

Chapter 295

(House Bill 1077)

AN ACT concerning

Montgomery County Board of Elections – Election Director – Appointment Requirement

MC 26-16

FOR the purpose of requiring the Montgomery County Board of Elections to require a ~~supermajority certain~~ vote of the regular members of the Board, ~~at least one of whom shall be a member of the principal minority party~~, to appoint an election director; and generally relating to the appointment of the election director by the Montgomery County Board of Elections.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 2-202

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

Article – Election Law

2-202.

(a) Except for the City of Baltimore, the provisions of this section do not apply to a municipal corporation in the State in which the municipal or charter elections are regulated by the public local laws of the State or the charter of the municipal corporation.

(b) Each local board, in accordance with the provisions of this article and regulations adopted by the State Board, shall:

(1) oversee the conduct of all elections held in its county and ensure that the elections process is conducted in an open, convenient, and impartial manner;

(2) pursuant to the State Personnel and Pensions Article, or its county merit system, whichever is applicable, appoint an election director to manage the operations and supervise the staff of the local board;

(3) maintain an office and be open for business as provided in this article, and provide the supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including:

(i) supplies and equipment required by the State Board; and

(ii) office and polling place equipment expenses;

(4) adopt any regulation it considers necessary to perform its duties under this article, which regulation shall become effective when it is filed with and approved by the State Board;

(5) serve as the local board of canvassers and certify the results of each election conducted by the local board;

(6) establish and alter the boundaries and number of precincts in accordance with § 2–303 of this title, and provide a suitable polling place for each precinct, and assign voters to precincts;

(7) provide to the general public timely information and notice, by publication or mail, concerning voter registration and elections;

(8) make determinations and hear and decide challenges and appeals as provided by law;

(9) (i) aid in the prosecution of an offense under this article; and

(ii) when the board finds there is probable cause to believe an offense has been committed, refer the matter to the appropriate prosecutorial authority;

(10) maintain and dispose of its records in accordance with the plan adopted by the State Board under § 2–106 of this title; and

(11) administer voter registration and absentee voting for nursing homes and assisted living facilities in accordance with procedures established by the State Administrator, subject to the approval of the State Board.

(c) In Garrett County, following each decennial census of the United States, the local board shall:

(1) evaluate the population of the county commissioner districts to determine whether the districts are of substantially equal population; and

(2) recommend to the Garrett County Delegation to the General Assembly any adjustments of the boundaries of those districts that are necessary to maintain districts of substantially equal population.

(D) IN MONTGOMERY COUNTY, THE LOCAL BOARD SHALL REQUIRE AN AFFIRMATIVE VOTE OF NOT FEWER THAN ~~FOUR~~ THREE DULY CONFIRMED REGULAR

**MEMBERS OF THE LOCAL BOARD, AT LEAST ONE OF WHOM SHALL BE A MEMBER OF
THE PRINCIPAL MINORITY PARTY, TO APPOINT AN ELECTION DIRECTOR.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, April 26, 2016.