

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

**FISCAL AND POLICY NOTE**

House Bill 1406  
Ways and Means

(Delegates Rosenberg and Marriott)

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**Voter Rights Protection Act of 2006**

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This bill authorizes the State Board of Elections (SBE) administrator to file suit to enjoin a local board from violation of State election laws, regulations, guidelines, or procedures. The bill also provides a private right of action if the administrator does not file suit after being petitioned to do so. The bill establishes duties of local election boards relating to voter registration and alteration of precinct boundaries. Uncodified language specifies that the bill only applies to jurisdictions of the State in which, based on data from the 2000 Decennial Census, less than 60% of the population lives in owner-occupied dwellings and the median income is less than \$40,000 per year.

The bill takes effect July 1, 2006 and terminates at the end of June 30, 2008.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing resources, including any potential litigation expenses.

**Local Effect:** It is assumed that any increased activities and costs could be handled with existing resources.

**Small Business Effect:** None.

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## Analysis

### **Bill Summary:**

#### *State Administrator*

The SBE administrator is authorized to file suit to enjoin a local board or election director from violating State election law or any regulation, guideline, or procedure adopted pursuant to it. A registered voter, or applicant for registration, may petition the administrator to file suit, and if the administrator does not do so within 10 days of the petition, or within 3 days of the petition during the period that is less than 20 days before an election, the registered voter may file suit.

#### *Local Board Regulations*

Local boards must, by regulation, develop procedures to be followed in determining whether an applicant is qualified to become a registered voter as well as other procedures relating to processing voter registration changes. Regulations must be approved by the administrator before a local board may deny an application for registration or remove a voter from the registration list after the effective date of the bill.

#### *Public Notice of Precinct Boundary Alteration*

A local board must issue public notice of any proposed alterations to precinct boundaries or polling place locations at least 90 days in advance of an election to which the alteration would apply. Public comments must be accepted and submitted along with the proposed alteration to the administrator for review and approval.

#### *Local Election Director Authorities and Duties*

A local election director must ensure that there is at least one working voting machine or device for every 200 registered voters at each polling place. Any proposed deletions of registered voters from the registry must be published on an Internet web site not later than 30 days before the close of registration prior to an election. The local election director must make regular public reports regarding voter registration applications received and those accepted and rejected. A voter may not be removed from the voter registration list during the period beginning 30 days before the close of voter registration before an election and ending at the close of polls on election day.

## *Discipline of Election Personnel*

If the State administrator determines that a member of the State board or a local board, an employee of a board, counsel to a board, or an election judge is in violation of provisions prohibiting those individuals from holding or being a candidate for public office, using an individual's official authority to influence or affect the results of an election, or generally being active in the management of a political campaign, the administrator is required to suspend the individual until the completion of the next election and may make an interim appointment notwithstanding any other provision of law.

**Current Law:** The SBE administrator is required to supervise the operations of local boards. The administrator is responsible for the statewide voter registration list and must instruct local boards on the processing of voter registration applications and name and address changes, and entering and removing information from the statewide list.

Pursuant to SBE regulations, for a regularly scheduled primary or general election, a local board must provide the greater of one voting unit for each 200 registered voters, plus an additional voting unit for every fractional part of that number, or two voting units.

Local election board powers and duties include overseeing the conduct of all elections in the county, adopting regulations, serving as the board of canvassers and certifying election results, and altering the boundaries and number of precincts in accordance with State election law.

Local boards may create or alter precinct boundaries or combine or abolish precincts. Changes may not be made during the period beginning on the Tuesday, 13 weeks prior to the primary election, through the general election. The board must give notice of the change to the administrator within five days. The local board must also notify all voters affected by the change at least 30 days after the change.

In receiving voter registration applications, local boards must determine if an applicant is qualified to become a voter, enter the applicant into the statewide voter registration list if qualified, and notify the applicant whether or not they are qualified to vote. Name and address changes received from registered voters must be entered into the statewide voter registration list by local boards. A local election director may remove a voter from the voter registration list upon the voter's request or if the voter has become ineligible to vote, is deceased, or has moved out of the State.

Election personnel, including members of the State and local election boards and employees of the boards may not hold or be a candidate for an elective office, use the individual's authority to influence or affect the results of an election, or be active in the

management of a campaign. An election judge may be involved in a political campaign, but not as a campaign manager or treasurer of a campaign finance entity, and not while performing official duties on election day.

**Background:** A computerized statewide voter registration list is used by SBE and local boards to maintain voter registration information, as required by the Help America Vote Act of 2002. As of September 30, 2005, there were 3,079,931 registered voters in Maryland.

Information was not able to be obtained regarding the percentage of the population in local jurisdictions that live in owner-occupied dwellings, according to the 2000 Decennial Census. However, Baltimore City is the only local jurisdiction (of the counties and the City of Baltimore) that had a homeownership rate below 60%, according to the census. The median household income in Baltimore City was \$30,078 and the per capita money income was \$16,978. Allegany, Caroline, Dorchester, Garrett, Kent, Somerset, and Wicomico counties also had median household incomes below \$40,000, according to the census.

**State Fiscal Effect:** General fund expenditures may increase due to litigation costs from any lawsuits filed by the SBE administrator pursuant to the bill's provisions. It cannot be estimated how many cases would be brought. SBE would be responsible for litigation expenses billed through the Attorney General's office.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** SB 776 is identified as a cross file although it is not identical.

**Information Source(s):** Garrett County, Judiciary (Administrative Office of the Courts), State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2006  
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