G1 (PRE–FILED)

By: Senators Kagan and Rosapepe

Requested: September 29, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

## A BILL ENTITLED

1 AN ACT concerning

2

Election Law – Election Observers

3 FOR the purpose of requiring a copy of a list of registered voters to be provided to an election 4 observer on receipt of certain documentation; requiring an election judge to protect 5 an election observer in the exercise of certain rights; providing that an election judge 6 is not required, under certain circumstances, to admit an election observer to a 7 polling place before the polls open; authorizing an election judge, under certain 8 circumstances, to require election observers to leave a polling place before it opens; 9 requiring an election judge to designate reasonable times for election observers to 10 examine polling lists; requiring a police officer who is on duty at a polling place to 11 protect an election observer in the discharge of duties of the election observer; 12 requiring an election judge to allow an election observer to have access to the voting 13 room at a polling place; requiring an election judge, except under certain 14 circumstances, to admit an election observer a certain amount of time before the 15 polling place is open; providing that, except under certain circumstances, an election 16 observer has certain rights; providing that certain documentation is sufficient 17 evidence of the right of an election observer to be present in the voting room; 18 prohibiting an election observer from attempting to take certain action; authorizing 19 an election judge to eject an election observer who violates a certain prohibition; 20 clarifying that election observers may be present during a canvass conducted by a 21 local board of elections; defining a certain term; and generally relating to election 22 observers.

23 BY adding to

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Article – Election Law

25 Section 1–101(w–1) and 10–311.1

26 Annotated Code of Maryland

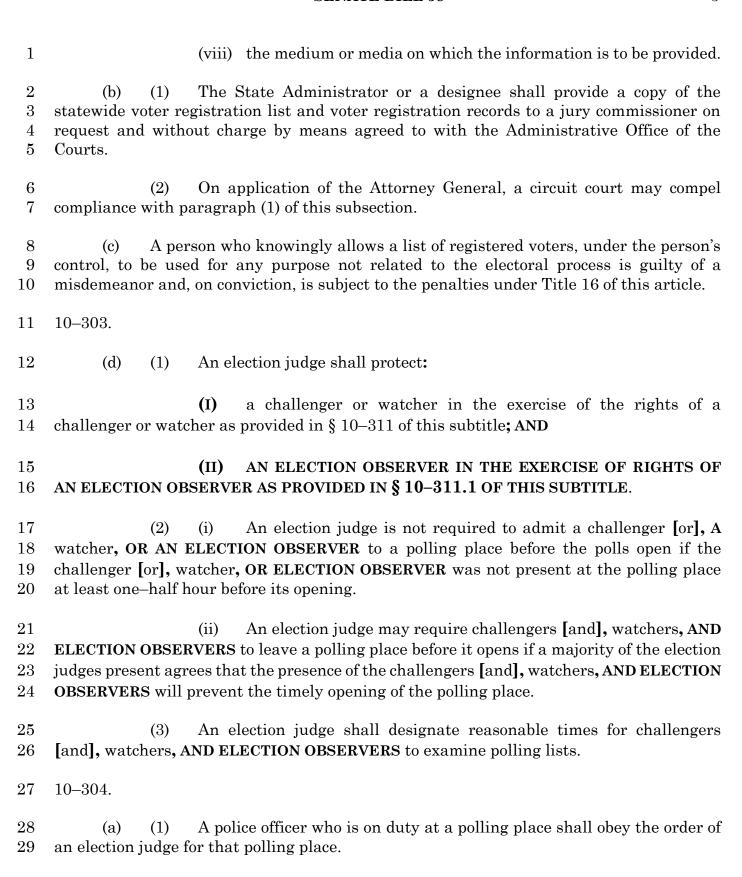
27 (2010 Replacement Volume and 2016 Supplement)

