

HOUSE BILL 1394

G1

9lr0116

By: **Chair, Ways and Means Committee (By Request - Departmental - Elections, State Board of)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 2, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Employment and Compensation of Election Judges**

3 FOR the purpose of altering the number of election judges each local board of elections
4 is required to provide in each polling place; ~~defining the types of positions for~~
5 ~~election judges in each polling place;~~ requiring each polling place to have a
6 certain number of chief judges; requiring that each polling place have at least
7 one election judge trained to fulfill certain roles and responsibilities;
8 authorizing each local board to hire a provisional ballot judge or assign certain
9 duties to the chief judges; repealing a limitation that each polling place have an
10 equal number of election judges from certain political parties; requiring certain
11 election judges to be hired on a nonpartisan basis; requiring each local board to
12 hire one chief judge from each of certain principal political parties; authorizing
13 State employees to accrue certain leave for serving as election judges; altering
14 the process for hiring and removing election judges; altering the oath required
15 by election judges; ~~repealing certain provisions governing the compensation of~~
16 ~~election judges and authorizing the State Board of Elections to determine the~~
17 ~~rate of compensation for election judges;~~ authorizing a local board of elections to
18 increase the compensation for election judges established by the State Board;
19 ~~requiring an election judge to serve to be eligible for compensation;~~ and
20 generally relating to the employment of election judges.

21 BY repealing and reenacting, with amendments,

22 Article - Election Law

23 Section 10-201, 10-202(d), 10-203, and 10-204, ~~and 10-205~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2003 Volume and 2008 Supplement)

3 BY repealing
4 Article – Election Law
5 Section 10–207
6 Annotated Code of Maryland
7 (2003 Volume and 2008 Supplement)

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

10 **Article – Election Law**

11 10–201.

12 (a) (1) (i) [Except as provided in subparagraph (ii) of this paragraph,
13 each] **EACH** local board shall provide at least [four] **SIX** election judges to be the staff
14 for each polling place.

15 (ii) [In a precinct with fewer than 200 registered voters, the
16 local board may provide two election judges for that precinct's polling place] ~~**EACH**~~
17 ~~**POLLING PLACE SHALL HAVE:**~~

18 ~~**1. TWO CHIEF JUDGES WHO SUPERVISE OTHER**~~
19 ~~**ELECTION JUDGES ASSIGNED TO THE POLLING PLACE;**~~

20 ~~**2. AT LEAST ONE VOTING UNIT JUDGE;**~~

21 ~~**3. AT LEAST TWO CHECK-IN JUDGES; AND**~~

22 ~~**4. ONE TECHNICAL JUDGE.**~~ **EACH POLLING PLACE**
23 **SHALL HAVE TWO CHIEF JUDGES WHO SUPERVISE OTHER ELECTION JUDGES**
24 **ASSIGNED TO THE POLLING PLACE.**

25 **(III) EACH POLLING PLACE SHALL HAVE AT LEAST ONE**
26 **ELECTION JUDGE TRAINED TO FULFILL ONE OR MORE OF THE FOLLOWING**
27 **ROLES AND RESPONSIBILITIES:**

28 **1. VOTING UNIT JUDGE;**

29 **2. CHECK-IN JUDGE;**

30 **3. TECHNICAL JUDGE; AND**

31 **4. PROVISIONAL BALLOT JUDGE.**

1 ~~(III)~~ (IV) **EACH LOCAL BOARD MAY:**

2 **1. HIRE A PROVISIONAL BALLOT JUDGE; OR**

3 **2. ASSIGN THE DUTIES OF THE PROVISIONAL**
4 **BALLOT JUDGE TO THE CHIEF JUDGES.**

5 (2) An election judge shall be [appointed] **HIRED** in accordance with
6 the requirements of § 10–203 of this subtitle.

7 (b) (1) [Except as provided in paragraph (2) of this subsection, each
8 polling place shall have an equal number of election judges from:

9 (i) the majority party; and

10 (ii) the principal minority party] **EXCEPT AS PROVIDED IN**
11 **SUBPARAGRAPH (2) OF THIS PARAGRAPH, EACH LOCAL BOARD SHALL HIRE**
12 **ELECTION JUDGES WITHOUT REGARD TO PARTY AFFILIATION.**

13 (2) [(i) If the total number of election judges for a precinct is six or
14 more:

15 1. a local board may provide one or more election judges
16 who are not registered with either the majority party or principal minority political
17 party; and

18 2. a local board may provide one or more election judges
19 who are minors.

