

SENATE BILL 190

G1

8lr1070

By: **Senators Kagan and Rosapepe**

Introduced and read first time: January 17, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – International Election Observers**

3 FOR the purpose of requiring a copy of a list of registered voters to be provided to an
4 international election observer on receipt of certain documentation; requiring an
5 election judge to protect an international election observer in the exercise of certain
6 rights; providing that an election judge is not required, under certain circumstances,
7 to admit an international election observer to a polling place before the polls open;
8 authorizing an election judge, under certain circumstances, to require international
9 election observers to leave a polling place before it opens; requiring an election judge
10 to designate reasonable times for international election observers to examine polling
11 lists; requiring a police officer who is on duty at a polling place to protect an
12 international election observer in the discharge of duties of the international election
13 observer; requiring an election judge to allow an international election observer to
14 have access to the voting room at a polling place; requiring an election judge, except
15 under certain circumstances, to admit an international election observer a certain
16 amount of time before the polling place is open; authorizing the State Board of
17 Elections, for any polling place in the State, to designate an individual as an
18 international election observer at each place of registration and election; authorizing
19 the State Board to remove the international election observer at any time; providing
20 that, except under certain circumstances, an international election observer has
21 certain rights; providing that certain documentation is sufficient evidence of the
22 right of an international election observer to be present in the voting room;
23 prohibiting an international election observer from attempting to take certain action;
24 authorizing an election judge to eject an international election observer who violates
25 a certain prohibition; clarifying that international election observers may be present
26 during a canvass conducted by a local board of elections; authorizing the State Board
27 to adopt certain regulations; requiring the State Board to notify the local boards of
28 elections if the State Board designates an individual as an international election
29 observer; authorizing a local board to determine the polling places within the local
30 board's jurisdiction where a designated international election observer may be
31 present and assign an international election observer to a particular polling place,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 as appropriate, to ensure efficient management of an election; defining a certain
2 term; and generally relating to international election observers.

3 BY repealing and reenacting, without amendments,
4 Article – Election Law
5 Section 1–101(a)
6 Annotated Code of Maryland
7 (2017 Replacement Volume and 2017 Supplement)

8 BY adding to
9 Article – Election Law
10 Section 1–101(bb–1) and 10–311.1
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 1–101(bb–1), 3–506, 10–303(d), 10–304, 10–308, 10–309, and 11–301(a–1)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2017 Supplement)

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

20 **Article – Election Law**

21 1–101.

22 (a) In this article the following words have the meanings indicated unless a
23 different meaning is clearly intended from the context.

24 **(BB–1) “INTERNATIONAL ELECTION OBSERVER” MEANS AN INDIVIDUAL WHO**
25 **IS DESIGNATED AS AN INTERNATIONAL ELECTION OBSERVER UNDER § 10–311.1 OF**
26 **THIS ARTICLE.**

27 **[(bb–1)] (BB–2)** “Legislative party caucus committee” means a political
28 committee that is established to promote the election of candidates of a single political party
29 to one of the two Houses of the General Assembly.

30 3–506.

31 (a) (1) A copy of a list of registered voters shall be provided to a Maryland
32 registered voter **OR AN INTERNATIONAL ELECTION OBSERVER** on receipt of:

33 (i) a written application; and

1 (ii) a statement, signed under oath, that the list is not intended to be
2 used for:

- 3 1. commercial solicitation; or
4 2. any other purpose not related to the electoral process.

5 (2) In consultation with the local boards, the State Board shall adopt
6 regulations that specify:

7 (i) the time for a list to be provided under this subsection;

8 (ii) the authorization to be required for providing a list;

9 (iii) the fee to be paid for providing a list;

10 (iv) the information to be included on a list;

11 (v) that the residence address of an individual who is a participant
12 in an address confidentiality program may not be disclosed;

13 (vi) that a participant in an address confidentiality program is not
14 required to apply to the State Board to keep the individual's residence address confidential;

15 (vii) the format of the information; and

16 (viii) the medium or media on which the information is to be provided.

17 (b) (1) The State Administrator or a designee shall provide a copy of the
18 statewide voter registration list and voter registration records to a jury commissioner on
19 request and without charge by means agreed to with the Administrative Office of the
20 Courts.