28 BY repealing and reenacting, with amendments,

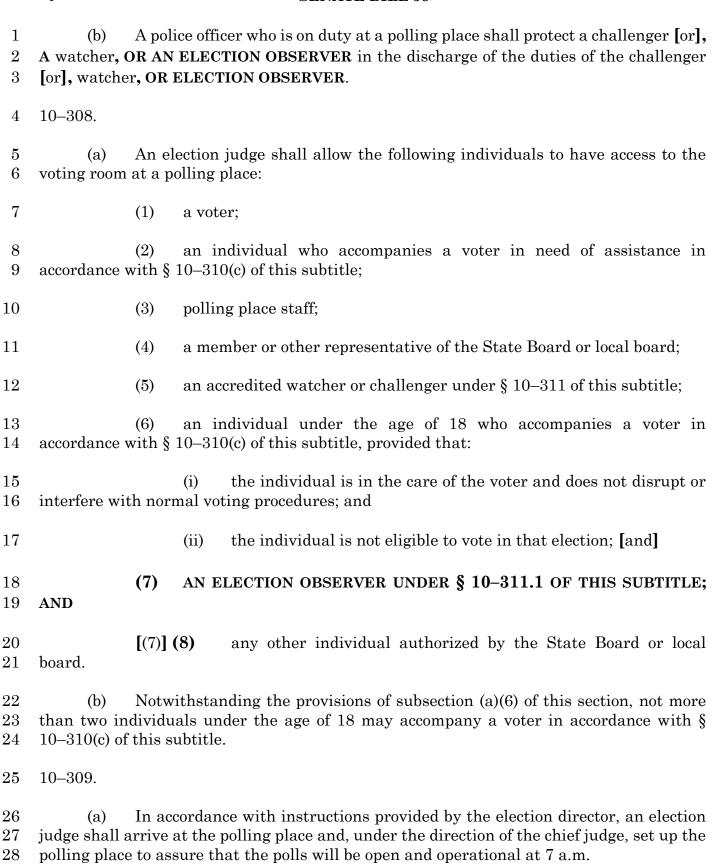
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1 2 3 4	Article – Election Law Section 3–506, 10–303(d), 10–304, 10–308, 10–309, and 11–301(a–1) Annotated Code of Maryland (2010 Replacement Volume and 2016 Supplement)				
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
7			Article - Election Law		
8	1–101.				
9 10	(W–1) "Election observer" means an individual who is designated as an election observer under § $10-311.1$ of this article.				
11	3–506.				
12 13					
14	(	i) a wr	itten application; and		
15 16	used for:	ii) a sta	tement, signed under oath, that the list is not intended to be		
17		1.	commercial solicitation; or		
18		2.	any other purpose not related to the electoral process.		
19 20	(2) In consultation with the local boards, the State Board shall adoptegulations that specify:				
21	(	i) the t	time for a list to be provided under this subsection;		
22	(	ii) the a	authorization to be required for providing a list;		
23	(	iii) the f	ee to be paid for providing a list;		
24	(	iv) the i	nformation to be included on a list;		
25 26	,	*	the residence address of an individual who is a participant rogram may not be disclosed;		
27 28	`	•	a participant in an address confidentiality program is not Board to keep the individual's residence address confidential;		

(vii) the format of the information; and



30 (2) A police officer making an arrest under an order of an election judge is 31 fully protected in so doing as if the police officer received a valid warrant to make the arrest.



- 1 (b) Except as provided in § 10–303(d)(2)(ii) of this subtitle, an election judge shall 2 admit an accredited challenger [or], watcher, OR ELECTION OBSERVER one—half hour 3 before the polling place is open.
- 4 **10–311.1.**
- 5 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE 6 FOLLOWING PERSONS OR ENTITIES HAVE THE RIGHT TO DESIGNATE A REGISTERED 7 VOTER AS AN ELECTION OBSERVER AT EACH PLACE OF REGISTRATION AND 8 ELECTION:
- 9 (I) THE STATE BOARD FOR ANY POLLING PLACE IN THE STATE;
- 10 (II) A LOCAL BOARD FOR ANY POLLING PLACE LOCATED IN THE 11 COUNTY OF THE LOCAL BOARD;
- 12 (III) AN ACADEMIC INSTITUTION ENGAGED IN RESEARCH ON 13 ELECTIONS AND THE ELECTION PROCESS.
- 14 (2) TO BE DESIGNATED AS AN ELECTION OBSERVER, AN INDIVIDUAL 15 MUST BE:
- 16 (I) ENGAGED IN RESEARCH ON ELECTIONS AND THE ELECTION 17 PROCESS; OR
- 18 (II) AN INTERNATIONAL ELECTION OBSERVER.
- 19 (3) A PERSON WHO DESIGNATES AN ELECTION OBSERVER MAY 20 REMOVE THE ELECTION OBSERVER AT ANY TIME.
- 21 (B) EXCEPT AS PROVIDED IN § 10–303(D)(2) OF THIS SUBTITLE AND 22 SUBSECTION (D) OF THIS SECTION, AN ELECTION OBSERVER HAS THE RIGHT TO:
- 23 (1) ENTER THE POLLING PLACE ONE-HALF HOUR BEFORE THE POLLS 24 OPEN;
- 25 (2) ENTER OR BE PRESENT AT THE POLLING PLACE AT ANY TIME 26 WHEN THE POLLS ARE OPEN;
- 27 (3) REMAIN IN THE POLLING PLACE UNTIL THE COMPLETION OF ALL 28 TASKS ASSOCIATED WITH THE CLOSE OF THE POLLS UNDER § 10–314 OF THIS
- 29 SUBTITLE AND THE ELECTION JUDGES LEAVE THE POLLING PLACE;

