

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 353
Ways and Means

(Delegates Rosenberg and Luedtke)

Education, Health, and Environmental Affairs

Election Law - Change in Administrative Policy Affecting Voting Rights - Notice

This bill prohibits the State Board of Elections (SBE) or a local board of elections from considering a change in an administrative policy affecting voting rights at a meeting unless notice is provided on the applicable board’s website, at least 48 hours in advance, that such a policy will be considered at the meeting. If SBE or a local board adopts a change, SBE and, if applicable, the local board, must provide specified reasonable public notice online, describing the change, within 48 hours of its adoption. An “administrative policy affecting voting rights” is defined as any action relating to voter registration, provisional voting, absentee voting, or the location of a polling place or early voting center.

The bill takes effect July 1, 2017.

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

Current Law:

State Board of Elections and Local Board of Elections Authority

SBE and local boards of elections are given various powers and duties under State law. SBE’s powers and duties include (1) supervising the conduct of elections in the State; (2) directing, supporting, monitoring, and evaluating the activities of each local board; and

(3) adopting regulations to implement its powers and duties. A local board's authority includes (1) overseeing the conduct of elections in its county and ensuring that the election process is conducted in an open, convenient, and impartial manner; (2) adopting any regulation necessary to perform its duties, provided the regulation is filed with and approved by SBE; and (3) establishing and altering boundaries and number of precincts, providing suitable polling places for the precincts, and assigning voters to precincts.

State Board of Elections Adoption of Regulations

SBE is subject to requirements of the Administrative Procedure Act (APA) applicable to adoption of regulations, including requirements to publish proposed regulations in the Maryland Register and on its website, permit public comment, and publish notice of adoption in the Maryland Register. "Regulation" is defined under the APA as a statement or an amendment or repeal of a statement that (1) has general application; (2) has future effect; (3) is adopted by the unit to detail or carry out a law that the unit administers, govern organization of the unit, govern the procedure of the unit, or govern practice before the unit; and (4) is in any form, including a guideline, rule, standard, statement of interpretation, or statement of policy.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Baltimore, Dorchester, Garrett, and Montgomery counties; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2017
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