

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

Senate Bill 364 (Senator Dyson)  
Education, Health, and Environmental Affairs

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**Election Law - Miscellaneous Technical and Clarifying Corrections**

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This bill makes various changes to the Election Law Article regarding a biennial meeting of local board members, confidentiality of voter registration information, election judge requirements, opening of polling places, absentee ballots, and various other primarily procedural and clarifying changes.

The bill takes effect July 1, 2007.

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**Fiscal Summary**

**State Effect:** The bill's changes are not anticipated to significantly affect State finances.

**Local Effect:** The bill's changes are not anticipated to significantly affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary/Current Law:** Notable changes made by the bill include:

- generally shifting authority from the State and local boards to the State administrator and local election directors with regard to a meeting held for members of the local boards in the year preceding the year of a primary and general election and giving the State administrator discretion as to whether or not to hold the meeting;

- requiring, instead of authorizing, a local election director to remove a voter from the statewide voter registration list in certain instances and adding an instance for removal where two notices are mailed to a voter's commercial address, requesting the voter's residence address, with no response;
- requiring the State administrator to make arrangements with courts of other states, and other U.S. District Courts, in addition to the U.S. District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of infamous crimes in those courts;
- protecting Motor Vehicle Administration driver's license or identification card numbers and Social Security numbers contained in voter registration records from public disclosure;
- removing procedural requirements and guidelines from State law relating to notice provided by local boards of each election, absentee ballot applications, and distribution and return of absentee ballots, in lieu of requirements and guidelines established by State Board of Elections (SBE) regulations;
- making a clarifying change regarding federal testing standards and approved laboratories used in evaluating a voting system prior to State certification;
- allowing an additional absentee ballot to be issued to a voter if a ballot change occurs, a candidate is disqualified, a candidate dies, or another change affecting the content of the ballot occurs;
- altering and clarifying requirements relating to election judges, including: requiring that each polling place have an equal number of election judges from the majority party and the principal minority party, regardless of the number assigned to the polling place; and mandating that two election judges in each precinct be designated chief election judges;
- specifying that a vacancy in polling place staff may not delay the opening of a polling place;
- clarifying voter check-in procedures;

- requiring a local board, except under specified circumstances, to reject all absentee ballots submitted by an individual if more than one legally sufficient ballot is received from the individual; and
- clarifying provisions that prohibit specified activities with regard to election equipment and supplies.

## **Background:**

### *Meeting for Members of Local Boards*

SBE advises the bill's changes would give the State administrator flexibility with regard to holding the biennial meeting of members of the local boards. The meeting, which is held over two to four days, includes approximately 300 attendees and involves months of planning. The conference is normally held in October, which, in 2007, will fall in the middle of preparation for the Baltimore City general election. SBE will be involved in the city's elections more than in the past due to the city's use of the statewide voting system and the recent implementation of the statewide voter registration system and electronic pollbooks. SBE suggests single-day or regional meetings, video conferencing, and web/conference call training as alternative methods of exchanging information with, and conducting training for, the local boards (at least in 2007).

### *Federal Voting System Standards and Approved Laboratories*

Under the Help America Vote Act of 2002, the U.S. Election Assistance Commission (created under the Act) was given responsibility for adopting voluntary voting system guidelines, accrediting voting system test laboratories, and certifying voting equipment.

### *Opening of Polling Places*

A number of jurisdictions experienced problems with recruitment of election judges during the 2006 elections and Baltimore City experienced a substantial problem during the 2006 primary of election judges not showing up for work, which led to a number of polling places opening late.

**State Fiscal Effect:** The bill's changes are not anticipated to directly affect State finances; however, in the event a meeting for members of the local boards is not held in 2007, expenditures could potentially decrease depending on what alternative methods of exchanging information and conducting training are utilized.

**Local Fiscal Effect:** The bill's changes are not anticipated to significantly affect county expenditures. However, the bill's change requiring each polling place to have an equal number of election judges from the majority party and minority party, regardless of the number of election judges assigned to the precinct, could create difficulty for local boards in recruiting election judges. Under current law, if more than six judges are assigned to a polling place the number of election judges from each party may differ. The bill's change, for example, could affect counties that have struggled to recruit Republican election judges. In polling places with six or more election judges, a local board would not have the flexibility to hire/assign more election judges from one of the principal parties than from the other.

SBE advises that virtually all local boards currently assign two chief election judges to each precinct. The bill's change requiring two chief election judges to be designated for each precinct is therefore not anticipated to significantly affect local government expenditures related to election judge salaries.

In the event a meeting for members of the local boards is not held in 2007, it is assumed expenditures could decrease depending on what alternative methods of exchanging information and conducting training are utilized.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Garrett County, Kent County, Montgomery County, Prince George's County, Washington County, State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2007  
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