HOUSE BILL 629

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By: Delegate Palakovitch Carr
Introduced and read first time: January 31, 2022
Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Election Law – Polling Places and Early Voting Centers – Electronic Devices

FOR the purpose of authorizing individuals who are authorized to access a voting room to use electronic devices at polling places and early voting centers, subject to certain exceptions; authorizing voters to use an electronic device to photograph or record video of the voter or the voter’s ballot at a voting booth; and generally relating to the use of electronic devices at polling places and early voting centers.

BY adding to
Article – Election Law
Section 10–316
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Election Law

10–316.

(A) (1) IN THIS SECTION, “ELECTRONIC DEVICE” MEANS ANY DEVICE THAT USES ELECTRONIC SIGNALS TO CREATE, TRANSMIT, AND RECEIVE INFORMATION.

(2) “ELECTRONIC DEVICE” INCLUDES COMPUTERS, CELLULAR TELEPHONES, CAMERAS, PERSONAL DIGITAL ASSISTANTS, AND OTHER SIMILAR DEVICES.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(B) (1) Except as provided in subsection (c) of this section, an individual who is authorized to access the voting room under § 10–308 of this subtitle may use an electronic device at a polling place or an early voting center.

(2) (I) A voter may use an electronic device under paragraph (1) of this subsection to voluntarily photograph or record video of the voter or the voter’s ballot at a voting booth.

(II) Subject to this article and any other applicable provision of law, a voter may publish or share a photograph or video recording that was taken under this paragraph.

(c) (1) Except as provided in paragraph (2) of this subsection, an individual may not use an electronic device at a polling place or an early voting center:

(I) to communicate through audio or video calls;

(II) to photograph or record video of a voter or a voter’s ballot without the consent of the voter;

(III) except as otherwise provided in this section, to photograph or record video of election materials and equipment, including ballots, voter registration applications, the election register, ballot scanners, and other similar materials and equipment; or

(IV) if the use hinders or impedes the conduct of official electoral activities in violation of § 16–204 of this article.

(2) The following individuals may use an electronic device at a polling place or an early voting center in performance of official duties for a purpose listed in paragraph (1) of this subsection:

(I) election judges or other election officials; and

(II) law enforcement officers, fire or rescue personnel, medical technicians, or other emergency services personnel.
(D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE PENALTIES
PROVIDED IN TITLE 16 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Elections
shall adopt regulations consistent with this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
January 1, 2023.