

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 1368  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 10 down through “expenditures;” in line 13 and substitute “requiring the State Administrator of Elections to ensure that selected sites for early voting have adequate infrastructure to accommodate certain computer devices; requiring early voting polling places to be open for voting during certain hours; specifying certain early voting polling sites; providing for certain alternate sites to be selected under certain circumstances; requiring the State Board and the local boards to engage in certain voter outreach activities regarding early voting prior to each primary and general election; requiring the Governor to include certain funds in the annual budget for a certain purpose; providing that certain powers and duties assigned to the State Board shall be exercised in accordance with an affirmative vote of a supermajority of the members of the Board; requiring local boards of elections to administer voter registration and absentee balloting for certain facilities in accordance with procedures established by the State Board; establishing and altering certain powers and duties of local boards of elections, the election directors of local boards, and the State Administrator of Elections; authorizing the State Administrator to file suit for injunctive relief under certain circumstances; authorizing a registered voter or applicant for registration to file suit for injunctive relief under certain circumstances; authorizing the State Administrator to take certain disciplinary actions and make interim appointments under certain circumstances; requiring certain local boards to adopt certain regulations; requiring the regulations to be adopted, reviewed, and approved before the local board may take certain actions; placing certain restrictions on the alteration of precinct boundaries and polling place locations; placing certain restrictions on the removal of registered voters from the registry and on the rejection of voter registration applications; requiring the issuance of certain reports and the Internet publication of certain lists; providing for the application of certain provisions of this Act only to jurisdictions that meet certain criteria; providing for the termination of certain provisions of this Act; generally relating to the powers and duties of election boards, local election directors, and the State Administrator of Elections;”;

(Over)

and strike line 19 in its entirety and substitute “Section 2-102, 2-103, 2-202(b), 2-206, 2-301, 2-303(a), 3-501, and 10-302”.

On page 2, in line 2, strike “10-301.1(c)(1)” and substitute “10-301.1(b) and (c)”; and after line 5, insert:

“BY adding to

Article - Election Law

Section 2-202.1

Annotated Code of Maryland

(2003 Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“2-102.

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

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

- (1) supervise the conduct of elections in the State;
- (2) direct, support, monitor, and evaluate the activities of each local board;
- (3) have a staff sufficient to perform its functions;
- (4) adopt regulations to implement its powers and duties;
- (5) receive, and in its discretion audit, campaign finance reports;
- (6) appoint a State Administrator in accordance with § 2-103 of this subtitle;

(7) maximize the use of technology in election administration, including the development of a plan for a comprehensive computerized elections management system;

(8) canvass and certify the results of elections as prescribed by law;

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

(10) subject to §§ 2-106 and 13-341 of this article, receive, maintain, and serve as a depository for elections documents, materials, records, statistics, reports, certificates, proclamations, and other information prescribed by law or regulation;

(11) prescribe all forms required under this article; and

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

(C) THE POWERS AND DUTIES ASSIGNED TO THE STATE BOARD UNDER THIS ARTICLE SHALL BE EXERCISED IN ACCORDANCE WITH AN AFFIRMATIVE VOTE BY A SUPERMAJORITY OF THE MEMBERS OF THE STATE BOARD.

2-202.

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

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

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(2) pursuant to the State Personnel and Pensions Article, or its county merit system, whichever is applicable, appoint an election director to manage the operations and supervise the staff of the local board;

(3) maintain an office and be open for business as provided in this article, and provide the supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including:

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

(ii) office and polling place equipment expenses;

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

(5) serve as the local board of canvassers and certify the results of each election conducted by the local board;

(6) establish and alter the boundaries and number of precincts in accordance with § 2-303 of this title, and provide a suitable polling place for each precinct, and assign voters to precincts;

(7) provide to the general public timely information and notice, by publication or mail, concerning voter registration and elections;

(8) make determinations and hear and decide challenges and appeals as provided by law;

