

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 309

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “elections;” in line 5; strike beginning with “requiring” in line 6 down through “ballot;” in line 8; strike beginning with “file” in line 10 down through “to” in line 11; in line 12, after “circumstances;” insert “prohibiting a vacancy in polling place staff from delaying the opening of the polling place;”; in line 17, strike “a local board” and substitute “certain election judges”; in line 18, after “system” insert “and other issues that arise”; and strike beginning with “specifying” in line 18 down through “contain” in line 19 and substitute “regulating the activities of challengers or watchers at the polling place; prohibiting certain persons from distributing, disseminating, or publishing, or being responsible for such activities, with respect to any item of campaign material that contains”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 3 on page 2, inclusive.

On page 2, strike in its entirety line 6 and substitute “Section 9-404, 10-206, 10-301, 10-305, 10-310, 10-311, and”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 18 on page 2 through line 15 on page 3, inclusive.

AMENDMENT NO. 3

On page 4, in line 4, strike “or”; in line 5, after “identification” insert “;**OR**”

(Over)

(IV) A CHIEF ELECTION JUDGE DETERMINES THAT THERE IS A PROBLEM OUTSIDE OF THE VOTER’S CONTROL THAT CAUSES THE VOTER TO BE UNABLE TO VOTE A REGULAR BALLOT”;

in line 6, strike “(1)”; strike beginning with “A” in line 7 down through “BY” in line 8; in line 10, strike the brackets; strike beginning with “; AND” in line 10 down through “VOIDED” in line 16; in line 17, strike “(2)”; and in the same line, strike “PARAGRAPH (1)(I) OF”.

AMENDMENT NO. 4

On pages 4 and 5, strike beginning with “9-405” in line 20 on page 4 down through “TAKEN.” in line 7 on page 5.

On page 5, in line 22, after “(d)” insert “**(1)**”; and after line 23, insert:

“(2) ELECTION JUDGES SHALL BE TRAINED TO OPERATE EFFECTIVELY THE VOTING SYSTEM AND ALL OF ITS FEATURES, INCLUDING FEATURES DESIGNED TO ENSURE COMPLIANCE WITH THIS SECTION AND STATE AND FEDERAL LAWS RELATED TO VOTERS WITH DISABILITIES.”

AMENDMENT NO. 5

On page 6, strike in their entirety lines 6 through 10, inclusive, and substitute:

“(B) IF FOR ANY REASON THE OPENING OF A POLLING PLACE IS DELAYED FOR MORE THAN 1 HOUR, THE LOCAL BOARD SHALL:

(1) REQUIRE THE ELECTION JUDGES IN THAT POLLING PLACE TO KEEP THE POLLING PLACE OPEN FOR AN ADDITIONAL PERIOD OF TIME EQUAL TO THE PERIOD OF THE DELAY, BUT NOT TO EXCEED 2 HOURS;

(2) PROMPTLY NOTIFY THE STATE ADMINISTRATOR; AND

(3) CONSISTENT WITH THE INSTRUCTIONS FROM THE STATE ADMINISTRATOR, NOTIFY THE PUBLIC OF THE EXTENDED VOTING HOURS.”.

AMENDMENT NO. 6

On page 6, after line 12, insert:

“10–305.

(A) A VACANCY IN THE POLLING PLACE STAFF MAY NOT DELAY THE OPENING OF THE POLLING PLACE.

[(a)] (B) If there is a vacancy in the polling place staff during voting hours:

(1) the local board may fill the vacancy with a substitute election judge who has been recruited and trained; or

(2) an election judge who is present at the polling place may fill the position of the absent election judge by appointing a person registered with the same party affiliation as the absent election judge.

[(b)] (C) If a substitute election judge is appointed under subsection [(a)] (B) of this section:

(1) either the election director, the election director’s designee, or the election judge making the substitute appointment shall administer the oath required under § 10–204 of this title; and

(2) a chief election judge shall document any change in the polling place staff in the records of the polling place.”.

(Over)

AMENDMENT NO. 7

On pages 6 and 7, strike beginning with line 13 on page 6 through line 13 on page 7, inclusive.

AMENDMENT NO. 8

On page 9, after line 21, insert:

“(E) CONSISTENT WITH INSTRUCTIONS PROVIDED IN THE MANUAL FOR ELECTION JUDGES, DURING THE COURSE OF THE ELECTION THE CHIEF ELECTION JUDGES SHALL KEEP A LOG OF ISSUES THAT ARISE IN THE POLLING PLACE, INCLUDING:

- (1) ANY ALLEGED MALFUNCTION OF THE VOTING EQUIPMENT;**
- (2) ISSUES THAT MAY REQUIRE FURTHER INVESTIGATION; AND**
- (3) ISSUES REGARDING THE CONDUCT OF CHALLENGERS AND WATCHERS.**

10-311.

