

HOUSE BILL 127

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1998 Regular Session
8lr0487
CF 8lr1182

By: **The Speaker and Delegates Curran, Arnick, and Getty (Commission to
Revise the Election Code)**

Introduced and read first time: January 16, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Code - General Revision**

3 FOR the purpose of making substantive, technical, and stylistic changes to the
4 Maryland Election Code; altering, repealing, or adding provisions relating to the
5 operation of the electoral process in the State; altering certain powers and
6 duties of election officials; altering the name, appointment, and terms of office of
7 the State Administrative Board of Election Laws; altering the title,
8 appointment, and term of the State Administrator of Election Laws; repealing
9 certain obsolete provisions; requiring the State Board of Elections to adopt
10 certain regulations; making it a felony to tamper with an electronic voting
11 system; providing certain penalties; providing for a delayed effective date; and
12 generally relating to the general revision of the Maryland Election Code.

13 BY repealing

14 Article 33 - Election Code
15 Section 1-1 through 22-2, 23-1 through 25-4, 27-1 through 27-14, and 32-1
16 through 32-6, and the various headings
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1997 Supplement)

19 BY adding to

20 Article 33 - Election Code
21 Section 1-101 through 8-701, 8-710 through 12-204, and 16-101 through
22 16-1001, and the various headings
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1997 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article 33 - Election Code
27 Section 22-3 through 22-10, 26-1 through 26-21, 30-1 through 30-4, and 31-1
28 through 31-10, and the various headings
29 Annotated Code of Maryland

1 (1997 Replacement Volume and 1997 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That Section(s) 1-1 through 22-2, 23-1 through 25-4, 27-1 through
4 27-14, and 32-1 through 32-6, and the various headings of Article 33 - Election Code
5 of the Annotated Code of Maryland be repealed.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
7 read as follows:

8 **Article 33 - Election Code**

9 TITLE 1. DEFINITIONS AND GENERAL PROVISIONS.

10 SUBTITLE 1. DEFINITIONS.

11 1-101. DEFINITIONS.

12 (A) GENERALLY.

13 IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED
14 UNLESS A DIFFERENT MEANING IS CLEARLY INTENDED FROM THE CONTEXT.

15 (B) ABSENTEE BALLOT.

16 "ABSENTEE BALLOT" MEANS A BALLOT NOT USED IN A POLLING PLACE.

17 (C) AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE.

18 "AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE" MEANS A POLITICAL
19 COMMITTEE ESTABLISHED UNDER § 13-202 OF THIS ARTICLE AND AUTHORIZED BY A
20 CANDIDATE TO PROMOTE THAT INDIVIDUAL'S CANDIDACY.

21 (D) BALLOT OR OFFICIAL BALLOT.

22 (1) "BALLOT" OR "OFFICIAL BALLOT" INCLUDES:

23 (I) AN ABSENTEE BALLOT;

24 (II) A DOCUMENT BALLOT; OR

25 (III) A VOTING MACHINE BALLOT.

26 (2) "BALLOT" OR "OFFICIAL BALLOT" DOES NOT INCLUDE:

27 (I) A SAMPLE BALLOT; OR

28 (II) A SPECIMEN BALLOT.

29 (E) BALLOT FACE.

1 "BALLOT FACE" MEANS A SINGLE SIDE OF A SHEET ON WHICH ARE PRINTED
2 SOME OR ALL OF THE CONTESTS TO BE VOTED BY A VOTER.

3 (F) BALLOT ISSUE COMMITTEE.

4 "BALLOT ISSUE COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS
5 FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A QUESTION TO BE SUBMITTED
6 TO A VOTE AT AN ELECTION.

7 (G) BALLOT STYLE.

8 "BALLOT STYLE" MEANS A UNIQUE AGGREGATION OF CONTESTS THAT MAKE
9 UP THE BALLOT FOR A PARTICULAR GROUP OF VOTERS IDENTIFIED BY COMMON
10 CHARACTERISTICS OF RESIDENCE LOCATION, PARTY AFFILIATION, OR BOTH.

11 (H) CAMPAIGN MANAGER.

12 "CAMPAIGN MANAGER" MEANS A PERSON DESIGNATED BY A CANDIDATE, OR
13 THE CANDIDATE'S REPRESENTATIVE, TO EXERCISE GENERAL OVERALL
14 RESPONSIBILITY FOR THE CONDUCT OF THE CANDIDATE'S POLITICAL CAMPAIGN.

