

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 58 (Senators Kagan and Rosapepe)
Education, Health, and Environmental Affairs

Election Law - Election Observers

This bill allows for election observers, designated by the State and local boards of elections, or academic institutions, to have access to voter registration information and the voting room in a polling place or early voting center. The bill establishes related rights, protections, and restrictions applicable to election observers.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The State Board of Elections (SBE), a local board of elections, and an academic institution engaged in research on elections and the election process each have the right to designate a registered voter as an election observer at each place of registration and election. A local board of elections is limited to designating election observers for polling places or early voting centers within the board's county.

To be designated as an election observer, an individual must be (1) engaged in research on elections and the election process or (2) an international election observer. An election observer generally has the same rights, and is subject to the same restrictions, that are applicable under current law to challengers and watchers. Election observers' rights include having access to the voting room at a polling place or early voting center (from

half an hour prior to the opening until the election judges leave following the completion of closing) and the ability to maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, at the polling place or early voting center. Election observers are prohibited from attempting to ascertain how a voter voted or intends to vote, converse in the polling place or early voting center with any voter, assist any voter in voting, or physically handle an original election document. Election officials must provide a copy of a list of registered voters to an election observer who submits a written application and a statement signed under oath that the list is not intended to be used for purposes unrelated to the electoral process.

A certificate signed by SBE, a local board, or an academic institution is sufficient evidence of the right of an election observer to be present in the voting room. An election judge and a police officer on duty at a polling place must protect election observers in the exercise of their rights or discharge of their duties.

SBE may adopt implementing regulations, including regulations that establish a process for verifying that an individual seeking to be designated as an election observer meets the requirement of being (1) engaged in research on elections and the election process or (2) an international election observer.

Current Law: An election judge must allow the following individuals to have access to the voting room at a polling place or early voting center: (1) a voter; (2) an individual who accompanies a voter in need of assistance; (3) polling place staff; (4) a member or other representative of SBE or a local board; (5) an accredited watcher or challenger; (6) an individual under the age of 18 who accompanies a voter; and (7) any other individual authorized by SBE or a local board.

SBE, a local board, a candidate, a political party, and any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot each have the right to designate a registered voter as a challenger or a watcher at each place of registration and election. A challenger or watcher has access to the voting room in a polling place or early voting center and certain other rights and is also subject to restrictions on his or her conduct in the polling place or early voting center. A challenger or watcher is positioned near the election judges inside the voting room so that the challenger or watcher can see and hear each person as the person offers to vote.

A copy of a list of registered voters must be provided to a Maryland registered voter upon receipt of a written application and a statement signed under oath that the list is not intended to be used for purposes unrelated to the electoral process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; University System of Maryland; St. Mary's College; Independent College and University Association; Baltimore City; Calvert, Caroline, Howard, Montgomery, and Prince George's counties; Department of Legislative Services

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fn/hlb

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