

# HOUSE BILL 886

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CF SB 520

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By: **Delegate Holmes**

Introduced and read first time: February 9, 2007

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Every Vote Counts Act**

3 FOR the purpose of requiring the State Board of Elections to ensure that required  
4 training manuals and related materials are distributed to local boards of  
5 elections by a certain date prior to an election; requiring a local board to create  
6 an additional precinct with a separate polling place under certain  
7 circumstances; altering the period before an election when voter registration is  
8 closed; altering the deadline for the filing of a certificate of candidacy by a  
9 write-in candidate; requiring each local board to provide a certain number of  
10 voting units at each polling place for certain elections; requiring certain voting  
11 units to be accessible to individuals with disabilities; prohibiting the State  
12 Board from altering a voting system within a certain time period before an  
13 election, subject to conditions; requiring a local board to begin sending absentee  
14 ballots to qualified voters on a certain date before an election; requiring certain  
15 law enforcement officers to monitor and inspect activities, in accordance with  
16 certain regulations and guidelines, at certain polling places on election day;  
17 making the provisions of this Act severable; and generally relating to election  
18 administration in Maryland.

19 BY repealing and reenacting, with amendments,  
20 Article – Election Law  
21 Section 2-102, 2-303, 3-302, 5-303, 9-101, 9-306, and 16-903  
22 Annotated Code of Maryland  
23 (2003 Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 2–102.

5 (a) The State Board shall manage and supervise elections in the State and  
6 ensure compliance with the requirements of this article and any applicable federal law  
7 by all persons involved in the elections process.

8 (b) In exercising its authority under this article and in order to ensure  
9 compliance with this article and with any requirements of federal law, the State Board  
10 shall:

11 (1) (I) supervise the conduct of elections in the State; **AND**

12 (II) **ENSURE THAT APPROPRIATE TRAINING MANUALS AND**  
13 **RELATED MATERIALS REQUIRED TO CONDUCT AN ELECTION ARE DEVELOPED**  
14 **BY THE STATE ADMINISTRATOR OR OTHER DESIGNATED PERSON AND**  
15 **DISTRIBUTED TO THE LOCAL BOARDS NO LATER THAN 6 MONTHS BEFORE THE**  
16 **ELECTION;**

17 (2) direct, support, monitor, and evaluate the activities of each local  
18 board;

19 (3) have a staff sufficient to perform its functions;

20 (4) adopt regulations to implement its powers and duties;

21 (5) receive, and in its discretion audit, campaign finance reports;

22 (6) appoint a State Administrator in accordance with § 2–103 of this  
23 subtitle;

24 (7) maximize the use of technology in election administration,  
25 including the development of a plan for a comprehensive computerized elections  
26 management system;

27 (8) canvass and certify the results of elections as prescribed by law;

1           (9) make available to the general public, in a timely and efficient  
2 manner, information on the electoral process, including a publication that includes the  
3 text of this article, relevant portions of the Maryland Constitution, and information  
4 gathered and maintained regarding elections;

5           (10) subject to §§ 2–106 and 13–341 of this article, receive, maintain,  
6 and serve as a depository for elections documents, materials, records, statistics,  
7 reports, certificates, proclamations, and other information prescribed by law or  
8 regulation;

9           (11) prescribe all forms required under this article; and

10           (12) serve as the official designated office in accordance with the  
11 Uniformed and Overseas Citizens Absentee Voting Act for providing information  
12 regarding voter registration and absentee ballot procedures for absent uniformed  
13 services voters and overseas voters with respect to elections for federal office.

14           (c) The powers and duties assigned to the State Board under this article  
15 shall be exercised in accordance with an affirmative vote by a supermajority of the  
16 members of the State Board.

17 2–303.

18           (a) (1) Subject to [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this  
19 section, as it deems it expedient for the convenience of voters, a local board may:

20                   (i) create and alter the boundaries for precincts in the county;

21                   (ii) designate the location for polling places in any election  
22 district, ward, or precinct in the county; and

23                   (iii) combine or abolish precincts.

24           (2) (i) Except as provided under subparagraph (iii) of this  
25 paragraph, a local board shall establish a separate precinct on campus or within  
26 one-half mile of the campus to specifically serve a public or private institution of  
27 higher education if the local board determines that at least 500 students, faculty, and  
28 staff who attend or work at the institution are registered voters in the precinct in  
29 which the institution is located.

1 (ii) If, in accordance with subparagraph (i) of this paragraph, a  
2 polling place is established at an institution of higher education that receives State  
3 funds, that institution shall:

4 1. provide without charge to the local board a facility for  
5 use as a polling place that meets all applicable requirements under this article and as  
6 established by the State Board; and

7 2. provide assistance to the local board in recruiting  
8 election judges to staff the polling place.

9 (iii) A local board may not be required to establish a separate  
10 precinct as provided under subparagraph (i) of this paragraph if there is an  
11 established precinct within one-half mile of the public or private institution of higher  
12 education's campus that serves the voters who attend or work at the public or private  
13 institution of higher education.

