

# SENATE BILL 337

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CF HB 412

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By: **Senator Kagan**

Introduced and read first time: January 16, 2025

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Elections – Local Boards of Elections ~~and Boards of Canvassers~~ – Open Meeting**  
3 **Requirements**  
4 **(Local Boards of Elections Transparency Act)**

5 FOR the purpose of establishing enhanced open meeting requirements for each local board  
6 of elections ~~and each local board of canvassers~~; and generally relating to open  
7 meeting requirements for local boards of elections ~~and boards of canvassers~~.

8 BY adding to

9 Article – Election Law

10 Section 2–208

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2024 Supplement)

13 ~~BY repealing and reenacting, with amendments,~~

14 ~~Article – Election Law~~

15 ~~Section 11–301, 11–302(a), and 11–303(a)~~

16 ~~Annotated Code of Maryland~~

17 ~~(2022 Replacement Volume and 2024 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**

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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 **2-208.**

2 (A) EACH LOCAL BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS  
3 WEBSITE EACH OPEN MEETING AGENDA, TOGETHER WITH A SUMMARY OF ANY  
4 FINALIZED DOCUMENTS, WRITTEN TESTIMONY FROM THE PUBLIC, AND OTHER  
5 MATERIALS THAT THE LOCAL BOARD WILL VOTE ON AT THE OPEN MEETING:

6 (1) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

7 (2) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A  
8 NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN  
9 ADVANCE OF THE MEETING AS PRACTICABLE.

10 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
11 EACH LOCAL BOARD SHALL PROVIDE LIVE VIDEO STREAMING OF EACH OPEN  
12 MEETING HELD BY THE LOCAL BOARD.

13 (2) THE LIVE STREAMING VIDEO REQUIREMENT UNDER PARAGRAPH  
14 (1) OF THIS SUBSECTION DOES NOT APPLY WITH RESPECT TO:

15 (I) AN OPEN MEETING HELD OFF-SITE;

16 (II) A PROJECT SITE VISIT; OR

17 (III) AN INSPECTION CONDUCTED BY THE LOCAL BOARD.

18 (C) EACH LOCAL BOARD SHALL MAINTAIN A COMPLETE AND UNEDITED  
19 ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO  
20 STREAMING WAS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION FOR A  
21 MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING.

22 ~~11-301.~~

23 ~~(a) A board of canvassers shall:~~

24 ~~(1) convene at the designated counting center for that county on or before~~  
25 ~~the day of the election, but not later than 5 p.m. on that day, and be sworn in; and~~

26 ~~(2) meet only in public session.~~

27 ~~(B) A BOARD OF CANVASSERS AND THE STAFF OF A LOCAL BOARD SHALL:~~

28 ~~(1) PROVIDE LIVE VIDEO STREAMING OF THE CANVASS; AND~~

1           ~~(2) MAINTAIN A COMPLETE AND UNEDITED ARCHIVED VIDEO~~  
2 ~~RECORDING OF THE CANVASS FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE~~  
3 ~~COMPLETION OF THE CANVASS.~~

4           ~~[(a-1)](C) (1) Subject to paragraph (3) of this subsection, a board of canvassers~~  
5 ~~and the staff of a local board may be observed IN PERSON as they complete each part of~~  
6 ~~the canvass by authorized observers designated under paragraph (2) of this subsection and~~  
7 ~~any other individuals who wish to be present.~~

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

10                   ~~(i) a candidate;~~

11                   ~~(ii) a political party; and~~

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

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

17                   ~~(i) the integrity or accuracy of the canvass; or~~

18                   ~~(ii) that the canvass process is not impeded.~~

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

21           ~~[(b)](D) Each board of canvassers shall elect by majority vote a chairman and~~  
22 ~~secretary from among its members.~~

23           ~~[(c)](E) Each member of the board of canvassers shall take an oath,~~  
24 ~~administered and recorded by the clerk of the circuit court, to canvass and declare the votes~~  
25 ~~cast truthfully and to perform other duties required by law.~~

26           ~~[(d)](F) (1) At the first meeting of the board of canvassers for the purpose of~~  
27 ~~canvassing, a majority of the whole board of canvassers shall be a quorum.~~

28           ~~(2) If a quorum is not present, the members present shall adjourn until the~~  
29 ~~next day.~~

30           ~~[(e)](G) Except as otherwise provided in this article, all decisions shall be~~  
31 ~~reached by a majority vote of the members present.~~

~~[(f)] (H) In Montgomery County and Prince George's County, if a member is not present at the scheduled time for vote canvassing, a substitute member of the board of canvassers may be sworn in.~~

~~[(g)] (I) At least one member of the board of canvassers present shall be a registered voter of the principal minority party.~~

~~[(h)] (J) Once the board has satisfied the requirements of subsections (a) through [(g)] (I) of this section, it may proceed with the canvass in accordance with the regulations of the State Board.~~

~~11-302.~~

~~(a) (1) Each local board shall:~~

~~(i) meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board; AND~~

~~(ii) COMPLY WITH THE LIVE VIDEO STREAMING AND ARCHIVAL REQUIREMENTS OF § 11-301(B) OF THIS SUBTITLE.~~

~~(2) Promptly after receipt of an absentee ballot, a local board shall review the ballot envelope or ballot/return envelope for the omission of the voter's signature on the oath.~~

~~(3) A local board shall record the receipt of an absentee ballot in the statewide voter registration system and make the information available through the free access system established under COMAR 33.11.06.03 as soon as practicable, but not later than:~~

~~(i) 2 business days after receipt of an absentee ballot provided by mail; or~~

~~(ii) 4 business days after receipt of an absentee ballot provided through the Internet or by facsimile transmission.~~

~~11-303.~~

~~(a) Following an election, each local board shall:~~

~~(1) meet at its designated counting center to canvass the provisional ballots cast in that election in accordance with the regulations and guidelines established by the State Board; AND~~

1                   ~~(2) COMPLY WITH THE LIVE VIDEO STREAMING AND ARCHIVAL~~  
2 ~~REQUIREMENTS OF § 11-301(B) OF THIS SUBTITLE.~~

3           SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,  
4 2025, the State Board of Elections shall adopt regulations to ensure that the live streaming  
5 requirements under ~~§§ 2-208 and 11-301~~ § 2-208 of the Election Law Article, as enacted  
6 by Section 1 of this Act, are implemented in a manner that:

7                   ~~(1) maximizes transparency of open meetings of local boards and the~~  
8 ~~canvassing of ballots; and~~

9                   ~~(2) as applicable, protects the anonymity of voters.~~

10           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
11 1, 2025.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.