

# HOUSE BILL 71

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CF SB 184

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By: ~~Delegates Korman and Buckel~~, Buckel, Bagnall, Barron, Bhandari, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kelly, Kerr, Kipke, Krebs, R. Lewis, Metzgar, Morgan, Pena-Melnyk, Pendergrass, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young

Introduced and read first time: January 17, 2019

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Elections – Open Meetings – Video Streaming and Recording**  
3 **(State Board of Elections Transparency Act)**

4 FOR the purpose of requiring the State Board of Elections, in consultation with the  
5 Department of Information Technology, to make publicly available on the Internet  
6 each meeting agenda, made available a certain amount of time in advance of each  
7 meeting, live video streaming, and complete, unedited archived video recordings of  
8 open meetings; requiring the State Board to make the archived video recordings  
9 available for a certain minimum period of time; requiring the State Board to prepare  
10 certain minutes as soon as practicable after certain meetings; requiring the  
11 Department to provide certain staff, support, and equipment to the State Board; and  
12 generally relating to open meetings of the State Board of Elections.

13 BY repealing and reenacting, with amendments,  
14 Article – Election Law  
15 Section 2–102  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume and 2018 Supplement)

18 Preamble

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 WHEREAS, The General Assembly has determined that it is essential to the  
2 maintenance of a democratic society that public business be performed in an open and  
3 accessible manner; and

4 WHEREAS, The Internet and other technological developments have increased the  
5 ways governmental bodies can provide public access to their open meetings, including live  
6 streaming or recording the meetings; and

7 WHEREAS, The Board of Public Works uses a multicamera unit, a computer, and a  
8 subscription to a live video platform service to broadcast and record its meetings; and

9 WHEREAS, The State Board of Elections would improve public access to its  
10 meetings by using a broadcast system similar to the system used by the Board of Public  
11 Works; now, therefore,

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

14 **Article – Election Law**

15 2–102.

16 (a) The State Board shall manage and supervise elections in the State and ensure  
17 compliance with the requirements of this article and any applicable federal law by all  
18 persons involved in the elections process.

19 (b) In exercising its authority under this article and in order to ensure compliance  
20 with this article and with any requirements of federal law, the State Board shall:

21 (1) supervise the conduct of elections in the State;

22 (2) direct, support, monitor, and evaluate the activities of each local board;

23 (3) have a staff sufficient to perform its functions;

24 (4) adopt regulations to implement its powers and duties;

25 (5) receive, or in its discretion audit, campaign finance reports, account  
26 books and records kept under § 13–221 of this article, independent expenditure reports filed  
27 and records kept under § 13–306 of this article, electioneering communication reports filed  
28 and records kept under § 13–307 of this article, and statements filed and records kept under  
29 § 14–105 of this article;

30 (6) appoint a State Administrator in accordance with § 2–103 of this  
31 subtitle;

1 (7) maximize the use of technology in election administration, including  
2 the development of a plan for a comprehensive computerized elections management system;

3 (8) canvass and certify the results of elections as prescribed by law;

4 (9) make available to the general public, in a timely and efficient manner,  
5 information on the electoral process, including a publication that includes the text of this  
6 article, relevant portions of the Maryland Constitution, and information gathered and  
7 maintained regarding elections;

8 (10) subject to § 2–106 of this subtitle and § 13–341 of this article, receive,  
9 maintain, and serve as a depository for elections documents, materials, records, statistics,  
10 reports, certificates, proclamations, and other information prescribed by law or regulation;

11 (11) prescribe all forms required under this article; and

12 (12) serve as the official designated office in accordance with the Uniformed  
13 and Overseas Citizens Absentee Voting Act for providing information regarding voter  
14 registration and absentee ballot procedures for absent uniformed services voters and  
15 overseas voters with respect to elections for federal office.

16 (c) The powers and duties assigned to the State Board under this article shall be  
17 exercised in accordance with an affirmative vote by a supermajority of the members of the  
18 State Board.

19 **(D) (1) THE STATE BOARD SHALL PREPARE WRITTEN MINUTES OF EACH**  
20 **MEETING OF THE STATE BOARD AS SOON AS PRACTICABLE AFTER THE MEETING.**

21 **(2) THE STATE BOARD, IN CONSULTATION WITH THE DEPARTMENT**  
22 **OF INFORMATION TECHNOLOGY, SHALL MAKE PUBLICLY AVAILABLE ON THE**  
23 **INTERNET:**

24 **(I) EACH MEETING AGENDA, MADE AVAILABLE AT LEAST 24**  
25 **HOURS IN ADVANCE OF EACH MEETING;**

26 ~~**(1)**~~ **(II) LIVE VIDEO STREAMING OF EACH OPEN MEETING OF THE**  
27 **STATE BOARD; AND**

28 ~~**(2)**~~ **(III) A COMPLETE, UNEDITED ARCHIVED VIDEO RECORDING OF**  
29 **EACH OPEN MEETING FOR A MINIMUM OF 4 YEARS AFTER THE DATE OF THE**  
30 **MEETING.**

31 **(3) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL**  
32 **PROVIDE TO THE STATE BOARD THE TECHNICAL STAFF, SUPPORT, AND EQUIPMENT**  
33 **NECESSARY TO STREAM LIVE VIDEO OF THE OPEN MEETINGS OF THE STATE BOARD.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.