

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

TABLE OF CONTENTS

ARTICLE 1 – ADOPTION OF BYLAWS GENERALLY2
 Section 1.1 – Definitions2
 Section 1.2 – Purpose2
 Section 1.3 – Adoption and Amendment of Bylaws.....2
ARTICLE 2 – ORGANIZATION OF THE BOARD2
 Section 2.1 – New Members2
 Section 2.2 – Officers2
 Section 2.3 – Board of Canvassers3
ARTICLE 3 – MEETINGS3
 Section 3.1 – Time and Location.....3
 Section 3.2 – Rules of Order4
 Section 3.3 – Meeting Agenda and Minutes5
ARTICLE 4 – RULES OF CONDUCT6
 Section 4.1 - Attendance6
 Section 4.2 – Political Activity6
 Section 4.3 – Ethics7
 Section 4.4 – Resignation and Vacancies7
 Section 4.5 – Level of Effort.....7
 Section 4.6 – Fiduciary Duty to the Board.....8
 Section 4.7 – Non-Disclosure/Confidentiality8
ARTICLE 5 – ROLES AND RESPONSIBILITIES.....8
 Section 5.1 – The Board8
 Section 5.2 – The Election Director and Staff.....8
 Section 5.3 – Counsel to the Board8
 Section 5.4 – Personnel Management8
ARTICLE 6 – MISCELLANEOUS9
 Section 6.1 – Membership in MAEO9
 Section 6.2 – Training and Continuing Education.....9
 Section 6.3 – Public Information Act9
 Section 6.4 – Litigation9
 Section 6.5 – Reimbursement for Travel and Expenses9
SIGNATURES10
APPENDIX 111

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

ARTICLE 1 – ADOPTION OF BYLAWS GENERALLY

Section 1.1 – Definitions

- A. “Absence” means a duly appointed member is not present at or able to take part in a meeting.
- B. “Board” means the local board of elections for the Charles County Board of Elections.
- C. “Member” means a regular member of the board.
- D. “Board term” means the four-year term beginning the first Monday in June in the year immediately following a gubernatorial election.
- E. “Vacancy” means the position of a duly appointed member who was removed, died, or resigned from the Board.

Section 1.2 – Purpose

These bylaws, adopted by the members of the Charles County Board of Elections, provide the rules of governance for the Board during the conduct of all duties assigned under State and federal laws, regulations, and guidelines and policies of the State Board of Elections (SBE). Further, these bylaws set a standard of personal conduct for members of the Board requiring them to conduct themselves in accordance with high ethical standards to assure the public that members act independently of partisan pressures and conflicting interests and make decisions that are not influenced by personal views regarding any political party.

Section 1.3 – Adoption and Amendment of Bylaws

- A. Initial Bylaws Approval. Bylaws shall be reviewed and approved by a majority vote of the full Board at the first meeting of each new Board term or as soon as practical thereafter.
- B. Effective. These bylaws are effective and binding on all members as evidenced by each member’s signature on this document.
- C. New Member. When a new member is appointed to fill a vacancy during a Board term, the new member must sign the bylaws.
- D. Amendments. To amend the bylaws:
 - 1. Each proposed amendment must be presented to the Board at a regularly scheduled meeting of the Board for the Board’s review, discussion, and any revisions.
 - 2. At the next regularly scheduled meeting of the Board, a motion to adopt the amendment, including any revisions made when the proposed amendment was initially presented, must be adopted by at least three members of the Board.
- E. Forward to SBE. A copy of the approved bylaws and any amendments shall be sent to SBE for review and approval.
- F. Effective date. Any amendment to the bylaws shall take effect on the date at which SBE approves the amended bylaws.

ARTICLE 2 – ORGANIZATION OF THE BOARD

Section 2.1 – New Members

New members must be sworn in by the Clerk of the Circuit Court for Charles County or the Clerk’s duly appointed designee within 30 days of receiving the commission of appointment from the Governor.

