

HOUSE BILL 1077

G1

6lr0798

By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Board of Elections – Election Director – Appointment**
3 **Requirement**

4 **MC 26–16**

5 FOR the purpose of requiring the Montgomery County Board of Elections to require a
6 supermajority vote of the regular members of the Board to appoint an election
7 director; and generally relating to the appointment of the election director by the
8 Montgomery County Board of Elections.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 2–202
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2015 Supplement)

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

16 **Article – Election Law**

17 2–202.

18 (a) Except for the City of Baltimore, the provisions of this section do not apply to
19 a municipal corporation in the State in which the municipal or charter elections are
20 regulated by the public local laws of the State or the charter of the municipal corporation.

21 (b) Each local board, in accordance with the provisions of this article and
22 regulations adopted by the State Board, shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) oversee the conduct of all elections held in its county and ensure that
2 the elections process is conducted in an open, convenient, and impartial manner;

3 (2) pursuant to the State Personnel and Pensions Article, or its county
4 merit system, whichever is applicable, appoint an election director to manage the
5 operations and supervise the staff of the local board;

6 (3) maintain an office and be open for business as provided in this article,
7 and provide the supplies and equipment necessary for the proper and efficient conduct of
8 voter registration and election, including:

9 (i) supplies and equipment required by the State Board; and

10 (ii) office and polling place equipment expenses;

11 (4) adopt any regulation it considers necessary to perform its duties under
12 this article, which regulation shall become effective when it is filed with and approved by
13 the State Board;

14 (5) serve as the local board of canvassers and certify the results of each
15 election conducted by the local board;

16 (6) establish and alter the boundaries and number of precincts in
17 accordance with § 2–303 of this title, and provide a suitable polling place for each precinct,
18 and assign voters to precincts;

19 (7) provide to the general public timely information and notice, by
20 publication or mail, concerning voter registration and elections;

21 (8) make determinations and hear and decide challenges and appeals as
22 provided by law;

23 (9) (i) aid in the prosecution of an offense under this article; and

24 (ii) when the board finds there is probable cause to believe an offense
25 has been committed, refer the matter to the appropriate prosecutorial authority;

26 (10) maintain and dispose of its records in accordance with the plan adopted
27 by the State Board under § 2–106 of this title; and

28 (11) administer voter registration and absentee voting for nursing homes
29 and assisted living facilities in accordance with procedures established by the State
30 Administrator, subject to the approval of the State Board.

31 (c) In Garrett County, following each decennial census of the United States, the
32 local board shall:

1 (1) evaluate the population of the county commissioner districts to
2 determine whether the districts are of substantially equal population; and

3 (2) recommend to the Garrett County Delegation to the General Assembly
4 any adjustments of the boundaries of those districts that are necessary to maintain districts
5 of substantially equal population.

6 **(D) IN MONTGOMERY COUNTY, THE LOCAL BOARD SHALL REQUIRE AN**
7 **AFFIRMATIVE VOTE OF NOT FEWER THAN FOUR DULY CONFIRMED REGULAR**
8 **MEMBERS OF THE LOCAL BOARD TO APPOINT AN ELECTION DIRECTOR.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2016.