THE ELECTION CODE
10 THAT REMOVES ARCHAIC PROVISIONS, RESOLVES OMISSIONS AND
11 CONTRADICTIONS, AND INCORPORATES SUBSTANTIVE, STRUCTURAL CHANGES IN
12 THE CURRENT LAW THAT THE COMMISSION CONSIDERS NECESSARY TO MEET THE
13 NEEDS OF MODERN ELECTION ADMINISTRATION.

14 (F) THE COMMISSION MAY EXPEND FUNDS IN ACCORDANCE WITH THE
15 STATE BUDGET.

16 (G) THE COMMISSION SHALL EMPLOY A STAFF DIRECTOR WHO SHALL
17 RECEIVE COMPENSATION AS PROVIDED IN THE BUDGET.

18 (H) THE COMMISSION SHALL ISSUE A FINAL REPORT OF ITS FINDINGS AND
19 RECOMMENDATIONS, INCLUDING A DRAFT REVISION OF THE ELECTION CODE, TO
20 THE GOVERNOR AND, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE,
21 TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31, 1997.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 1996. It shall remain effective until December 31, 1997, and at the end of
24 December 31, 1997, with no further action required by the General Assembly, this Act
25 shall be abrogated and of no further force and effect.