(a) (1) The following persons or entities have the right to designate a registered voter as a challenger or a watcher at each place of registration and election:

- (i) the State Board for any polling place in the State;
- (ii) a local board for any polling place located in the county of the local board;
- (iii) a candidate;

(iv) a political party; and

(v) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

(2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.

(b) Except as provided in § 10-303(d)(2) of this subtitle and subsection (d) of this section, a challenger or watcher has the right to:

(1) enter the polling place one-half hour before the polls open;

(2) enter or be present at the polling place at any time when the polls are open;

(3) remain in the polling place until the completion of all tasks associated with the close of the polls under § 10-314 of this subtitle and the election judges leave the polling place;

(4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and

(5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

(c) (1) (i) A certificate signed by any party or candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(Over)

(ii) The State Board shall prescribe a form that shall be supplied to the challenger or watcher by the person or entity designating the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

(d) (1) A challenger or watcher may not attempt to:

(i) ascertain how a voter voted or intends to vote;

(ii) converse in the polling place with any voter;

(iii) assist any voter in voting; [or]

(iv) physically handle an original election document **OR ANY VOTING EQUIPMENT;**

(v) **MAKE A CHALLENGE INDISCRIMINATELY OR WITHOUT GOOD CAUSE;**

(vi) **INTERFERE WITH OR UNDULY DELAY THE WORK OF AN ELECTION JUDGE; OR**

(vii) **MAKE A CHALLENGE OF A QUALIFIED VOTER FOR THE PURPOSE OF ANNOYANCE OR DELAY.**

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an election judge shall permit an individual other than an accredited challenger or watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.

(2) A majority of the election judges may limit the number of nonaccredited challengers and watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.

(3) A nonaccredited challenger or watcher shall leave the polling place as soon as a majority of the election judges decides the right to vote of the individual challenged by the challenger or watcher.

(4) In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited challenger or watcher provided under this subtitle apply to a nonaccredited challenger or watcher.”.

AMENDMENT NO. 9

On pages 9 and 10, strike beginning with line 22 on page 9 through line 10 on page 10, inclusive.

AMENDMENT NO. 10

On page 10, strike in their entirety lines 12 through 19, inclusive, and substitute:

“(A) THIS SECTION APPLIES TO CAMPAIGN MATERIAL THAT RELATES TO OR DESCRIBES:

(1) THE TIME, PLACE, OR MANNER OF ANY ELECTION;

(2) THE QUALIFICATIONS FOR OR RESTRICTIONS ON VOTER ELIGIBILITY FOR AN ELECTION;

(Over)

(3) THE EXPLICIT ENDORSEMENT BY ANY PERSON OR ORGANIZATION OF A CANDIDATE;

(4) THE POLITICAL PARTY AFFILIATION OF A CANDIDATE OR THAT A CANDIDATE HAS BEEN NOMINATED BY A POLITICAL PARTY WHEN IN FACT THAT CANDIDATE HAS NOT BEEN NOMINATED BY THAT POLITICAL PARTY;
OR

(5) THE HOLDING OF AN OFFICE BY A CANDIDATE.

(B) A PERSON, POLITICAL COMMITTEE, CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY MAY NOT DISTRIBUTE, DISSEMINATE, OR PUBLISH OR CAUSE TO BE DISTRIBUTED, DISSEMINATED, OR PUBLISHED ANY ITEM OF CAMPAIGN MATERIAL SUBJECT TO THIS SECTION KNOWING THE CAMPAIGN MATERIAL IS FALSE AND WITH THE INTENT TO INFLUENCE A VOTER OR TO PREVENT THE VOTER FROM EXERCISING THE RIGHT TO VOTE IN AN ELECTION.”.

AMENDMENT NO. 11

On page 11, strike beginning with “WHILE” in line 14 down through “DELAY” in line 21 and substitute “ENGAGE IN CONDUCT THAT RESULTS OR HAS THE INTENT TO RESULT IN THE DISRUPTION OF POLLING PLACE ACTIVITIES”; and in lines 22 and 23, in each instance, after “PERSON” insert “, POLITICAL COMMITTEE, CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY”.

AMENDMENT NO. 12

On page 12, in line 17, strike “October” and substitute “July”.