

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 459
Ways and Means

(Delegate D. Jones)

Rules

Election Administration – State Administrator, Local Boards, and Election Directors

This bill requires the State Board of Elections (SBE) to, at least annually, evaluate the performance of the State Administrator of Elections. The bill requires the State Administrator to, at least annually, provide a performance evaluation of the election director of each local board of elections to the local board, including any recommended disciplinary actions for failure to comply with State laws, regulations, and policies. The bill also makes changes to State election law relating to the statutory powers and responsibilities of the local boards of elections and the local election directors. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

Required Annual Performance Evaluations

The bill requires the State board to, at least annually, evaluate the performance of the State Administrator of Elections. The bill also requires the State Administrator to, at least

annually, provide a performance evaluation of the election director of each local board of elections to the local board, including any recommended disciplinary actions for failure to comply with State laws, regulations, and policies.

Requirements Relating to Local Boards of Elections

The bill adds, to the local boards of elections' statutory powers and responsibilities, a requirement that each local board confer with the State Administrator in appointing an election director. However, this requirement may not be construed to affect the exclusive authority of a local board to appoint an election director.

The bill also requires each local board to maintain a warehouse, and to provide for early voting center expenses, subject to State law requiring voting system costs to be shared by the State and counties.

Authority and Responsibilities of Local Election Directors

The bill changes existing specified statutory authority of a local election director to instead be statutory responsibilities and establishes that those responsibilities are subject to regulations adopted by SBE and the policies and guidance of SBE. The bill also adds to a local election director's responsibilities, requiring a local election director to:

- manage the storage, security, maintenance, and preparation of voting system equipment;
- within 24 hours, notify the State Administrator and local board in writing of (1) a security violation or significant attempted security violation that impedes the proper and efficient operation of the local board and (2) damage to the office, warehouse, voting system equipment, or other materials used to conduct an election;
- ensure the equipment used by the employees of the local board meets cybersecurity requirements; and
- perform duties as delegated by the local board.

“Security violation” means the incident categories defined by the Department of Information Technology in the State information security policy.

“Significant attempted security violation” means an attempt to commit a security violation that (1) is known to have been committed by a foreign government or agents of a foreign government or (2) the State Administrator considers to be of particular significance or concern.

Current Law:

State Board of Elections Authority and Responsibilities

Under State law, SBE manages and supervises elections in the State and ensures compliance with the requirements of the Election Law Article and any applicable federal law by all persons involved in the elections process.

In exercising its authority under the Election Law Article, and in order to ensure compliance with the Election Law Article and any requirements of federal law, SBE must, among other things, (1) direct, support, monitor, and evaluate the activities of each local board; (2) have a staff sufficient to perform its functions; (3) adopt regulations to implement its powers and duties; and (4) appoint a State Administrator.

State Administrator's Authority and Responsibilities

The State Administrator is the chief State election official, is appointed by SBE with the advice and consent of the Senate of Maryland, and serves at the pleasure of the board. Among other things, the State Administrator (1) supervises the operations of the local boards of elections and (2) performs all duties and exercises all powers that are assigned by law to the State Administrator or delegated by SBE.

Local Boards of Elections Authority and Responsibilities

Among other statutory authority and responsibilities of the local boards of elections, a local board of elections must (1) appoint an election director to manage the operations and supervise the staff of the local board and (2) maintain an office and be open for business as provided under State election law, and provide the supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including supplies and equipment required by SBE and office and polling place equipment expenses.

Each county must appropriate the funds essential for the operations of its local board to enable the local board to pay the reasonable expenses incurred by the local board to exercise the powers and perform the duties prescribed for it by law, including (1) personnel expenses, such as compensation, workers' compensation, and unemployment insurance and (2) polling place operation expenses and specified supplies and equipment necessary for the proper and efficient conduct of voter registration and election (subject to State law requiring voting system costs to be shared by the State and counties).

Specified Statutory Authority of Local Election Directors

Subject to requirements of the Election Law Article and the policies and guidance of the local board of elections, an election director may (1) appoint the employees of the local board; (2) train election judges; (3) give notice of elections; (4) upon the request of an elderly or disabled voter whose polling place is not structurally barrier free, provide an alternate polling place to the voter; (5) issue voter notification cards; (6) receive certificates of candidacy; (7) verify petitions; (8) in consultation with the local board, conduct the canvass following an election; and (9) subject to specified statutory requirements, process and reject absentee ballot applications.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 417 (Senator Hayes) - Education, Energy, and the Environment.

Information Source(s): Anne Arundel, Charles, and Garrett counties; Maryland State Board of Elections; Department of Legislative Services

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