15 (I) CANDIDATE.

16 (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE OF
17 CANDIDACY FOR A PUBLIC OR PARTY OFFICE.

18 (2) "CANDIDATE" INCLUDES:

19 (I) AN INCUMBENT JUDGE OF THE COURT OF APPEALS OR COURT
20 OF SPECIAL APPEALS AT AN ELECTION FOR CONTINUANCE IN OFFICE; AND

21 (II) AN INDIVIDUAL, PRIOR TO THAT INDIVIDUAL FILING A
22 CERTIFICATE OF CANDIDACY, IF A FILING UNDER § 13-201 OR § 13-202 OF THIS
23 ARTICLE HAS BEEN MADE ON BEHALF OF THAT INDIVIDUAL.

24 (J) CONTEST.

25 (1) "CONTEST" MEANS:

26 (I) THE AGGREGATE OF CANDIDATES WHO RUN AGAINST EACH
27 OTHER OR AMONG THEMSELVES FOR NOMINATION FOR, OR ELECTION TO, AN
28 OFFICE OR MULTIPLE OFFICES OF THE SAME CATEGORY; OR

29 (II) THE POSITIVE AND NEGATIVE VOTING OPTIONS FOR A
30 QUESTION SUBMITTED TO THE VOTERS.

31 (2) "CONTEST" INCLUDES, IN A GENERAL ELECTION FOR AN OFFICE,
32 THE WRITE-IN OPTION.

33 (K) CONTRIBUTION.

1 (1) "CONTRIBUTION" MEANS THE GIFT OR TRANSFER, OR PROMISE OF
2 GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO A CANDIDATE, THE
3 CANDIDATE'S REPRESENTATIVE, OR A REPRESENTATIVE OF ANY POLITICAL PARTY
4 OR PARTISAN ORGANIZATION TO PROMOTE OR ASSIST IN THE PROMOTION OF THE
5 SUCCESS OR DEFEAT OF A CANDIDATE, POLITICAL PARTY, OR QUESTION.

6 (2) "CONTRIBUTION" INCLUDES PROCEEDS FROM THE SALE OF TICKETS
7 TO A CAMPAIGN FUND-RAISING EVENT.

8 (L) COUNTY.

9 "COUNTY" MEANS A COUNTY OF THE STATE OR BALTIMORE CITY.

10 (M) DOCUMENT BALLOT.

11 (1) "DOCUMENT BALLOT" MEANS A BALLOT USED WITH A VOTING
12 SYSTEM IN WHICH THE VOTER INDIVIDUALLY IS ISSUED A BALLOT ON WHICH TO
13 INDICATE ONE OR MORE VOTES.

14 (2) "DOCUMENT BALLOT" INCLUDES:

15 (I) A MACHINE-READ BALLOT, SUCH AS AN OPTICALLY SCANNED
16 BALLOT OR PUNCHCARD BALLOT; AND

17 (II) A HAND-COUNTED PAPER BALLOT.

18 (N) DRIVER'S LICENSE.

19 "DRIVER'S LICENSE" INCLUDES AN IDENTIFICATION CARD ISSUED BY THE
20 MOTOR VEHICLE ADMINISTRATION.

21 (O) ELDERLY.

22 "ELDERLY" MEANS 65 YEARS OF AGE OR OLDER.

23 (P) ELECTION.

24 (1) "ELECTION" MEANS THE PROCESS BY WHICH VOTERS CAST VOTES
25 ON ONE OR MORE CONTESTS UNDER THE LAWS OF THIS STATE OR THE UNITED
26 STATES.

27 (2) "ELECTION" INCLUDES, UNLESS OTHERWISE SPECIFICALLY
28 PROVIDED IN THIS ARTICLE, ALL GENERAL ELECTIONS, PRIMARY ELECTIONS, AND
29 SPECIAL ELECTIONS.

30 (3) "ELECTION" DOES NOT INCLUDE, UNLESS OTHERWISE
31 SPECIFICALLY PROVIDED IN THIS ARTICLE, A MUNICIPAL ELECTION OTHER THAN IN
32 BALTIMORE CITY.

33 (Q) ELECTRONIC STORAGE FORMAT.

1 "ELECTRONIC STORAGE FORMAT" MEANS A COMPUTER DISK OR OTHER
2 INFORMATION STORAGE AND RETRIEVAL MEDIUM APPROVED BY THE STATE BOARD.

3 (R) EXECUTIVE DIRECTOR.

4 "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE STATE
5 BOARD.