(9) (i) aid in the prosecution of an offense under this article; and

(ii) when the board finds there is probable cause to believe an offense has been committed, refer the matter to the appropriate prosecutorial authority; [and]

(10) maintain and dispose of its records in accordance with the plan adopted by the State Board under § 2-106 of this title; AND

(11) ADMINISTER VOTER REGISTRATION AND ABSENTEE VOTING FOR NURSING HOMES AND ASSISTED LIVING FACILITIES IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE STATE ADMINISTRATOR, SUBJECT TO THE APPROVAL OF THE STATE BOARD.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 2 through 26, inclusive, and substitute:

“(b) Each early voting polling place shall be open for voting:

(1) beginning the Tuesday before a primary or general election through the Saturday before the election; and

(2) [8 hours each day] DURING THE HOURS BETWEEN 7 A.M. AND 8 P.M. during the period specified under paragraph (1) of this subsection.

(c) (1) [Each] AS PROVIDED IN THIS SUBSECTION, EACH local board shall establish the early voting polling places in its county.

(2) (i) In the following counties, the local board shall establish [at least] three early voting polling places for each primary or general election AS SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH:

1. Anne Arundel;
2. Baltimore City;
3. Baltimore County;
4. Harford;

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5. Howard;
6. Montgomery; and
7. Prince George's.

(ii) 1. [In] EXCEPT FOR CHARLES COUNTY, IN each county other than a county specified in subparagraph (i) of this paragraph, the local board shall establish [at least] one early voting polling place for each primary or general election IN THE COUNTY SEAT.

2. IN CHARLES COUNTY, THE EARLY VOTING POLLING PLACE SHALL BE ESTABLISHED IN WALDORF.

(iii) EARLY VOTING POLLING PLACES SHALL BE ESTABLISHED AT THE LOCATIONS SPECIFIED IN THIS SUBPARAGRAPH FOR THE FOLLOWING COUNTIES:

1. ANNE ARUNDEL COUNTY:
  - A. BROOKLYN PARK SENIOR CENTER  
202 HAMMONDS LANE  
BALTIMORE, MD 21225;
  - B. WEST COUNTY LIBRARY  
1325 ANNAPOLIS ROAD  
ODENTON, MD 21114; AND
  - C. AMERICAN LEGION POST # 141  
1707 FOREST DRIVE  
ANNAPOLIS, MD 21401;
2. BALTIMORE CITY:
  - A. MORGAN STATE UNIVERSITY

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1700 E. COLD SPRING LANE  
BALTIMORE, MD 21251;

B. COPPIN STATE UNIVERSITY  
2500 NORTH AVENUE  
BALTIMORE, MD 21216; AND

C. DUBURNS RECREATION CENTER  
1301 S. ELLWOOD AVENUE  
BALTIMORE, MD 21224;

3. BALTIMORE COUNTY:

A. RANDALLSTOWN LIBRARY  
8604 LIBERTY ROAD  
RANDALLSTOWN, MD 21133;

B. TOWSON UNIVERSITY  
8000 YORK ROAD  
TOWSON, MD 21252; AND

C. ESSEX LIBRARY  
1110 EASTERN BOULEVARD  
ESSEX, MD 21221;

4. HARFORD COUNTY:

A. ABERDEEN BRANCH LIBRARY  
21 FRANKLIN STREET  
ABERDEEN, MD 21001;

B. HARFORD COUNTY GOVERNMENT BUILDING  
212 SOUTH BOND STREET

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- C. BEL AIR, MD 21014; AND  
JOPPA BRANCH LIBRARY  
655 TOWNE CENTER DRIVE  
JOPPA, MD 21085;
- 5. HOWARD COUNTY:

  - A. EAST COLUMBIA LIBRARY (OWEN BROWN)  
6600 CRADLEROCK WAY  
COLUMBIA, MD 21045;
  - B. MILLER BRANCH LIBRARY  
9421 FREDERICK ROAD  
ELLCOTT CITY, MD 21042; AND
  - C. SAVAGE BRANCH LIBRARY  
9525 DURNESS LANE  
LAUREL, MD 20723;
- 6. MONTGOMERY COUNTY:

  - A. GERMANTOWN PUBLIC LIBRARY  
12900 MIDDLEBROOK ROAD  
GERMANTOWN, MD 20874;
  - B. SILVER SPRING PUBLIC LIBRARY  
8901 COLESVILLE ROAD  
SILVER SPRING, MD 20910; AND
  - C. ROCKVILLE CITY HALL  
111 MARYLAND AVENUE  
ROCKVILLE, MD 20850; AND
- 7. PRINCE GEORGE'S COUNTY:



- A. UPPER MARLBORO LIBRARY  
14730 MAIN STREET  
UPPER MARLBORO, MD 20772;
  
- B. HARMONY HALL REGIONAL CENTER  
10701 LIVINGSTON ROAD  
FORT WASHINGTON, MD 20744; AND
  
- C. HYATTSVILLE PUBLIC LIBRARY  
6530 ADELPHI ROAD  
HYATTSVILLE, MD 20872.

(3) IF THE STATE ADMINISTRATOR DETERMINES, OR A LOCAL ELECTION DIRECTOR NOTIFIES THE STATE ADMINISTRATOR, THAT A SITE SPECIFIED UNDER THIS SUBSECTION CANNOT BE USED TO ACCOMMODATE EARLY VOTING, THE STATE ADMINISTRATOR SHALL SELECT ANOTHER SITE, PROXIMATE TO THE SITE REJECTED, THAT IS ACCESSIBLE TO VOTERS.

(4) BEGINNING 30 DAYS PRIOR TO EACH PRIMARY AND GENERAL ELECTION, THE STATE BOARD AND EACH LOCAL BOARD SHALL UNDERTAKE STEPS TO INFORM THE PUBLIC ABOUT EARLY VOTING AND THE LOCATION OF EARLY VOTING POLLING PLACES IN EACH COUNTY, INCLUDING A SERIES OF PUBLIC SERVICE MEDIA ANNOUNCEMENTS, MAILINGS TO ALL REGISTERED VOTERS, AND OTHER EFFORTS.

[(3)] (5) Polling places established by a local board under this section shall meet the requirements of § 10-101 of this title.”.

AMENDMENT NO. 4

On page 3, in line 31, after “(B)” insert “(1)”; after line 33, insert:

“(2) THE STATE ADMINISTRATOR SHALL ENSURE THAT A SITE SELECTED FOR EARLY VOTING HAS ADEQUATE INFRASTRUCTURE TO

(Over)

ACCOMMODATE THE COMPUTER DEVICES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

Article - Election Law

2-103.

(a) There is a State Administrator of Elections.

(b) The State Administrator shall:

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

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

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

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

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

(4) supervise the operations of the local boards AND, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, INITIATE A LEGAL ACTION TO ENJOIN THE ACTIONS OF A LOCAL BOARD OR THE ELECTION DIRECTOR OF A LOCAL BOARD;

(5) perform all duties and exercise all powers that are assigned by law to the State Administrator or delegated by the State Board;

(6) implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list;

(7) provided the State Board is fully constituted with five duly confirmed members, be subject to removal by the affirmative vote of four duly confirmed members of the State Board for incompetence, misconduct, or other good cause except that:

(i) prior to removal, the State Board shall set forth written charges stating the grounds for dismissal and afford the State Administrator notice and an ample opportunity to be heard; and

(ii) subsequent to a valid vote for removal by at least four duly confirmed members of the State Board, the State Administrator is authorized to continue to serve until a successor is appointed and confirmed by the Senate of Maryland; and

(8) be the chief State election official.

(C) (1) THE STATE ADMINISTRATOR MAY FILE SUIT IN A COURT OF COMPETENT JURISDICTION TO ENJOIN A LOCAL BOARD OR ITS ELECTION DIRECTOR FROM VIOLATING ANY PROVISION OF THIS ARTICLE OR OF A REGULATION, GUIDELINE, OR PROCEDURE ADOPTED UNDER THIS ARTICLE.