21 (2) On application of the Attorney General, a circuit court may compel
22 compliance with paragraph (1) of this subsection.

23 (c) A person who knowingly allows a list of registered voters, under the person's
24 control, to be used for any purpose not related to the electoral process is guilty of a
25 misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.

26 10-303.

27 (d) (1) An election judge shall protect:

28 (I) a challenger or watcher in the exercise of the rights of a
29 challenger or watcher as provided in § 10-311 of this subtitle; AND

1 **(II) AN INTERNATIONAL ELECTION OBSERVER IN THE EXERCISE**
2 **OF RIGHTS OF AN INTERNATIONAL ELECTION OBSERVER AS PROVIDED IN § 10–311.1**
3 **OF THIS SUBTITLE.**

4 (2) (i) An election judge is not required to admit a challenger [or], A
5 watcher, **OR AN INTERNATIONAL ELECTION OBSERVER** to a polling place before the polls
6 open if the challenger [or], watcher, **OR INTERNATIONAL ELECTION OBSERVER** was not
7 present at the polling place at least one-half hour before its opening.

8 (ii) An election judge may require challengers [and], watchers, **AND**
9 **INTERNATIONAL ELECTION OBSERVERS** to leave a polling place before it opens if a
10 majority of the election judges present agrees that the presence of the challengers [and],
11 watchers, **AND INTERNATIONAL ELECTION OBSERVERS** will prevent the timely opening
12 of the polling place.

13 (3) An election judge shall designate reasonable times for challengers
14 [and], watchers, **AND INTERNATIONAL ELECTION OBSERVERS** to examine polling lists.

15 10–304.

16 (a) (1) A police officer who is on duty at a polling place shall obey the order of
17 an election judge for that polling place.

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

20 (b) A police officer who is on duty at a polling place shall protect a challenger [or],
21 A watcher, **OR AN INTERNATIONAL ELECTION OBSERVER** in the discharge of the duties
22 of the challenger [or], watcher, **OR INTERNATIONAL ELECTION OBSERVER**.

23 10–308.

24 (a) An election judge shall allow the following individuals to have access to the
25 voting room at a polling place:

26 (1) a voter;

27 (2) an individual who accompanies a voter in need of assistance in
28 accordance with § 10–310(c) of this subtitle;

29 (3) polling place staff;

30 (4) a member or other representative of the State Board or local board;

31 (5) an accredited watcher or challenger under § 10–311 of this subtitle **FOR**
32 **ANY POLLING PLACE IN THE STATE;**

1 (6) an individual under the age of 18 who accompanies a voter in
2 accordance with § 10–310(c) of this subtitle, provided that:

3 (i) the individual is in the care of the voter and does not disrupt or
4 interfere with normal voting procedures; and

5 (ii) the individual is not eligible to vote in that election; [and]

6 **(7) AN INTERNATIONAL ELECTION OBSERVER UNDER § 10–311.1 OF**
7 **THIS SUBTITLE; AND**

8 **[(7)] (8)** any other individual authorized by the State Board or local
9 board.

10 (b) Notwithstanding the provisions of subsection (a)(6) of this section, not more
11 than two individuals under the age of 18 may accompany a voter in accordance with §
12 10–310(c) of this subtitle.

13 10–309.

14 (a) In accordance with instructions provided by the election director, an election
15 judge shall arrive at the polling place and, under the direction of the chief judge, set up the
16 polling place to assure that the polls will be open and operational at 7 a.m.

17 (b) Except as provided in § 10–303(d)(2)(ii) of this subtitle, an election judge shall
18 admit an accredited challenger [or], A watcher, **OR AN INTERNATIONAL ELECTION**
19 **OBSERVER** one-half hour before the polling place is open.