Section 2.2 – Officers

- A. Election of Officers. The Board shall elect, by a majority vote that includes at least one member of each party, a member to serve as President, a member to serve as Vice President, and a member to serve as Secretary.

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

- B. Timing of Election. The election of officers shall occur within:
 - 1. The first 20 days of a new Board term; or
 - 2. The first 30 days after the date on which an officer dies, resigns, is removed, or become ineligible, or at the next regularly scheduled Board meeting, whichever is sooner.
- C. Duties – President. The duties of the President include:
 - 1. Presiding at meetings and setting agendas with the assistance of the Election Director;
 - 2. Along with the Election Director, serving as the Board’s spokesperson for media inquiries or appointing an appropriate designee to serve as the contact for media inquiries; and
 - 3. Acting as the Board’s primary point of contact for the Election Director.
 - 4. Ensuring that all public business is conducted in compliance with the Open Meetings Act.
- D. Duties – Vice President. The Vice President shall:
 - 1. Be of a different party as the president; and
 - 2. Perform the duties of the President if the President is unable to carry out the assigned duties until a new President can be elected or the President is able to resume full duties.
- E. Duties – Secretary. The Secretary shall ensure that minutes are accurately compiled and transmitted to SBE.

Section 2.3 – Board of Canvassers

- A. Membership. As required by § 11-301(a) of the Election Law Article, the members shall serve as the Board of Canvassers following each election.
- B. Applicability. These bylaws remain in effect while the members are serving as the Board of Canvassers.
- C. Officers. The Board shall elect, by a majority vote of the members, a Chairman and a Secretary of the Board of Canvassers.
- D. Oath. The members shall take an oath, administered and recorded by the Clerk of the Circuit Court for Charles County or the Clerk’s duly appointed designee, to canvass and declare the votes cast truthfully and to perform other duties required by law. The Clerk of the Circuit Court or his or her designee shall administer the oath:
 - 1. Before the first mail-in canvass if the Board of Canvassers will convene before early voting to canvass mail-in ballots;
 - 2. Before the start of early voting if there is early voting; or
 - 3. By 5 pm on election day if there is no early voting.
- E. Requirements. In order to take action as a Board of Canvassers, there shall be:
 - 1. A quorum, as defined in § 3.2A below; and
 - 2. A member of the minority party present.
- F. Rules. The Board shall follow at all canvassing sessions the rules of order established under § 3.2 below and rules for minutes established under § 3.3 below.
- G. Governing Authority. The Board shall conduct the canvass pursuant to State law, regulations, and instructions issued by SBE.

ARTICLE 3 – MEETINGS

Section 3.1 – Time and Location

- A. Regular Meetings. Unless circumstances dictate otherwise, the Board shall meet every month at 9 AM on the 3rd Thursday of the month.
- B. Location. Unless circumstances dictate otherwise, meetings will be held in the election office.

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

- C. Notice. Except as provided in E below, public notice of regular meetings shall be given at one week prior to the meeting.¹
- D. Cancellation of Regular Meeting. The President may cancel a regular meeting of the Board if he or she determines that there is no new business that needs to be shared with or acted upon by the Board.
 - 1. Notice of cancellation for lack of new business or the inability of a quorum of members to attend shall be given at least one week prior to the meeting if those circumstances are known at that time.
 - 2. Notice of cancellation for lack of a quorum or circumstances arising during the week before the meeting shall be given as soon as practicable after the reason is known.
- E. Special Meetings. The President may call a special meeting. Except for meetings convened to address issues that arise during an election, including early voting, election day, and canvassing, the Board shall not take any votes at a special meeting unless three days prior notice has been given to all members, staff and the public.