(2) A REGISTERED VOTER OR AN APPLICANT FOR VOTER REGISTRATION MAY PETITION THE STATE ADMINISTRATOR TO FILE A SUIT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) A VOTER OR APPLICANT WHO HAS PETITIONED UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY FILE THE SUIT FOR INJUNCTIVE RELIEF IF THE STATE ADMINISTRATOR DECLINES OR FAILS TO FILE SUIT:

(I) WITHIN 10 BUSINESS DAYS AFTER THE PETITION IS SUBMITTED; OR

(II) DURING THE PERIOD THAT IS LESS THAN 20 DAYS BEFORE AN ELECTION, WITHIN 3 BUSINESS DAYS AFTER THE PETITION IS SUBMITTED.

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

2-202.1.

(A) EACH LOCAL BOARD SHALL ADOPT REGULATIONS RELATING TO:

(1) PROCEDURES TO BE FOLLOWED BY THE BOARD UNDER § 3-301 OF THIS ARTICLE IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO BECOME A REGISTERED VOTER; AND

(2) PROCEDURES TO BE FOLLOWED BY THE BOARD IN ADMINISTERING TITLE 3, SUBTITLE 3 OF THIS ARTICLE, INCLUDING:

(I) PROCEDURES AND TIMETABLES FOR OBTAINING, RECEIVING, AND PROCESSING INFORMATION ABOUT VOTERS' CHANGES OF ADDRESS OR CHANGES IN ELIGIBILITY STATUS; AND

(II) PROCEDURES AND TIMETABLES FOR REMOVING VOTERS FROM THE VOTER REGISTRY.

(B) NOTWITHSTANDING § 2-202 OF THIS SUBTITLE, BEFORE A LOCAL BOARD, OR AN EMPLOYEE OF THE BOARD, ALTERS PRECINCT BOUNDARIES OR ALTERS THE LOCATION OF A POLLING PLACE, THE LOCAL BOARD SHALL:

(1) ISSUE PUBLIC NOTICE OF THE PROPOSED ALTERATION AT LEAST 90 DAYS BEFORE THE DATE OF THE ELECTION TO WHICH THE ALTERATION WOULD APPLY;

(2) ACCEPT PUBLIC COMMENTS ON THE PROPOSED ALTERATION;

(3) SUBMIT THE PROPOSED ALTERATION, AND ANY COMMENTS

RECEIVED, TO THE STATE ADMINISTRATOR FOR THE STATE ADMINISTRATOR'S REVIEW; AND

(4) RECEIVE THE APPROVAL OF THE STATE ADMINISTRATOR.

2-206.

(A) Subject to the requirements of this article and the policies and guidance of the local board, the election director [may]:

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

(2) MAY train judges of election;

(3) MAY give notice of elections;

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

(5) MAY issue voter acknowledgment notices and voter notification cards;

(6) MAY receive certificates of candidacy;

(7) MAY verify nominating petitions;

(8) MAY receive and maintain campaign finance reports;

(9) MAY, in consultation with the local board, conduct the canvass following an election; [and]

(10) subject to § 9-306 of this article, MAY process and reject absentee ballot applications;

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(11) SHALL PUBLISH ON AN INTERNET WEBSITE, NOT LATER THAN 30 DAYS BEFORE THE CLOSE OF REGISTRATION PRIOR TO AN ELECTION, A LIST OF ANY PROPOSED DELETIONS OF REGISTRANTS FROM THE VOTER REGISTRY; AND

(12) SHALL ENSURE THAT THERE IS AT LEAST ONE WORKING VOTING MACHINE OR DEVICE FOR EVERY 200 REGISTERED VOTERS AT EACH POLLING PLACE.

