

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 309

(Delegate Rosenberg, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

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Voter's Rights Protection Act of 2007

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This bill makes various changes to State election law relating to provisional voting, election judge training and conduct, campaign material, polling place procedures, election challengers and watchers, and prohibited actions.

The bill takes effect July 1, 2007.

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Fiscal Summary

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

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:**

*Provisional Voting*

If a chief election judge determines that there is a problem outside of a voter's control that causes the voter to be unable to vote a regular ballot, the individual is eligible to cast a provisional ballot.

### *Election Judge Training and Conduct*

The bill requires SBE to ensure that the election judge training program incorporates a thorough and detailed treatment of the duties and limitations of election judges under State and federal election law. In addition, election judges must be trained to effectively operate the voting system and all its features. The bill also clarifies that an election judge may only require a voter to present photo identification to the extent authorized or required by State or federal law.

### *Campaign Material*

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 specified campaign material knowing it is false and with the intent to influence a voter or to prevent the voter from exercising the right to vote in an election.

### *Polling Place Procedures*

If the opening of a polling place is delayed for more than one hour, the local board must require the election judges in the polling place to keep the polling place open for an additional period of time equal to the period of the delay, but not more than two hours. The local board must promptly notify the State Administrator of Elections and, consistent with the instructions from the State Administrator, notify the public of the extended voting hours. A vacancy in the polling place staff may not delay the opening of a polling place.

Consistent with the election judge manual, the chief election judge must keep a log of issues arising in the polling place.

### *Election Challengers/Watchers*

A challenger or watcher may not attempt to physically handle any voting equipment; make a challenge indiscriminately, without good cause, or for the purpose of annoyance or delay; or interfere with or unduly delay the work of an election judge.

### *Prohibited Actions*

Under the bill's requirements, a person may not willfully and knowingly influence or attempt to influence a voter's voting decision through the use of fraud or engage in conduct that results or has the intent to result in the disruption of polling place activities.

The bill allows for the Attorney General or any registered voter to institute an action in circuit court for preventive relief when a person, political committee, campaign finance entity, or other organization or entity has engaged, or there are reasonable grounds to believe the person or entity is about to engage, in one of the above-mentioned actions or other prohibited actions specified under State election law. The circuit court must hear and determine the matter immediately upon the filing of the petition and may exercise its jurisdiction without regard to whether a person asserting a right has exhausted administrative or other remedies.

### **Current Law:**

#### *Provisional Voting*

SBE is responsible for establishing guidelines for the administration of provisional ballot voting by local boards. Under State law, an individual is eligible to vote a provisional ballot if the individual declares in a written affirmation that the individual is a registered voter and eligible to vote in the election and the individual's name does not appear on the precinct register, an election official asserts the individual is not eligible to vote, or the individual does not have the necessary identification.

#### *Voter Identification*

Under State law, an election judge is required to establish the identity of a voter by requesting the voter to state the month and day of the voter's birth. The election judge must also verify the voter's residence address unless the voter's personal information has been deemed confidential by a local board, in which case an alternative verification method established by SBE is used. Under HAVA, a first-time voter who registers by mail must provide one of various specified forms of identification in order to vote in an election for federal office.

#### *Polling Places*

Polling places are required to be open from 7 a.m. until 8 p.m. on an election day. A voter who has appeared at the polling place by 8 p.m. must be allowed to vote.

#### *Prohibited Actions*

A person may not willfully and knowingly influence or attempt to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward.

### *Challengers/Watchers*

A person's right to vote may only be challenged on the basis of their identity. State law allows for challengers and watchers who are registered voters and designated by SBE; a local board; a candidate; a political party; or any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot to be present at a polling place.

Challengers and watchers may enter a polling place a half hour before polls open and remain in the polling place until the polls are closed and election judges leave the polling place. Challengers and watchers generally may not interact with voters in the polling place or handle any original election documents. An election judge also may permit an individual who is not a challenger or watcher to enter the polling place to challenge a voter, after which the individual must leave the polling place.

**Background:** 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. There were also reports during the 2006 elections of election judges requesting forms of identification from voters that were not required by State or federal law.

**Local Expenditures:** The authorization in the bill allowing the Attorney General or any registered voter to institute an action in circuit court for preventive relief could have a substantial effect on court operations on election day and possibly days prior to an election. The extent of the effect would depend on the number of actions instituted. The bill, however, is not anticipated to have a significant fiscal impact on the courts.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 386 (Senator Gladden, *et al.*) – Education, Health, and Environmental Affairs.

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

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