20 (ii) The number of election judges provided under this
21 paragraph may not exceed the lesser of:

22 1. the number of election judges who belong to the
23 majority party; or

24 2. the number of election judges who belong to the
25 principal minority party] **EACH LOCAL BOARD SHALL HIRE ONE CHIEF JUDGE**
26 **FROM EACH OF THE TWO PRINCIPAL POLITICAL PARTIES.**

27 10–202.

28 (d) A State employee who serves as an election judge [during hours that the
29 employee is otherwise scheduled to work for the State]:

1 (1) may use **OR ACCRUE** 1 hour of administrative leave for each hour
2 of service as an election judge, up to a total of 8 hours for each day of service; and

3 (2) shall receive the election judge compensation as specified in §
4 10–205 of this subtitle.

5 10–203.

6 (a) The election director, with the approval of the local board, shall [appoint]
7 **HIRE** the election judges for each polling place [for a term that begins on the Tuesday
8 that is 13 weeks before each statewide primary election].

9 (b) [One or two election judges in each precinct shall:

10 (1) be designated chief judge; and

11 (2) supervise the staff at the polling place] **AN ELECTION JUDGE**
12 **SERVES AT THE PLEASURE OF THE LOCAL BOARD.**

13 (c) [The term of office for an election judge continues until the Tuesday that
14 is 13 weeks before the next statewide primary election unless:

15 (1) the local board excuses the person for good cause; or

16 (2) a special election is held during the election judge's term of office
17 and the State Board determines that a local board may not need the service of all of
18 the appointed election judges.

19 (d) A local board shall fill each vacant election judge position in the same
20 manner as set forth in subsection (a) of this section] **A LOCAL BOARD SHALL**
21 **INVESTIGATE ANY COMPLAINTS REGARDING AN ELECTION JUDGE AND**
22 **DETERMINE WHETHER THE ELECTION JUDGE SHOULD CONTINUE TO SERVE.**

23 10–204.

24 (a) [(1)] Each election judge shall take and subscribe to [a] **THE** written oath
25 [prescribed in Article I, § 9 of the Maryland Constitution] **OR AFFIRMATION SET**
26 **FORTH IN SUBSECTION (B) OF THIS SECTION.**

27 [(2) The signed oath, when returned to the local board, shall constitute
28 the commission of office for the election judge.]

29 (b) [The State Board shall prescribe a form for the combined oath and
30 commission required under this section] **THE WRITTEN OATH OR AFFIRMATION**
31 **FOR AN ELECTION JUDGE IS:**

1 “I, . . . , DO SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE
 2 UNITED STATES, THAT I WILL BE FAITHFUL AND BEAR TRUE ALLEGIANCE TO
 3 THE STATE OF MARYLAND, AND SUPPORT THE CONSTITUTION AND LAWS
 4 THEREOF, AND THAT I WILL, TO THE BEST OF MY SKILL AND JUDGMENT,
 5 DILIGENTLY AND FAITHFULLY, WITHOUT PARTIALITY OR PREJUDICE, SERVE AS
 6 AND PERFORM THE DUTIES OF AN ELECTION JUDGE, ACCORDING TO THE
 7 CONSTITUTION AND LAWS OF MARYLAND, AND CONSISTENT WITH THE
 8 TRAINING AND INSTRUCTIONS RECEIVED FROM THE LOCAL BOARD OF
 9 ELECTIONS”.

10 (c) A LOCAL BOARD SHALL MAINTAIN THE SIGNED OATH IN
 11 ACCORDANCE WITH THE PLAN ADOPTED BY THE STATE BOARD UNDER § 2-106
 12 OF THIS TITLE.