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(ii)

a political party; and

6 MAINTAIN A LIST OF REGISTERED VOTERS WHO HAVE VOTED, OR 1 **(4)** 2 INDIVIDUALS WHO HAVE CAST PROVISIONAL BALLOTS, AND TAKE THE LIST OUTSIDE 3 THE POLLING PLACE; AND 4 ENTER AND LEAVE A POLLING PLACE FOR THE PURPOSE OF **(5)** OUTSIDE 5 THE POLLING PLACE INFORMATION THAT **IDENTIFIES** TAKING 6 REGISTERED VOTERS WHO HAVE CAST BALLOTS OR INDIVIDUALS WHO HAVE CAST 7 PROVISIONAL BALLOTS. A CERTIFICATE SIGNED BY THE STATE BOARD, A LOCAL BOARD, OR AN 8 (C) 9 ACADEMIC INSTITUTION SHALL BE SUFFICIENT EVIDENCE OF THE RIGHT OF AN ELECTION OBSERVER TO BE PRESENT IN THE VOTING ROOM. 10 (D) **(1)** 11 AN ELECTION OBSERVER MAY NOT ATTEMPT TO: 12 **(I)** ASCERTAIN HOW A VOTER VOTED OR INTENDS TO VOTE; 13 (II)CONVERSE IN THE POLLING PLACE WITH ANY VOTER; 14 (III) ASSIST ANY VOTER IN VOTING; OR PHYSICALLY HANDLE AN ORIGINAL ELECTION DOCUMENT. 15 (IV) 16 AN ELECTION JUDGE MAY EJECT AN ELECTION OBSERVER WHO 17 VIOLATES THE PROHIBITIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION. 18 **(E)** THE STATE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS 19 SECTION, INCLUDING REGULATIONS THAT ESTABLISH A PROCESS FOR VERIFYING 20THAT AN INDIVIDUAL SEEKING TO BE DESIGNATED AS AN ELECTION OBSERVER 21MEETS THE REQUIREMENT OF SUBSECTION (A)(2) OF THIS SECTION. 22 11-301. 23 Subject to paragraph (3) of this subsection, a board of canvassers and 24the staff of a local board may be observed as they complete each part of the canvass by 25authorized observers designated under paragraph (2) of this subsection and any other individuals, INCLUDING ELECTION OBSERVERS, who wish to be present. 26 27 (2)The following individuals or entities have the right to designate a 28 registered voter as an observer at each counting center: 29 a candidate; (i)

$\frac{1}{2}$	principle, or propos	(iii) sition o	any other group of voters supporting or opposing a candidate, on the ballot.	
3 4	(3) of a part of the can		state Board may adopt regulations prohibiting public observation nly if prohibiting public observation is necessary to ensure:	
5		(i)	the integrity or accuracy of the canvass; or	
6		(ii)	that the canvass process is not impeded.	
7 8	(4) The State Board shall ensure that the requirements of this subsection are implemented uniformly and consistently by each local board.			
9	SECTION 2	. AND	BE IT FURTHER ENACTED, That this Act shall take effect	

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October 1, 2017.