

HOUSE BILL 629

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2lr0856

By: **Delegate Palakovich Carr**

Introduced and read first time: January 31, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

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

8 BY adding to

9 Article – Election Law

10 Section 10–316

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2021 Supplement)

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

15 **Article – Election Law**

16 **10–316.**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**
2 **INDIVIDUAL WHO IS AUTHORIZED TO ACCESS THE VOTING ROOM UNDER § 10–308 OF**
3 **THIS SUBTITLE MAY USE AN ELECTRONIC DEVICE AT A POLLING PLACE OR AN EARLY**
4 **VOTING CENTER.**

5 **(2) (I) A VOTER MAY USE AN ELECTRONIC DEVICE UNDER**
6 **PARAGRAPH (1) OF THIS SUBSECTION TO VOLUNTARILY PHOTOGRAPH OR RECORD**
7 **VIDEO OF THE VOTER OR THE VOTER’S BALLOT AT A VOTING BOOTH.**

8 **(II) SUBJECT TO THIS ARTICLE AND ANY OTHER APPLICABLE**
9 **PROVISION OF LAW, A VOTER MAY PUBLISH OR SHARE A PHOTOGRAPH OR VIDEO**
10 **RECORDING THAT WAS TAKEN UNDER THIS PARAGRAPH.**

11 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
12 **AN INDIVIDUAL MAY NOT USE AN ELECTRONIC DEVICE AT A POLLING PLACE OR AN**
13 **EARLY VOTING CENTER:**

14 **(I) TO COMMUNICATE THROUGH AUDIO OR VIDEO CALLS;**

15 **(II) TO PHOTOGRAPH OR RECORD VIDEO OF A VOTER OR A**
16 **VOTER’S BALLOT WITHOUT THE CONSENT OF THE VOTER;**

17 **(III) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, TO**
18 **PHOTOGRAPH OR RECORD VIDEO OF ELECTION MATERIALS AND EQUIPMENT,**
19 **INCLUDING BALLOTS, VOTER REGISTRATION APPLICATIONS, THE ELECTION**
20 **REGISTER, BALLOT SCANNERS, AND OTHER SIMILAR MATERIALS AND EQUIPMENT;**
21 **OR**

22 **(IV) IF THE USE HINDERS OR IMPEDES THE CONDUCT OF**
23 **OFFICIAL ELECTORAL ACTIVITIES IN VIOLATION OF § 16–204 OF THIS ARTICLE.**

24 **(2) THE FOLLOWING INDIVIDUALS MAY USE AN ELECTRONIC DEVICE**
25 **AT A POLLING PLACE OR AN EARLY VOTING CENTER IN PERFORMANCE OF OFFICAL**
26 **DUTIES FOR A PURPOSE LISTED IN PARAGRAPH (1) OF THIS SUBSECTION:**

27 **(I) ELECTION JUDGES OR OTHER ELECTION OFFICIALS; AND**

28 **(II) LAW ENFORCEMENT OFFICERS, FIRE OR RESCUE**
29 **PERSONNEL, MEDICAL TECHNICIANS, OR OTHER EMERGENCY SERVICES**
30 **PERSONNEL.**

1 **(D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY**
2 **OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE PENALTIES**
3 **PROVIDED IN TITLE 16 OF THIS ARTICLE.**

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

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