13 ~~10-205.~~

14 (a) ~~[A local board may fix the compensation of election judges within the~~
 15 ~~limits authorized for this purpose by the county’s governing body] ON~~
 16 ~~RECOMMENDATION OF THE STATE ADMINISTRATOR, THE STATE BOARD SHALL~~
 17 ~~DETERMINE THE COMPENSATION FOR:~~

18 ~~(1) EACH TYPE OF ELECTION JUDGE SPECIFIED IN § 10-201 OF~~
 19 ~~THIS SUBTITLE;~~

20 ~~(2) EACH REQUIRED CLASS THE ELECTION JUDGE ATTENDED;~~
 21 ~~AND~~

22 ~~(3) SERVING DURING A PERIOD COVERED BY A COURT ORDER OR~~
 23 ~~OTHER ORDER EXTENDING THE TIME FOR CLOSING THE POLLS.~~

24 (b) ~~[(1) In Allegany County, the compensation for each day actually served~~
 25 ~~may not be less than:~~

26 ~~(i) \$100 per day for each chief election judge; and~~

27 ~~(ii) \$80 per day for every other election judge.~~

28 ~~(2) (i) In Baltimore City, the compensation for each election day~~
 29 ~~actually served shall be:~~

30 ~~1. not less than \$200 per day for each chief election~~
 31 ~~judge; and~~

32 ~~2. not less than \$150 per day for every other election~~
 33 ~~judge.~~

1 (ii) 1. ~~In Baltimore City, except as provided in~~
2 ~~subsubparagraph 2 of this subparagraph, an election judge shall receive \$20 as~~
3 ~~compensation for completing the course of instruction required under § 10-206(g)(1) of~~
4 ~~this subtitle.~~

5 2. ~~Unless [the] A local board excuses the election judge~~
6 ~~from service, an election judge who fails to serve on election day may not receive the~~
7 ~~compensation authorized under this [subparagraph] SECTION.~~

8 ~~(3) In Baltimore County, the compensation for each election day~~
9 ~~actually served shall be:~~

10 (i) ~~\$225 per day for each chief election judge; and~~

11 (ii) ~~\$162.50 per day for every other election judge.~~

12 ~~(4) In Calvert County, the compensation for each election day actually~~
13 ~~served shall be:~~

14 (i) ~~\$125 per day for each chief election judge; and~~

15 (ii) ~~\$100 per day for every other election judge.~~

16 ~~(5) In Harford County, the compensation for each election day actually~~
17 ~~served shall be:~~

18 (i) ~~not less than \$160 per day for each chief election judge; and~~

19 (ii) ~~not less than \$125 per day for every other election judge.~~

20 ~~(6) (i) In Prince George's County, the compensation for each~~
21 ~~election day actually served shall be not less than:~~

22 1. ~~\$250 per day for two chief election judges; and~~

23 2. ~~\$200 per day for every other election judge.~~

24 (ii) 1. ~~In Prince George's County, except as provided under~~
25 ~~subsubparagraph 2 of this subparagraph, election judges and alternate election judges~~
26 ~~shall receive \$50 as compensation for completing the course of instruction required~~
27 ~~under § 10-206 of this subtitle.~~

28 2. ~~An election judge or alternate election judge may not~~
29 ~~receive the compensation authorized under this subparagraph if the election judge~~
30 ~~refuses to serve on an election day, unless the local board excuses the election judge.~~

1 ~~(7) (i) In Washington County, the compensation for each election~~
2 ~~day actually served shall be:~~

3 ~~1. \$175 per day for each chief election judge, plus a~~
4 ~~mileage allowance as determined by the Washington County Board; and~~

5 ~~2. \$150 per day for every other election judge.~~

6 ~~(ii) In Washington County, a chief election judge or election~~
7 ~~judge who successfully completes a course of instruction in poll working shall be~~
8 ~~eligible for additional compensation, if approved by the Washington County Board and~~
9 ~~provided for in the county budget.]~~

10 ~~(c) WITH THE APPROVAL OF THE STATE BOARD, A LOCAL BOARD MAY~~
11 ~~INCREASE THE COMPENSATION ESTABLISHED IN SUBSECTION (A) OF THIS~~
12 ~~SECTION.~~

13 [10-207.

14 (a) A local board shall investigate promptly each complaint it receives
15 regarding the fitness, qualification, or performance of an individual appointed to be an
16 election judge.

17 (b) A local board shall remove any election judge who is unfit or incompetent
18 for the office.]

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.