_____

By: **Delegates Rosenberg and Marriott**
Introduced and read first time: February 10, 2006
Assigned to: Ways and Means

_____

A BILL ENTITLED

1 AN ACT concerning

2 **Voter Rights Protection Act of 2006**

3 FOR the purpose of establishing and altering certain powers and duties of local
4   boards of elections, the election directors of local boards, and the State
5   Administrator of Elections; authorizing the State Administrator to file suit for
6   injunctive relief under certain circumstances; authorizing a registered voter or
7   applicant for registration to file suit for injunctive relief under certain
8   circumstances; authorizing the State Administrator to take certain disciplinary
9   actions and make interim appointments under certain circumstances; requiring
10   local boards to adopt certain regulations; requiring the regulations to be
11   adopted, reviewed, and approved before the local board may take certain
12   actions; placing certain restrictions on the alteration of precinct boundaries and
13   polling place locations; placing certain restrictions on the removal of registered
14   voters from the registry and on the rejection of voter registration applications;
15   requiring the issuance of certain reports and the Internet publication of certain
16   notice; providing for the application of this Act only to jurisdictions that meet
17   certain criteria; providing for the termination of this Act; and generally relating
18   to the powers and duties of election boards, local election directors, and the
19   State Administrator of Elections.

20 BY repealing and reenacting, with amendments,
21   Article - Election Law
22   Section 2-103, 2-202, 2-206, 2-301, and 3-501
23   Annotated Code of Maryland
24   (2003 Volume and 2005 Supplement)

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

27   **Article - Election Law**

28 2-103.

29   (a)   There is a State Administrator of Elections.

1   (b)   The State Administrator shall:

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

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

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

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

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

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

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

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

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

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

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

30   (8)   be the chief State election official.

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

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

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

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

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

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

13 2-202.

14   (a)   Except for the City of Baltimore, the provisions of this section do not apply
15 to a municipal corporation in the State in which the municipal or charter elections are
16 regulated by the public local laws of the State or the charter of the municipal
17 corporation.

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

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

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

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

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

29   (ii)   office and polling place equipment expenses;

30   (4)   SUBJECT TO SUBSECTION (C) OF THIS SECTION, adopt any regulation
31 it considers necessary to perform its duties under this article, which regulation shall
32 become effective when it is filed with and approved by the State Board;

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

1   (6)   SUBJECT TO SUBSECTION (D) OF THIS SECTION, establish and alter
2 the boundaries and number of precincts in accordance with § 2-303 of this title, and
3 provide a suitable polling place for each precinct, and assign voters to precincts;

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

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

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

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

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

14   (C)   EACH LOCAL BOARD SHALL ADOPT REGULATIONS RELATING TO:

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

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

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

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

25   (D)   BEFORE A LOCAL BOARD, OR AN EMPLOYEE OF THE BOARD, ALTERS
26 PRECINCT BOUNDARIES OR ALTERS THE LOCATION OF A POLLING PLACE, THE
27 LOCAL BOARD SHALL:

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

31   (2)   ACCEPT PUBLIC COMMENTS ON THE PROPOSED ALTERATION;

32   (3)   SUBMIT THE PROPOSED ALTERATION, AND ANY COMMENTS
33 RECEIVED, TO THE STATE ADMINISTRATOR FOR THE STATE ADMINISTRATOR'S
34 REVIEW; AND

35   (4)   RECEIVE THE APPROVAL OF THE STATE ADMINISTRATOR.

1   [(c)]   (E)   In Garrett County, following each decennial census of the United
2 States, the local board shall:

3   (1)   evaluate the population of the county commissioner districts to
4 determine whether the districts are of substantially equal population; and

5   (2)   recommend to the Garrett County Delegation to the General
6 Assembly any adjustments of the boundaries of those districts that are necessary to
7 maintain districts of substantially equal population.

8 2-206.

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

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

12   (2)   MAY train judges of election;

13   (3)   MAY give notice of elections;

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

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

17   (6)   MAY receive certificates of candidacy;

18   (7)   MAY verify nominating petitions;

19   (8)   MAY receive and maintain campaign finance reports;

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

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

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

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

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

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

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

3   (3)   THE REASONS THE APPLICATIONS WERE REJECTED.

4 2-301.

5   (a)   This section applies to:

6   (1)   a member of the State Board;

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

8   (3)   the State Administrator;

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

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

12   (6)   an election judge.

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

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

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

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

21   1.   be a campaign manager;

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

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

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

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

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

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

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

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

8 3-501.

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

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

12   (i)   signed by the voter;

13   (ii)   authenticated by the election director; and

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

16   (2)   upon determining, based on information provided pursuant to §
17 3-503 of this subtitle, that the voter is no longer eligible because:

18   (i)   the voter is not qualified to be a registered voter as provided in
19 § 3-102(b) of this title; or

20   (ii)   the voter is deceased; or

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

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

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

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

29   SECTION 2. AND BE IT FURTHER ENACTED, That the regulations required
30 to be adopted by a local board of elections under § 2-202(c) of the Election Law Article,
31 as enacted by Section 1 of this Act, must be submitted to, reviewed by, and approved
32 by the State Administrator of Elections before the local board:

33   (1)   denies any application for registration on or after the effective date of
34 this Act; or

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

3   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply only
4 to jurisdictions of the State in which, based on data from the 2000 Decennial Census:

5   (1)   less than 60 percent of the population lives in owner-occupied
6 dwellings; and

7   (2)   the median income is less than $40,000 per year.

8   SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2006. It shall remain effective for a period of 2 years and, at the end of June
10 30, 2008, with no further action required by the General Assembly, this Act shall be
11 abrogated and of no further force and effect.