Section 3.2 – Rules of Order

A. Quorum

- 1. Quorum for meetings when the Board is not constituted as the Board of Canvassers.
 - a. There shall be a quorum to hold a meeting.
 - b. A quorum of the Board shall consist of a majority of the membership and at least one member of each political party.
 - c. If there is a vacancy, a quorum shall consist of a majority of members currently serving on the Board.
 - d. There shall be no effect on the quorum when a member abstains or declines to vote or if a member is disqualified from participating under § 4.3 below.
- 2. Quorum for meetings when the Board is constituted as the Board of Canvassers.
 - a. There shall be a quorum to hold a meeting.
 - b. A quorum of the Board of Canvassers shall consist of a majority of the membership and at least one member of each political party.
 - c. If there is a vacancy, a quorum shall consist of a majority of members currently serving on the Board.
 - d. There shall be no effect on the quorum when a member abstains or declines to vote or if a member is disqualified from participating under § 4.3 below.

B. Participation in Meetings

- 1. Any member may make and second motions.
- 2. Any regular member can vote on motions.
- 3. Public participation at a meeting shall be pre-scheduled and pre-approved by the President. The President, at his or her discretion, may allow public participation even if the request was not pre-scheduled and pre-approved.
- 4. Participation at meetings should be in person, not via phone or video conferencing. Any request by a member to attend a meeting via phone or video conferencing must be made to the President.

C. Open Meetings Act Compliance

- 1. The Board shall follow the requirements of the Open Meetings Act as specified under Title 3 of the General Provisions Article.²
- 2. For the purposes of the Open Meetings Act:

¹ Section 2-303(h) of the Election Law Article (Amended by Chapter 221 (2023) (introduced as House Bill 410)) establishes additional notice requirements for meetings at which proposed polling place changes may be made.

² For information and guidance on the Open Meetings Act, see the Compliance Checklist and other resources on the open meetings page of the Attorney General's website. See www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx.

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

- a. There is a quorum when a majority of the members meet in person, by phone, or other means (including email) and discuss a matter that is not an administrative function.
 - b. Three members constitute a quorum, regardless of their respective political affiliations.
3. At least one member (preferably two members) shall be trained in the Open Meetings Act³.
 - a. A member who is trained on the Open Meetings Act shall provide the Election Director with a certificate of completion.
 4. A Board cannot meet in closed session if none of the members has been trained on the Open Meetings Act.
 5. In the absence of the trained member, a Board may not meet in closed session until the presiding officer has completed the Compliance Checklist (see footnote 1).
 6. A quorum may not consider public business without giving reasonable advance notice to the public of an open meeting.

Section 3.3 – Meeting Agenda and Minutes

- A. Agenda. Each regular Board meeting shall include, at a minimum, the following agenda items:
 1. Declaration of Quorum Present
 2. Approval of Prior Meeting Minutes
 3. Additions to the Agenda
 4. Election Director's Report
 5. Board Attorney's Report
 6. Old Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
 7. New Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
 8. Confirmation of Next Meeting
 9. Closed Session (if needed)
 10. Adjournment
- B. Additional Topics.
 1. The President, at his or her discretion, may add before the meeting additional topics.
 2. If the new topic is identified at least one day before the meeting, the agenda should be updated to reflect the new topic and re-posted.
- C. Duties of Election Director. The Election Director or the Director's designee shall:
 1. Before each meeting (and, where policies affect voting rights will be considered, at least 48 hours before the meeting), make the agenda available to the public;
 2. At each meeting, provide a verbal report of the office's activities since the last meeting, including information on personnel changes, meetings attended, significant correspondence received, voter registration activities, voting system activities, candidate filings, precinct and polling place issues, and other projects or initiatives undertaken by the office;
 3. At each meeting, provide a verbal summary of the office's activities since the last meeting;
 4. Except as provided in § D(2) below, prepare minutes for both open and closed meetings; and
 5. Transmit to SBE approved meeting minutes within five days of approval.
- D. Minutes.
 1. Minutes shall be prepared in accordance with SBE's *Guidelines for Conducting Meetings and Writing Minutes*⁴.
 2. If the Election Director or staff does not attend a closed meeting, the Board attorney or one of the members shall prepare the minutes from the closed meeting.

³ This training is available at https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php.

