

# HOUSE BILL 169

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CF SB 91

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By: ~~Delegates Korman and Buckel~~, Buckel, Pendergrass, Bromwell, Angel, Barron, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, Metzgar, Miele, Morales, Morgan, Pena-Melnyk, Platt, Rosenberg, Saab, Szeliga, West, and K. Young

Introduced and read first time: January 19, 2017

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

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

1 AN ACT concerning

2 **State Board of Elections – Open Meetings – ~~Video Streaming and Recording~~**  
3 **Audio Recordings and Documents**  
4 **(State Board of Elections Transparency Act)**

5 FOR the purpose of requiring the State Board of Elections to create an audio recording of  
6 each of its open meetings and, within a certain amount of time after an open meeting,  
7 make available to the public on the Internet live video streaming and complete,  
8 unedited archived video recordings of open meetings; requiring the State Board to  
9 make the archived video recordings available for a certain minimum period of time  
10 State Board's Web site the audio recording and certain documents and handouts;  
11 requiring the State Board to take any action necessary to ensure an audio recording  
12 of an open meeting is understandable by the public; and generally relating to open  
13 meetings of the State Board of Elections.

14 BY repealing and reenacting, with amendments,  
15 Article – Election Law  
16 Section 2–102  
17 Annotated Code of Maryland  
18 (2010 Replacement Volume and 2016 Supplement)

19 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.



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

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

~~WHEREAS, The Board of Public Works uses a multi-camera unit, a computer, and a subscription to a live video platform service to broadcast and record its meetings; and~~

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

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

#### Article – Election Law

2–102.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(D) THE STATE BOARD SHALL ~~MAKE AVAILABLE TO THE PUBLIC ON THE INTERNET:~~**

**(1) ~~LIVE VIDEO STREAMING~~ CREATE AN AUDIO RECORDING OF EACH OPEN MEETING OF THE STATE BOARD; AND**

**(2) WITHIN 1 BUSINESS DAY AFTER AN OPEN MEETING, MAKE AVAILABLE TO THE PUBLIC ON THE STATE BOARD'S WEB SITE:**

**(I) THE AUDIO RECORDING OF THE MEETING; AND**

**(II) EACH DOCUMENT AND HANDOUT USED OR SUBMITTED AT THE MEETING, INCLUDING ANY MATERIAL SUBMITTED BY THE PUBLIC; AND**

**(3) TAKE ANY ACTION NECESSARY TO ENSURE THAT AN AUDIO RECORDING OF AN OPEN MEETING IS UNDERSTANDABLE BY THE PUBLIC.**

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

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.