14 **(3) IF THE NUMBER OF REGISTERED VOTERS IN A PRECINCT**  
15 **TOTALS 3,000 OR MORE, THE LOCAL BOARD SHALL:**

16 **(I) SPLIT THE PRECINCT AND APPORTION THE VOTERS IN**  
17 **ROUGHLY EQUAL NUMBERS TO CREATE AN ADDITIONAL PRECINCT; AND**

18 **(II) ESTABLISH A SEPARATE POLLING PLACE TO**  
19 **ACCOMMODATE THE VOTERS IN THE ADDITIONAL PRECINCT.**

20 (b) Except as provided in subsection (e) of this section, a local board may not  
21 create or change a precinct boundary or polling place during the period beginning the  
22 Tuesday that is 13 weeks prior to a primary election, through the day of the general  
23 election.

24 (c) Any precinct boundary established by a local board subsequent to July 1,  
25 1987 shall follow visible features as defined by the Bureau of the Census, United  
26 States Department of Commerce.

27 (d) Within [5] **15** days of creating a new precinct or changing a precinct  
28 boundary, a local board shall send to the State Administrator a written description of  
29 the new boundary and a map of the area involved.

30 (e) (1) Unless the action is approved in advance by the State  
31 Administrator, during the period January 1, in the second year preceding the

1 decennial census, through the effective date of any redistricting based on the census, a  
2 local board may not create a new precinct or change a precinct boundary.

3 (2) Upon receipt of the written description and map relating to a  
4 precinct boundary established during the period described in paragraph (1) of this  
5 subsection, the State Administrator shall immediately forward the documents to the  
6 Secretary of the Department of Planning and the Executive Director of the  
7 Department of Legislative Services.

8 (f) Notwithstanding any restrictions imposed by this section, subject to the  
9 approval of the State Board, a local board may create a new precinct or change a  
10 precinct boundary or polling place if the local board determines that an emergency  
11 exists.

12 (g) (1) The regulations adopted by the State Board shall include  
13 procedures for the creation of new precincts and changes to precinct boundaries or  
14 polling places.

15 (2) A local board may create a new precinct or make a change in a  
16 precinct boundary or polling place only in accordance with regulations adopted by the  
17 State Board.

18 3-302.

19 (a) Registration is closed beginning at 9 p.m. on the [21st] **30TH** day  
20 preceding an election until the 11th day after that election.

21 (b) A voter registration application received when registration is closed shall  
22 be accepted and retained by a local board, but the registration of the applicant does  
23 not become effective until registration reopens.

24 (c) A voter registration application that is received by the local board after  
25 the close of registration shall be considered timely received for the next election  
26 provided:

27 (1) there is sufficient evidence, as determined by the local board  
28 pursuant to regulations adopted by the State Board, that the application was mailed  
29 on or before registration was closed for that election; or

30 (2) the application was submitted by the voter to the Motor Vehicle  
31 Administration, a voter registration agency, another local board, or the State Board  
32 prior to the close of registration.

1 5–303.

2 (a) Except as provided in subsections (b) and (c) of this section, a certificate  
3 of candidacy shall be filed as follows:

4 (1) for candidates for offices other than delegate to the Democratic  
5 National Convention, not later than 9 p.m. on the Monday that is 10 weeks or 70 days  
6 before the day on which the primary election will be held; and

7 (2) for candidates for delegate to the Democratic National Convention,  
8 between 9 a.m. on the first regular business day of the year in which the President of  
9 the United States is elected and 5 p.m. on the day that is 1 week later than that day.

10 (b) A certificate of candidacy for an office to be filled by a special election  
11 under this article shall be received and filed in the office of the appropriate board not  
12 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the  
13 special primary election specified by the Governor in the proclamation for the special  
14 primary election.

15 (c) The certificate of candidacy for the election of a write-in candidate shall  
16 be filed by the earlier of:

17 (1) 7 days after a total expenditure of at least \$51 is made to promote  
18 the candidacy by a campaign finance entity of the candidate; or

19 (2) 5 p.m. on the **SECOND** Wednesday preceding the day of the election  
20 for which the certificate is filed.

21 9–101.

22 (a) The State Board, in consultation with the local boards, shall select and  
23 certify a voting system for voting in polling places and a voting system for absentee  
24 voting.

25 (b) The voting system selected and certified for voting in polling places and  
26 the voting system selected and certified for absentee voting shall be used in all  
27 counties.

28 (c) The State Board shall acquire:

29 (1) the voting system selected and certified for voting in polling places;  
30 and

1           (2)    the voting system selected and certified for absentee voting.

