

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader - Revised

House Bill 629
Ways and Means

(Delegate Palakovich Carr)

Election Law - Polling Places and Early Voting Centers - Electronic Devices

This bill allows a voter to (1) use an electronic device in a polling place or early voting center, subject to certain prohibitions; (2) use an electronic device to photograph or record video of the voter or the voter's ballot at a voting booth; and (3) publish or share the photograph or video recording. The bill establishes prohibitions against specified uses of an electronic device at a polling place or early voting center, including communicating through audio or video calls, with violations subject to criminal penalties. Exceptions apply to the prohibitions, for specified individuals' use of an electronic device in performance of official duties. **The bill takes effect January 1, 2023.**

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

Bill Summary: The bill establishes that, subject to certain prohibitions (described below), an individual who is authorized in statute to access the voting room at a polling place may use an electronic device at a polling place or an early voting center. A voter may use an electronic device to voluntarily photograph or record video of the voter or the voter's ballot at a voting booth and may publish or share the photograph or video recording.

“Electronic device” means any device that uses electronic signals to create, transmit, and receive information, and includes computers, cellular telephones, cameras, personal digital assistants, and other similar devices.

The bill prohibits an individual from using an electronic device at a polling place or an early voting center (1) to communicate through audio or video calls; (2) to photograph or record video of a voter or a voter’s ballot without the consent of the voter; (3) except as authorized above, to photograph or record video of election materials and equipment, including ballots, voter registration applications, the election register, ballot scanners, and other similar materials and equipment; or (4) if the use hinders or impedes the conduct of official electoral activities in a specified manner. A person who violates these prohibitions is guilty of a misdemeanor and subject to (1) a fine of at least \$10 but not more than \$250 and/or imprisonment for at least 30 days but not more than six months and (2) disqualification, permanently, from serving as an election judge, board member, or employee of a board.

The above prohibitions do not apply to the following individuals who use an electronic device at a polling place or an early voting center in performance of official duties: (1) election judges or other election officials; and (2) law enforcement officers, fire or rescue personnel, medical technicians, or other emergency services personnel.

The State Board of Elections (SBE) must adopt regulations consistent with the bill.

Current Law: SBE regulations prohibit the use of electronic communication devices in a polling place or early voting center, including cameras, cellular telephones, pagers, or computer equipment. The prohibition does not apply to (1) cameras used by media representatives or (2) cellular telephones, pagers, or computer equipment used by election officials or law enforcement officers, when acting in their official capacities.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Judiciary (Administrative Office of the Courts); Carroll and Montgomery counties; Department of Legislative Services

Fiscal Note History:
rh/hlb

First Reader - February 13, 2022

Revised - Clarification - February 23, 2022

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