

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 412
Ways and Means

(Delegate Korman)

Elections - Local Boards of Elections and Boards of Canvassers - Open Meeting
Requirements (Local Boards of Elections Transparency Act)

This bill requires each local board of elections to (1) make publicly available on its website each open meeting agenda and other specified information at least 48 hours in advance of an open meeting unless the meeting is being held due to an emergency, natural disaster, or other unanticipated situation and (2) provide live video streaming of open meetings (with certain exceptions) and vote canvasses, and maintain complete and unedited archived video recordings of the meetings and canvasses for a minimum of five years. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: None.

Local Effect: Local government expenditures increase, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary:

Local Board of Elections Open Meetings

The bill requires each local board of elections to make publicly available on its website each open meeting agenda, together with a summary of any finalized documents, written

testimony from the public, and other materials that the local board will vote on at the open meeting (1) at least 48 hours in advance of each meeting or (2) if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable.

Each local board must provide live video streaming of each open meeting held by the local board. However, the live streaming requirement does not apply with respect to (1) an open meeting held off site; (2) a project site visit; or (3) an inspection conducted by the local board.

Each local board must maintain a complete and unedited archived video recording of each open meeting for which live video streaming was provided for a minimum of five years after the date of the meeting.

Live Video Streaming of Canvass

The bill requires a board of canvassers (a local board of elections organized for the purpose of canvassing the vote) and the staff of a local board of elections to (1) provide live video streaming of the canvass and (2) maintain a complete and unedited archived video recording of the canvass for a minimum of five years after the date of the completion of the canvass.

The bill also makes conforming changes to provisions relating to the canvassing of absentee and provisional ballots, by requiring each local board to comply with the bill's live streaming and archival requirements for the canvass of absentee and provisional ballots.

State Board of Elections Regulations

By December 1, 2025, the State Board of Elections (SBE) must adopt regulations to ensure that the bill's live streaming requirements are implemented in a manner that (1) maximizes transparency of open meetings of local boards and the canvassing of ballots and (2) as applicable, protects the anonymity of voters.

Current Law:

Open Meetings Act - Generally

The Open Meetings Act (OMA) requires State and local public bodies to hold their meetings in a manner that is open to the public, to give the public adequate notice of those meetings and their expected content, and to make minutes and any recordings of the meetings available to the public afterward. In certain circumstances, public bodies may

discuss some topics confidentially in a “closed session.” Please see this Department of Legislative Services’ [fact sheet](#) for additional detail on the Act.

Enhanced Open Meeting Requirements

SBE, certain economic development organizations, and other specified public bodies such as the Maryland Stadium Authority (MSA), the Maryland Transportation Authority (MDTA), the Public Service Commission, and the State Ethics Commission are subject to certain enhanced requirements under OMA. These requirements include (1) making available on the public body’s website each open meeting agenda and other specified documents at least 48 hours in advance of a meeting unless the meeting is being held due to an emergency, natural disaster, or other unanticipated situation (other public bodies must provide an agenda at least 24 hours before a meeting) and (2) offering live video streaming of each portion of a meeting held in open session (subject to limited exceptions for MSA and MDTA). However, the law establishes that, for these entities that are subject to enhanced requirements, a project site visit or educational field tour is not considered a “meeting” of the public body, for purposes of both the enhanced requirements and OMA in general, if no organizational business is conducted.

Observation of Election Canvass

“Canvass” means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results. For absentee ballots, the “canvass” includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying. For provisional ballots, the “canvass” includes the review of the provisional ballot applications and the assembly and review of provisional ballots in preparation for vote tallying.

A board of canvassers and the staff of a local board may be observed as they complete each part of the canvass by authorized observers (*e.g.*, those designated by candidates and political parties) and any other individuals who wish to be present. SBE is authorized to adopt regulations prohibiting public observation of a part of the canvass only if prohibiting public observation is necessary to ensure (1) the integrity or accuracy of the canvass or (2) that the canvass process is not impeded. SBE must ensure that these observation requirements are implemented uniformly and consistently by each local board.

Local Fiscal Effect: Local government expenditures increase in order for local boards of elections to meet the bill’s requirements. Costs likely vary relatively significantly by county. Of a small number of counties that responded to requests for information on costs to comply with the bill, the responses ranged from (1) an annual increase in expenditures of \$1,200 in Calvert County (which already provides live streaming of meetings, but not

canvassing), for storage of the video recordings, to (2) an increase in expenditures of \$152,000 in fiscal 2026 and \$110,000 in fiscal 2027 (and similar ongoing amounts in future years) in Howard County, for video recording equipment and storage, and an additional staff position to implement the live streaming and archiving requirements. Presumably some costs may also (or instead) be incurred by counties in fiscal 2025 in order to meet the bill's requirements by the bill's June 1, 2025 effective date.

Additional Information

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

Designated Cross File: SB 337 (Senator Kagan) - Education, Energy, and the Environment.

Information Source(s): Calvert, Carroll, Howard, and Prince George's counties; Maryland State Board of Elections; Department of Legislative Services

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