⁴ This document is available on SBE's Online Library under "LBE Resources" and "Reference Materials."

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

3. Full minutes of open meetings and summaries of closed meetings shall be approved via email and ratified at the next Board meeting.
4. Full minutes of closed meetings shall be presented for approval at the next closed meeting held by the board.
5. After approval, minutes of a closed meeting shall be stored in a sealed envelope in a secure location that only the Election Director can access.

ARTICLE 4 – RULES OF CONDUCT

Section 4.1 - Attendance

- A. Minimum Attendance. As provided under § 8-501 of the State Government Article, a member who fails to attend at least 50% of the meetings during any consecutive 12-month period shall be considered to have resigned.
- B. Attendance Report. Within 30 days of the conclusion of the 12-month period during which a member failed to attend at least 50% of the meetings, the President or, if the President failed to attend meetings, the other members shall forward to the Governor and the State Administrator:
 1. The name of the member considered to have resigned; and
 2. A statement describing the member's history of attendance during the period.

Section 4.2 – Political Activity

- A. Statutory Requirements. Each member shall abide by the restrictions to political activities provided under § 2-301 of the Election Law Article. See Appendix 1.
- B. Additional Requirements.
 1. A member shall place his or her public duties ahead of partisan, political considerations.
 2. A member shall not take an active part in the campaign management of a candidate or any matter that is subject to an election under the Election Law Article.
 3. A member may attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board⁵ and does not publicly indicate that he or she is a member of the Board.
 4. A member may make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
 5. A member may publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
 6. A member may wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
 - a. The member discloses this fact to the Board; and
 - b. Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.
 7. Party Activity
 - a. A member may attend central committee meetings and consult with party members.
 - b. A member shall not serve on an executive committee of the party or assume a role within the party that has decision-making authority.
 8. Petitions
 - a. A member may sign a petition.

⁵ The notice will provide the other members with information to determine whether a conflict exists that will require recusal.

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

- b. A member shall not circulate petitions.

Section 4.3 – Ethics

- A. Compliance. Each member shall comply with the State’s ethics laws,⁶ including:
 1. Timely, electronic filing of the Financial Disclosure Statement⁷ required under Title 5, Subtitle 6 of the General Provisions Article; and
 2. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria⁸ as required under § 5-505 of the General Provisions Article.
- B. Conflict of Interest.
 1. A member shall recuse himself or herself and shall not participate in a matter if the member:
 - a. Has a relative with an interest in the matter and the member knows of the interest;
 - b. Is part of a business entity which has an interest in the matter;
 - c. Is negotiating employment or has arranged prospective employment with a business entity which has an interest in the matter;
 - d. Has a direct financial interest in the matter;
 - e. Has provided support through a contribution, volunteering, or a candidate or petition that is the subject of the matter; or
 - f. Otherwise believes that participation would create a conflict of interest
 2. A member may seek the advice of the Board’s counsel as to the presence of a conflict of interest or other good cause for disqualification.
 3. If a member does not voluntarily recuse himself or herself, the other members may disqualify that member upon a unanimous determination that the member has a conflict of interest that should disqualify that member from acting on a particular matter. This disqualification and the reason for it shall be included in the meeting minutes.
 4. If a member recuses himself or is disqualified from participating in a matter before the Board, the recusal or disqualification and the reason(s) for it shall be included in the meeting minutes.

Section 4.4 – Resignation and Vacancies

- A. Resignation. A member who chooses to resign shall:
 1. Write a letter to the Governor informing the Governor of the member’s decision to resign;
 2. Inform the county central committee of the party with which he or she is affiliated of the resignation; and
 3. Inform the Election Director, the President, and the State Administrator of the resignation.
- B. Filling Vacancy. If a member dies, resigns, is removed, or becomes ineligible, the Governor shall appoint an eligible person from the same political party as that member in accordance with § 2-201(h) of the Election Law Article.

