

SENATE BILL 184

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9lr1034
CF HB 71

By: **Senator Kagan**

Introduced and read first time: January 23, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 22, 2019

CHAPTER _____

1 AN ACT concerning

2 **State Board of Elections – Open Meetings – Video Streaming and Recording**
3 **(State Board of Elections Transparency Act)**

4 FOR the purpose of requiring the State Board of Elections, in consultation with the
5 Department of Information Technology, to make publicly available on the Internet
6 each meeting agenda, made available a certain amount of time in advance of each
7 meeting, live video streaming, and complete, unedited archived video recordings of
8 open meetings; requiring the State Board to make the archived video recordings
9 available for a certain minimum period of time; requiring the State Board to prepare
10 certain minutes as soon as practicable after certain meetings; requiring the
11 Department to provide certain staff, support, and equipment to the State Board; and
12 generally relating to open meetings of the State Board of Elections.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 2–102
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2018 Supplement)

18 Preamble

19 WHEREAS, The General Assembly has determined that it is essential to the
20 maintenance of a democratic society that public business be performed in an open and
21 accessible manner; and

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 WHEREAS, The Internet and other technological developments have increased the
2 ways governmental bodies can provide public access to their open meetings, including live
3 streaming or recording the meetings; and

4 WHEREAS, The Board of Public Works uses a multicamera unit, a computer, and a
5 subscription to a live video platform service to broadcast and record its meetings; and

6 WHEREAS, The State Board of Elections would improve public access to its
7 meetings by using a broadcast system similar to the system used by the Board of Public
8 Works; now, therefore,

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

11 **Article – Election Law**

12 2–102.

13 (a) The State Board shall manage and supervise elections in the State and ensure
14 compliance with the requirements of this article and any applicable federal law by all
15 persons involved in the elections process.

16 (b) In exercising its authority under this article and in order to ensure compliance
17 with this article and with any requirements of federal law, the State Board shall:

18 (1) supervise the conduct of elections in the State;

19 (2) direct, support, monitor, and evaluate the activities of each local board;

20 (3) have a staff sufficient to perform its functions;

21 (4) adopt regulations to implement its powers and duties;

22 (5) receive, or in its discretion audit, campaign finance reports, account
23 books and records kept under § 13–221 of this article, independent expenditure reports filed
24 and records kept under § 13–306 of this article, electioneering communication reports filed
25 and records kept under § 13–307 of this article, and statements filed and records kept under
26 § 14–105 of this article;

27 (6) appoint a State Administrator in accordance with § 2–103 of this
28 subtitle;

29 (7) maximize the use of technology in election administration, including
30 the development of a plan for a comprehensive computerized elections management system;

31 (8) canvass and certify the results of elections as prescribed by law;

1 (9) make available to the general public, in a timely and efficient manner,
2 information on the electoral process, including a publication that includes the text of this
3 article, relevant portions of the Maryland Constitution, and information gathered and
4 maintained regarding elections;

5 (10) subject to § 2–106 of this subtitle and § 13–341 of this article, receive,
6 maintain, and serve as a depository for elections documents, materials, records, statistics,
7 reports, certificates, proclamations, and other information prescribed by law or regulation;

8 (11) prescribe all forms required under this article; and

9 (12) serve as the official designated office in accordance with the Uniformed
10 and Overseas Citizens Absentee Voting Act for providing information regarding voter
11 registration and absentee ballot procedures for absent uniformed services voters and
12 overseas voters with respect to elections for federal office.

13 (c) The powers and duties assigned to the State Board under this article shall be
14 exercised in accordance with an affirmative vote by a supermajority of the members of the
15 State Board.

16 **(D) (1) THE STATE BOARD SHALL PREPARE WRITTEN MINUTES OF EACH**
17 **MEETING OF THE STATE BOARD AS SOON AS PRACTICABLE AFTER THE MEETING.**

18 **(2) THE STATE BOARD, IN CONSULTATION WITH THE DEPARTMENT**
19 **OF INFORMATION TECHNOLOGY, SHALL MAKE PUBLICLY AVAILABLE ON THE**
20 **INTERNET:**

21 ~~(1)~~ **(I) EACH MEETING AGENDA, MADE AVAILABLE AT LEAST 24**
22 **HOURS IN ADVANCE OF EACH MEETING;**

23 ~~(2)~~ **(II) LIVE VIDEO STREAMING OF EACH OPEN MEETING OF THE**
24 **STATE BOARD; AND**

25 ~~(3)~~ **(III) A COMPLETE, UNEDITED ARCHIVED VIDEO RECORDING OF**
26 **EACH OPEN MEETING FOR A MINIMUM OF 4 YEARS AFTER THE DATE OF THE**
27 **MEETING.**

28 ~~(2)~~ **(3) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL**
29 **PROVIDE TO THE STATE BOARD THE TECHNICAL STAFF, SUPPORT, AND EQUIPMENT**
30 **NECESSARY TO STREAM LIVE VIDEO OF THE OPEN MEETINGS OF THE STATE BOARD.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2019.