

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

Senate Bill 124 (Chairman, Education, Health, and Environmental Affairs Committee)  
(By Request – Departmental – Elections, State Board of )

Education, Health, and Environmental Affairs

Ways and Means

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**Election Law - Protection of Voter's Confidential Information and Secrecy of  
Absentee Ballot Results**

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This emergency departmental bill creates an exception to the requirement that an election judge verify the address of a voter by providing that when a voter's personal information has been deemed confidential by a local board, an alternative verification method may be used, as established by the State board. The bill also provides that specified absentee ballot results may not be reported by precinct.

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**Fiscal Summary**

**State Effect:** None. The bill would not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** The State Board of Elections (SBE) has determined that this bill will have minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:**

*Voting Procedure*

During an election, prior to issuing a voter a ballot or sending the voter to a machine to vote, an election judge must do the following:

- locate the individual's name in the precinct register or on the inactive list and issue a voting authority card (if the individual's name is not found, the voter is referred to vote a provisional ballot);
- establish the voter's identity by having the voter state the month and day of birth and comparing the voter's response to the information in the precinct register;
- verify the address of the voter's residence; and
- make any changes indicated by the voter on the voting authority card, and have the voter sign the card.

### *Reporting of Absentee Ballot Results*

Local boards of canvassers are required to not report absentee ballot results by precinct when preparing a statement of election results, however the same requirement does not appear to apply to election results required to be made available to the public electronically by SBE.

### **Background:**

#### *Confidentiality of Voter Information*

Pursuant to SBE regulations, specified persons may request of a local election board that, subject to certain limitations, their residence addresses and telephone numbers be designated as confidential. This includes specified current and former law enforcement personnel, persons being threatened, victims of or witnesses to a felony, and other persons where disclosure of such information would pose a threat to their safety or likely lead to an unwarranted and serious invasion of privacy. A local board generally has discretion as to whether to deem a person's records as confidential and is required by regulation to adopt procedures and methods to ensure that confidential records are not revealed to the public.

The requirement that election judges verify each voter's residence address results in voters' addresses being listed on the precinct register, which is subject to public observation and is released to the public following election day. This bill creates an exception to the requirement of verifying a voter's address for those whose personal information has been deemed confidential, allowing such voters' information to be left off the precinct register.

*Secrecy of Absentee Ballot Results*

SBE advises that in some instances where the number of absentee ballots voted in a certain precinct is small enough, it could possibly be determined how a person or group of persons had voted if absentee ballot results were reported by precinct.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Prince George's County, Garrett County, Maryland State Board of Elections, Anne Arundel County, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2006  
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