(B) THE ELECTION DIRECTOR SHALL MAKE REGULAR PUBLIC REPORTS, ON A SCHEDULE DETERMINED BY THE STATE ADMINISTRATOR, REGARDING:

(1) THE NUMBER AND TYPES OF VOTER REGISTRATION APPLICATIONS RECEIVED;

(2) THE NUMBER OF VOTER REGISTRATION APPLICATIONS ACCEPTED AND REJECTED; AND

(3) THE REASONS THE APPLICATIONS WERE REJECTED.

2-301.

(a) This section applies to:

(1) a member of the State Board;

(2) a regular or substitute member of a local board;

(3) the State Administrator;

(4) an employee of the State Board or of a local board, including the election director of a board;

(5) counsel appointed under § 2-205 of this title; and

(6) an election judge.

(b) (1) An individual subject to this section may not, while holding the position:

(i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;

(ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or

(iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:

1. be a campaign manager;

2. be a treasurer or subtreasurer for a campaign finance entity; or

3. take any other active part in political management or a political campaign.

(2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:

(i) while performing official duties on election day; and

(ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

(C) IF THE STATE ADMINISTRATOR DETERMINES THAT AN INDIVIDUAL IS IN VIOLATION OF THIS SECTION, THE STATE ADMINISTRATOR:

(1) SHALL SUSPEND THE INDIVIDUAL FROM DUTY UNTIL THE COMPLETION OF THE NEXT ELECTION; AND

(Over)

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MAY MAKE AN INTERIM APPOINTMENT TO ENSURE THE ORDERLY ADMINISTRATION OF THIS ARTICLE.

3-501.

(A) An election director may remove a voter from the statewide voter registration list only:

(1) at the request of the voter, provided the request is:

(i) signed by the voter;

(ii) authenticated by the election director; and

(iii) in a format acceptable to the State Board or on a cancellation notice provided by the voter on a voter registration application;

(2) upon determining, based on information provided pursuant to § 3-503 of this subtitle, that the voter is no longer eligible because:

(i) the voter is not qualified to be a registered voter as provided in § 3-102(b) of this title; or

(ii) the voter is deceased; or

(3) if the voter has moved outside the State, as determined by conducting the procedures established in § 3-502 of this subtitle.

(B) AN ELECTION DIRECTOR MAY NOT REMOVE A VOTER FROM THE LIST IN ACCORDANCE WITH SUBSECTION (A)(2) OR (3) OF THIS SECTION DURING THE PERIOD THAT:

(1) BEGINS 30 DAYS BEFORE THE CLOSE OF REGISTRATION BEFORE AN ELECTION; AND



(2) ENDS AT THE CLOSE OF THE POLLS ON THE DAY OF THE ELECTION.”;

and in line 34, strike “2.” and substitute “3.”.

AMENDMENT NO. 5

On page 4, strike in their entirety lines 18 through 28, inclusive, and substitute:

“SECTION 4. AND BE IT FURTHER ENACTED, That the regulations required to be adopted by a local board of elections under § 2-202.1(a) of the Election Law Article, as enacted by Section 2 of this Act, must be submitted to, reviewed by, and approved by the State Administrator of Elections before the local board:

- (1) denies any application for registration on or after the effective date of this Act;  
or  
(2) removes any voter from the registration list on or after the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this Act shall apply only to jurisdictions of the State in which, based on data from the 2000 Decennial Census:

- (1) less than 60 percent of the population lives in owner-occupied dwellings; and  
(2) the median income is less than \$40,000 per year.

SECTION 6. AND BE IT FURTHER ENACTED, That the Governor shall include each year in the State budget sufficient State general funds to implement the requirements of § 10-302(b) of the Election Law Article.

SECTION 7. AND BE IT FURTHER ENACTED, That Sections 2, 4, and 5 of this Act shall remain effective until the end of June 30, 2008 and, at the end of June 30, 2008, with no further

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action required by the General Assembly, Sections 2, 4, and 5 of this Act shall be abrogated and of no further force and effect.”;

and in line 29, strike “5.” and substitute “8.”.