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By: **Senator Gladden**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Election Law - Powers and Duties of Election Boards, Local Election**  
3                                   **Directors, and the State Administrator of Elections**

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

21 BY repealing and reenacting, with amendments,  
22 Article - Election Law  
23 Section 2-103, 2-202, 2-206, 2-301, and 3-501  
24 Annotated Code of Maryland  
25 (2003 Volume and 2005 Supplement)

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

28                                   **Article - Election Law**

29 2-103.

30       (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 WITHIN:

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

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

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

12 2-202.

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

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

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

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

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

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

28 (ii) office and polling place equipment expenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (D) BEFORE A LOCAL BOARD, OR AN EMPLOYEE OF THE BOARD, ALTERS  
23 PRECINCT BOUNDARIES OR ALTERS THE LOCATION OF A POLLING PLACE, THE  
24 LOCAL BOARD SHALL:

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

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

29 (3) SUBMIT THE PROPOSED ALTERATION, AND ANY COMMENTS  
30 RECEIVED, TO THE STATE ADMINISTRATOR FOR THE STATE ADMINISTRATOR'S  
31 REVIEW; AND

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

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

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

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

6 2-206.

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

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

10 (2) MAY train judges of election;

11 (3) MAY give notice of elections;

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

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

15 (6) MAY receive certificates of candidacy;

16 (7) MAY verify nominating petitions;

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

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

20 (10) MAY ADMINISTER ABSENTEE VOTING IN ACCORDANCE WITH THE  
21 GUIDELINES ISSUED BY THE STATE BOARD UNDER § 9-303 OF THIS ARTICLE;

22 [(10)] (11) subject to § 9-306 of this article, MAY process and reject  
23 absentee ballot applications;

24 (12) SHALL PUBLISH A LIST OF ANY PROPOSED DELETIONS OF  
25 REGISTRANTS FROM THE VOTER REGISTRY:

26 (I) IN A NEWSPAPER OF GENERAL CIRCULATION; AND

27 (II) NOT LATER THAN 30 DAYS BEFORE THE CLOSE OF  
28 REGISTRATION PRIOR TO AN ELECTION; AND

29 (13) SHALL ENSURE THAT EACH POLLING PLACE HAS AN ADEQUATE  
30 NUMBER OF WORKING MACHINES OR DEVICES FOR THE VOTING SYSTEM, IN  
31 ACCORDANCE WITH GUIDELINES ISSUED BY THE STATE BOARD.

1 (B) THE ELECTION DIRECTOR OR OTHER EMPLOYEE OF THE LOCAL BOARD  
2 MAY NOT REJECT A VOTER REGISTRATION APPLICATION OR REMOVE A VOTER'S  
3 NAME FROM THE VOTER REGISTRY, EXCEPT AS PROVIDED IN WRITTEN TIMETABLES  
4 AND PROCEDURES SUBMITTED TO AND APPROVED BY THE STATE ADMINISTRATOR.

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

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

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

11 (3) THE REASONS THE APPLICATIONS WERE REJECTED.

12 2-301.

13 (a) This section applies to:

14 (1) a member of the State Board;

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

16 (3) the State Administrator;

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

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

20 (6) an election judge.

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

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

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

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

29 1. be a campaign manager;

30 2. be a treasurer or subtreasurer for a campaign finance

31 entity; or



1 (ii) the voter is deceased; or

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

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

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

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

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

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2006.