20 **10–311.1.**

21 **(A) (1) FOR ANY POLLING PLACE IN THE STATE, THE STATE BOARD HAS**
22 **THE RIGHT TO DESIGNATE AN INDIVIDUAL AS AN INTERNATIONAL ELECTION**
23 **OBSERVER AT EACH PLACE OF REGISTRATION AND ELECTION.**

24 **(2) THE STATE BOARD MAY REMOVE THE INTERNATIONAL ELECTION**
25 **OBSERVER AT ANY TIME.**

26 **(B) EXCEPT AS PROVIDED IN § 10–303(D)(2) OF THIS SUBTITLE AND**
27 **SUBSECTION (D) OF THIS SECTION, AN INTERNATIONAL ELECTION OBSERVER HAS**
28 **THE RIGHT TO:**

29 **(1) ENTER THE POLLING PLACE ONE-HALF HOUR BEFORE THE POLLS**
30 **OPEN;**

1 **(2) ENTER OR BE PRESENT AT THE POLLING PLACE AT ANY TIME**
2 **WHEN THE POLLS ARE OPEN; AND**

3 **(3) REMAIN IN THE POLLING PLACE UNTIL THE COMPLETION OF ALL**
4 **TASKS ASSOCIATED WITH THE CLOSE OF THE POLLS UNDER § 10-314 OF THIS**
5 **SUBTITLE AND THE ELECTION JUDGES LEAVE THE POLLING PLACE.**

6 **(C) A CERTIFICATE SIGNED BY THE STATE BOARD SHALL BE SUFFICIENT**
7 **EVIDENCE OF THE RIGHT OF AN INTERNATIONAL ELECTION OBSERVER TO BE**
8 **PRESENT IN THE VOTING ROOM.**

9 **(D) (1) AN INTERNATIONAL ELECTION OBSERVER MAY NOT ATTEMPT TO:**

10 **(I) ASCERTAIN HOW A VOTER VOTED OR INTENDS TO VOTE;**

11 **(II) CONVERSE IN THE POLLING PLACE WITH ANY VOTER;**

12 **(III) ASSIST ANY VOTER IN VOTING; OR**

13 **(IV) PHYSICALLY HANDLE AN ORIGINAL ELECTION DOCUMENT.**

14 **(2) AN ELECTION JUDGE MAY EJECT AN INTERNATIONAL ELECTION**
15 **OBSERVER WHO VIOLATES THE PROHIBITIONS UNDER PARAGRAPH (1) OF THIS**
16 **SUBSECTION.**

17 **(E) (1) THE STATE BOARD MAY ADOPT REGULATIONS TO CARRY OUT**
18 **THIS SECTION, INCLUDING REGULATIONS THAT ESTABLISH A PROCESS FOR**
19 **DESIGNATING AN INTERNATIONAL ELECTION OBSERVER.**

20 **(2) THE STATE BOARD SHALL NOTIFY THE LOCAL BOARDS IF THE**
21 **STATE BOARD DESIGNATES AN INDIVIDUAL AS AN INTERNATIONAL ELECTION**
22 **OBSERVER.**

23 **(3) A LOCAL BOARD MAY:**

24 **(I) DETERMINE AT WHICH POLLING PLACES WITHIN THE LOCAL**
25 **BOARD'S JURISDICTION A DESIGNATED INTERNATIONAL ELECTION OBSERVER MAY**
26 **BE PRESENT; AND**

27 **(II) ASSIGN AN INTERNATIONAL ELECTION OBSERVER TO A**
28 **PARTICULAR POLLING PLACE, AS APPROPRIATE, TO ENSURE EFFICIENT**
29 **MANAGEMENT OF AN ELECTION.**

1 11-301.

2 (a-1) (1) Subject to paragraph (3) of this subsection, a board of canvassers and
3 the staff of a local board may be observed as they complete each part of the canvass by
4 authorized observers designated under paragraph (2) of this subsection and any other
5 individuals, **INCLUDING INTERNATIONAL ELECTION OBSERVERS**, who wish to be
6 present.

7 (2) The following individuals or entities have the right to designate a
8 registered voter as an observer at each counting center:

9 (i) a candidate;

10 (ii) a political party; and

11 (iii) any other group of voters supporting or opposing a candidate,
12 principle, or proposition on the ballot.

13 (3) The State Board may adopt regulations prohibiting public observation
14 of a part of the canvass only if prohibiting public observation is necessary to ensure:

15 (i) the integrity or accuracy of the canvass; or

16 (ii) that the canvass process is not impeded.

17 (4) The State Board shall ensure that the requirements of this subsection
18 are implemented uniformly and consistently by each local board.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2018.