2           **(D) (1) FOR A REGULARLY SCHEDULED PRIMARY OR GENERAL**  
3 **ELECTION, EACH LOCAL BOARD SHALL PROVIDE EACH POLLING PLACE THE**  
4 **GREATER OF:**

5                   **(I) ONE VOTING UNIT FOR EACH 150 REGISTERED VOTERS,**  
6 **PLUS AN ADDITIONAL VOTING UNIT FOR EVERY FRACTIONAL PART OF THAT**  
7 **NUMBER; OR**

8                   **(II) TWO VOTING UNITS.**

9           **(2) AT LEAST ONE OF THE VOTING UNITS REQUIRED UNDER**  
10 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCESSIBLE TO INDIVIDUALS**  
11 **WITH DISABILITIES.**

12           **(3) FOR A SPECIAL ELECTION, THE LOCAL BOARD:**

13                   **(I) MAY DETERMINE IN ITS DISCRETION THE NUMBER OF**  
14 **VOTING UNITS TO BE PROVIDED IN EACH POLLING PLACE; AND**

15                   **(II) SHALL HAVE AT LEAST ONE VOTING UNIT THAT IS**  
16 **ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES.**

17           **(4) NOTWITHSTANDING PARAGRAPHS (1), (2), AND (3) OF THIS**  
18 **SUBSECTION, A LOCAL BOARD MAY NOT PLACE MORE THAN 20 VOTING UNITS IN**  
19 **A POLLING PLACE.**

20           **(E) EXCEPT ON UNANIMOUS APPROVAL BY ITS FULL MEMBERSHIP, AND**  
21 **SUBJECT TO § 9-102(C) OF THIS SUBTITLE, THE STATE BOARD MAY NOT ALTER**  
22 **THE VOTING SYSTEM:**

23                   **(1) IN THE CALENDAR YEAR THAT INCLUDES A STATEWIDE**  
24 **ELECTION; OR**

25                   **(2) WITHIN 1 YEAR AFTER THE DATE OF THE PRIMARY FOR A**  
26 **PRESIDENTIAL ELECTION.**

27 9-306.

1 (a) Promptly after receipt of an application, the election director shall review  
2 the application and determine whether the applicant qualifies to vote by absentee  
3 ballot.

4 (b) If the applicant qualifies to vote by absentee ballot, **BEGINNING ON THE**  
5 **35TH DAY BEFORE AN ELECTION**, the local board shall send the ballot:

6 (1) as soon as practicable after receipt of the request; or

7 (2) if the ballots have not been received from the printer, as soon as  
8 practicable after the local board receives delivery of the ballots.

9 (c) (1) If the members of the local board determine that the applicant is  
10 not entitled to vote by absentee ballot, the local board shall notify the applicant as  
11 soon as practicable after receipt of the application of the reasons for the rejection.

12 (2) (i) The local board may delegate the determination under  
13 paragraph (1) of this subsection to the staff of the local board.

14 (ii) If the determination has been delegated, the applicant may  
15 appeal the rejection to the members of the local board, who shall decide the appeal as  
16 expeditiously as practicable.

17 (d) Not more than one absentee ballot may be issued to a voter unless the  
18 election director of the local board has reasonable grounds to believe that an absentee  
19 ballot previously issued to the voter has been lost, destroyed, or spoiled.

20 16-903.

21 (a) Except as provided in subsection (b) of this section, a person may not  
22 attire or equip an individual, or permit an individual to be attired or equipped, in a  
23 manner which creates the appearance that the individual is performing an official or  
24 governmental function in connection with an election, including:

25 (1) wearing a public or private law enforcement or security guard  
26 uniform;

27 (2) using an armband; or



1           (3)    except as required by law or by regulation adopted by the State  
2 Board in connection with ballot security activities, carrying or displaying a gun or  
3 badge within 100 feet of a polling site on election day.

4           (b)   (1)   A law enforcement officer or security guard who is on duty or  
5 traveling to or from duty may vote while wearing a uniform.

6           (2)   A law enforcement officer who is performing an official  
7 governmental function may wear a uniform at a polling site.

8           **(3)    IN ACCORDANCE WITH REGULATIONS AND GUIDELINES**  
9 **ESTABLISHED BY THE STATE BOARD AFTER CONSULTATION WITH STATE AND**  
10 **LOCAL LAW ENFORCEMENT AUTHORITIES IN THE STATE, WHILE ON DUTY A**  
11 **STATE OR LOCAL LAW ENFORCEMENT OFFICER PERIODICALLY SHALL MONITOR**  
12 **AND INSPECT ACTIVITIES ON ELECTION DAY AT EACH POLLING PLACE WITHIN**  
13 **THE OFFICER'S AREA OF PATROL.**

14          (c)    A person who violates this section is subject to the civil penalty specified  
15 under § 16-1002 of this title.

16          SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
17 Act or the application thereof to any person or circumstance is held invalid for any  
18 reason in a court of competent jurisdiction, the invalidity does not affect other  
19 provisions or any other application of this Act which can be given effect without the  
20 invalid provision or application, and for this purpose the provisions of this Act are  
21 declared severable.

22          SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2007.