

# HOUSE BILL 859

G1

9lr2186

---

By: **Delegates Smigiel, Dwyer, McComas, Shank, and Stull**

Introduced and read first time: February 12, 2009

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Watchers – Application of State Law to Municipal Elections**

3 FOR the purpose of applying certain State laws concerning watchers to a municipal  
4 election; providing that a local law concerning watchers in a municipal election  
5 applies only to the extent that it does not conflict with certain State laws  
6 concerning watchers; defining a certain term; and generally relating to the  
7 application of State laws concerning watchers to municipal elections.

8 BY adding to

9 Article – Election Law

10 Section 10–301.1

11 Annotated Code of Maryland

12 (2003 Volume and 2008 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Election Law

15 Section 10–303(d), 10–304(b), 10–309(b), 10–311, and 10–314(b)

16 Annotated Code of Maryland

17 (2003 Volume and 2008 Supplement)

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

20 **Article – Election Law**

21 **10–301.1.**

22 (A) IN THIS SECTION, “LOCAL LAW” INCLUDES A MUNICIPAL CHARTER  
23 OR A PUBLIC LOCAL LAW.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) NOTWITHSTANDING ANY OTHER LAW, THE PROVISIONS OF THIS SUBTITLE CONCERNING WATCHERS APPLY TO A MUNICIPAL ELECTION.

(C) A LOCAL LAW CONCERNING WATCHERS IN A MUNICIPAL ELECTION APPLIES ONLY TO THE EXTENT THAT IT DOES NOT CONFLICT WITH THIS SUBTITLE.

10-303.

(d) (1) An election judge shall protect a challenger or watcher in the exercise of the rights of a challenger or watcher as provided in § 10-311 of this subtitle.

(2) (i) An election judge is not required to admit a challenger or watcher to a polling place before the polls open if the challenger or watcher was not present at the polling place at least one-half hour before its opening.

(ii) An election judge may require challengers and watchers to leave a polling place before it opens if a majority of the election judges present agrees that the presence of the challengers and watchers will prevent the timely opening of the polling place.

(3) An election judge shall designate reasonable times for challengers and watchers to examine polling lists.

10-304.

(b) A police officer who is on duty at a polling place shall protect a challenger or watcher in the discharge of the duties of the challenger or watcher.

10-309.

(b) Except as provided in § 10-303(d)(2)(ii) of this subtitle, an election judge shall admit an accredited challenger or watcher one-half hour before the polling place is open.

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;

1 (iv) a political party; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (iii) assist any voter in voting; or

1 (iv) physically handle an original election document.

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

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

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

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

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

17 10-314.

18 (b) If election results are produced in the polling place, the election judge  
19 shall admit watchers to hear the announced results.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2009.