

UNOFFICIAL COPY OF SENATE BILL 712  
EMERGENCY BILL

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CF 6lr2473

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By: **Senator Hollinger**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Voter Bill of Rights**

3 FOR the purpose of requiring a local board of elections to establish, under certain  
4 circumstances, a separate precinct to serve certain institutions of higher  
5 education; requiring each institution at which a precinct is established to  
6 provide certain facilities and services to the local board; requiring that local  
7 boards, when establishing early voting polling places, select sites that are  
8 consistent with certain guidelines and regulations established by the State  
9 Board of Elections; requiring certain polling places to be equipped with a certain  
10 computer device; providing that certain powers and duties assigned to the State  
11 Board shall be exercised in accordance with an affirmative vote of a  
12 supermajority of the members of the Board; requiring local boards of elections to  
13 administer voter registration and absentee balloting for certain facilities in  
14 accordance with procedures established by the State Board; requiring early  
15 voting polling places to be open during certain hours on each day during the  
16 early voting period; requiring the Governor to allocate certain resources to  
17 implement the requirements of this Act; requiring the State Administrator of  
18 Elections and the Office of the Attorney General to review and report on issues  
19 related to election day voter registration; making this Act an emergency  
20 measure; and generally relating to a voter bill of rights.

21 BY repealing and reenacting, with amendments,  
22 Article - Election Law  
23 Section ~~2-303(a)~~ 2-102, 2-202(b), 2-303(a), and 10-302  
24 Annotated Code of Maryland  
25 (2003 Volume and 2005 Supplement)

26 BY repealing and reenacting, with amendments,

1 Article - Election Law  
2 Section ~~10-301.1(e)(1)~~ 10-301.1(b) and (c)(1)  
3 Annotated Code of Maryland  
4 (2003 Volume and 2005 Supplement)  
5 (As enacted by Chapter 5 of the Acts of the General Assembly of 2006)

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

8 **Article - Election Law**

9 2-102.

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

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

16 (1) supervise the conduct of elections in the State;

17 (2) direct, support, monitor, and evaluate the activities of each local  
18 board;

19 (3) have a staff sufficient to perform its functions;

20 (4) adopt regulations to implement its powers and duties;

21 (5) receive, and in its discretion audit, campaign finance reports;

22 (6) appoint a State Administrator in accordance with § 2-103 of this  
23 subtitle;

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

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

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

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

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

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

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

9 2-202.

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

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

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

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

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

21                   (ii)   office and polling place equipment expenses;

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

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

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

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

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

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

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

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

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

10 2-303.

11 (a) (1) [As] SUBJECT TO PARAGRAPH (2) OF THIS SECTION, AS it deems it  
 12 expedient for the convenience of voters, a local board may:

13 [(1)] (I) create and alter the boundaries for precincts in the county;

14 [(2)] (II) designate the location for polling places in any election district,  
 15 ward, or precinct in the county; and

16 [(3)] (III) combine or abolish precincts.

17 (2) (I) A LOCAL BOARD SHALL ESTABLISH A SEPARATE PRECINCT TO  
 18 SPECIFICALLY SERVE A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IF  
 19 THE LOCAL BOARD DETERMINES THAT AT LEAST 500 STUDENTS, FACULTY, AND  
 20 STAFF WHO ATTEND OR WORK AT THE INSTITUTION ARE REGISTERED VOTERS IN  
 21 THE PRECINCT IN WHICH THE INSTITUTION IS LOCATED.

22 (II) IF, IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS  
 23 PARAGRAPH, A POLLING PLACE IS ESTABLISHED AT AN INSTITUTION OF HIGHER  
 24 EDUCATION THAT RECEIVES STATE FUNDS, THAT INSTITUTION SHALL:

25 1. PROVIDE WITHOUT CHARGE TO THE LOCAL BOARD A  
 26 FACILITY FOR USE AS A POLLING PLACE THAT MEETS ALL APPLICABLE  
 27 REQUIREMENTS UNDER THIS ARTICLE AND AS ESTABLISHED BY THE STATE BOARD;  
 28 AND

29 2. PROVIDE ASSISTANCE TO THE LOCAL BOARD IN  
 30 RECRUITING ELECTION JUDGES TO STAFF THE POLLING PLACE.

31 10-301.1.

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

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

35 (2) [8 hours each day] DURING THE HOURS BETWEEN 7 A.M. AND 8 P.M.  
 36 during the period specified under paragraph (1) of this subsection.

1 (c) (1) (I) Each local board shall establish the early voting polling places  
2 in its county.

3 (II) WHEN ESTABLISHING THE EARLY VOTING POLLING PLACES,  
4 THE LOCAL BOARD SHALL, CONSISTENT WITH THE GUIDELINES AND REGULATIONS  
5 ESTABLISHED BY THE STATE BOARD:

6 1. SELECT A SITE IN THE COUNTY THAT IS  
7 GEOGRAPHICALLY CENTRAL AND EASILY ACCESSIBLE, IF ONLY ONE LOCATION IS  
8 BEING USED IN THE COUNTY; OR

9 2. SELECT SITES FROM RECOMMENDATIONS PROVIDED BY  
10 THE CHAIRMEN OF THE LOCAL CENTRAL COMMITTEES OF THE RECOGNIZED  
11 POLITICAL PARTIES, IF MULTIPLE LOCATIONS ARE USED IN THE COUNTY.

12 10-302.

13 (A) In a timely manner for each election, the local board shall provide for the  
14 delivery to each polling place the supplies, records, and equipment necessary for the  
15 conduct of the election.

16 (B) EACH POLLING PLACE SHALL BE EQUIPPED WITH A COMPUTER DEVICE  
17 THAT CONTAINS A RECORD OF ALL REGISTERED VOTERS IN THE COUNTY AND THAT  
18 IS CAPABLE OF BEING NETWORKED TO OTHER POLLING PLACE COMPUTER DEVICES.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the State Administrator  
20 of Elections and the Office of the Attorney General shall:

21 (1) review the efficacy of, and any legal impediments to, implementing a  
22 system of election day voter registration that would allow eligible unregistered voters,  
23 commencing with the 2008 primary election, to register and then vote on election day;

24 (2) (i) consult with local election officials in Maryland to ascertain the  
25 impact and assess any administrative challenges associated with implementing a  
26 statewide system of election day voter registration in this State; and

27 (ii) query election officials in any other states around the country  
28 that have implemented statewide election day voter registration about their  
29 experiences with such a system;

30 (3) note any legal impediments to implementing a statewide system of  
31 election day voter registration and identify any changes to State statutory or  
32 constitutional law that would be required to implement such a system;

33 (4) estimate the additional cost to the State and to the counties to  
34 implement a system of election day voter registration; and

35 (5) on or before December 31, 2006, submit a report of its findings and  
36 recommendations to the Governor, and, in accordance with § 2-1246 of the State  
37 Government Article, to the General Assembly.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall  
2 allocate the resources required to implement the requirements of this Act, including  
3 any gift received by the State for the purposes of this Act under § 2-201 of the State  
4 Finance and Procurement Article, and except for federal funds received by the State  
5 to implement the requirements of the Help America Vote Act of 2002, any federal or  
6 other special funds or grant received by the State in accordance with federal and  
7 State law for the purposes of this Act.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~  
9 ~~June 1, 2006~~ is an emergency measure, is necessary for the immediate preservation of  
10 the public health or safety, has been passed by a yea and nay vote supported by  
11 three-fifths of all the members elected to each of the two Houses of the General  
12 Assembly, and shall take effect from the date it is enacted.