
By: **Senator Gladden**
Introduced and read first time: February 3, 2006
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 27, 2006

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Powers and Duties of Election Boards, Local Election**
3 **Directors, and the State Administrator of Elections**
4 **Voter Rights Protection Act of 2006**

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

24 BY repealing and reenacting, with amendments,
25 Article - Election Law
26 Section 2-103, 2-202, 2-206, ~~2-301~~, and 3-501
27 Annotated Code of Maryland

1 (2003 Volume and 2005 Supplement)

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

4 **Article - Election Law**

5 2-103.

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

7 (b) The State Administrator shall:

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

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

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

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

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

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

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

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

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

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

32 (ii) subsequent to a valid vote for removal by at least four duly
33 confirmed members of the State Board, the State Administrator is authorized to

1 continue to serve until a successor is appointed and confirmed by the Senate of
2 Maryland; and

3 (8) be the chief State election official.

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

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

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

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

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

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

20 2-202.

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

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

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

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

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

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

36 (ii) office and polling place equipment expenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) BEFORE A LOCAL BOARD, OR AN EMPLOYEE OF THE BOARD, ALTERS
31 PRECINCT BOUNDARIES OR ALTERS THE LOCATION OF A POLLING PLACE, THE
32 LOCAL BOARD SHALL:

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

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

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

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

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

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

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

12 2-206.

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

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

16 (2) MAY train judges of election;

17 (3) MAY give notice of elections;

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

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

21 (6) MAY receive certificates of candidacy;

22 (7) MAY verify nominating petitions;

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

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

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

28 ~~{(10)}~~ ~~(11)~~ subject to § 9-306 of this article, MAY process and reject
29 absentee ballot applications;

30 ~~(12) SHALL PUBLISH A LIST OF ANY PROPOSED DELETIONS OF~~
31 ~~REGISTRANTS FROM THE VOTER REGISTRY;~~

32 ~~(13) IN A NEWSPAPER OF GENERAL CIRCULATION; AND~~

1 (H) NOT LATER THAN 30 DAYS BEFORE THE CLOSE OF
2 REGISTRATION PRIOR TO AN ELECTION; AND

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

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

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

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

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

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

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

21 (3) THE REASONS THE APPLICATIONS WERE REJECTED.

22 ~~2-301.~~

23 (a) This section applies to:

24 (1) a member of the State Board;

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

26 (3) the State Administrator;

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

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

30 (6) an election judge.

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

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

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

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

7 1. be a campaign manager;

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

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

12 (IV) MAKE A CONTRIBUTION, OR BE THE OWNER OF AN ENTITY
13 THAT MAKES A CONTRIBUTION, TO THE CAMPAIGN FINANCE ENTITY OF A
14 CANDIDATE FOR STATE OR LOCAL OFFICE; OR

15 (V) SOLICIT A CONTRIBUTION ON BEHALF OF THE CAMPAIGN
16 FINANCE ENTITY OF A CANDIDATE FOR STATE OR LOCAL OFFICE.

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

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

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

22 (C) AN INDIVIDUAL SUBJECT TO THIS SECTION MAY NOT PERFORM ANY
23 DUTIES UNDER TITLE 11 OF THIS ARTICLE IF, DURING THE ELECTION CYCLE DURING
24 WHICH THE ELECTION OCCURRED, THE INDIVIDUAL ENGAGED IN ANY ACTIVITY
25 SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION.

26 (D) IF THE STATE ADMINISTRATOR DETERMINES THAT AN INDIVIDUAL
27 SUBJECT TO THIS SECTION IS IN VIOLATION OF THIS SECTION, THE STATE
28 ADMINISTRATOR MAY:

29 (1) REPRIMAND, SUSPEND, OR REMOVE THE INDIVIDUAL; OR

30 (2) MAKE AN INTERIM APPOINTMENT TO ENSURE THE ORDERLY
31 ADMINISTRATION OF THIS ARTICLE.

32 3-501.

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

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

2 (i) signed by the voter;

3 (ii) authenticated by the election director; and

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

6 (2) upon determining, based on information provided pursuant to §
7 3-503 of this subtitle, that the voter is no longer eligible because:

8 (i) the voter is not qualified to be a registered voter as provided in
9 § 3-102(b) of this title; or

10 (ii) the voter is deceased; or

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

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

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

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

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

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

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

27 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
28 ~~October 1, 2006.~~

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

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

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

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2006. It shall remain effective for a period of 2 years and, at the end of June
3 30, 2008, with no further action required by the General Assembly, this Act shall be
4 abrogated and of no further force and effect.