Section 4.5 – Level of Effort

Each member shall expend the time and effort necessary to attend meetings and election activities to ensure that they fully understand their duties as members, and their role as members of the Board of Canvassers. Members shall familiarize themselves with important concepts in the administration of Maryland elections, such as the process to register to vote, the purpose of provisional voting, general information about the voting process, the absentee ballot process, and important election deadlines.

⁶ See the *Maryland Public Ethics Law Summary* provided by the State Ethics Commission to assist election officials and employees in meeting their obligations to voters, candidates, and political parties. This document is available on SBE’s Online Library under “LBE Resources” and “Reference Materials.”

⁷ Chapter 31 of the 2017 Laws of Maryland (House Bill 879) requires electronic filing by members of the local boards of elections. Electronic filing is available at <https://efds.ethics.maryland.gov/>. Paper filing is no longer accepted.

⁸ See *Ethics and Standards for Election Officials and Employees* for detailed standards of conduct. This document is available on SBE’s Online Library under “LBE Resources” and “Reference Materials.”

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

Section 4.6 – Fiduciary Duty to the Board

- A. Each member has a fiduciary duty of care and loyalty to the Board.
- B. Each member shall put the interests of the Board ahead of partisan interests, personal interests, or loyalties to other organizations in an effort to ensure the successful execution of the duties of the Board.

Section 4.7 – Non-Disclosure/Confidentiality

- A. A member shall not share confidential or sensitive information with outside entities and individuals who are not Board members or employees of the Charles County Board of Elections.
- B. A member who conducts Board business with a personal email account shall cooperate with Board staff in connection with any response to a request pursuant to the Public Information Act.

ARTICLE 5 – ROLES AND RESPONSIBILITIES

Section 5.1 – The Board

The Board shall:

- A. Carry out all duties assigned to it under the Election Law Article and the regulations, policies, and procedures established by SBE⁹;
- B. Not be involved in day-to-day activities of the election office; and
- C. Account to the public for the services of the agency and expenditures of its funds.

Section 5.2 – The Election Director and Staff

- A. The Election Director shall carry out all duties assigned to him or her under the Election Law Article, regulations, policies and procedures established by SBE, and duties assigned or delegated by the Board.
- B. The Election Director is responsible for duties listed in the *Assignment of Local Board of Elections' Duties to Members of the Local Board, Election Director, and Staff*.

Section 5.3 – Counsel to the Board

- A. Appointment. As required under § 2-205 of the Election Law Article, the Board shall retain as counsel an individual who is a registered voter of the county and admitted to practice law in Maryland.
- B. Duties. In addition to the retainer contract, the individual appointed as counsel or in the counsel's absence, substitute counsel, shall:
 1. Attend Board meetings and attend all canvass sessions;
 2. Attend the biennial conference hosted by SBE and the annual MAEO conference;
 3. Participate in pre-election conference calls hosted by SBE;
 4. Review major policy guidelines and instructions from SBE;
 5. Generally be available to provide advice when needed;
 6. Take the oath to serve as counsel to the Board of Canvassers; and
 7. Be present for any decision by the Board of Canvassers on the legality or acceptability of any provisional ballot application or of any vote on any ballot.

Section 5.4 – Personnel Management

- A. Duties – Board. As required under § 2-202(b)(2) of the Election Law Article, the Board shall:
 1. Hire and supervise the Election Director;
 2. Perform a semi-annual performance evaluation of the Election Director; and
 3. Comply with the State Personnel and Pensions Article and any applicable regulations or the county merit system requirements in all matters concerning appointment, leave, discipline, or termination.

⁹ These duties are shown in the *Assignment of Local Board of Elections' Duties to Members of the Local Board, the Election Director and Staff*.

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

- B. Duties – President. The President, in consultation with the Board, shall act as the head of the principal unit for the purposes of appeals and grievances filed under the State Personnel and Pensions Article.
- C. Duties – Election Director. The Election Director shall:
 - 1. Hire, supervise, and discipline the staff;
 - 2. Perform or ensure the performance of semi-annual performance evaluations of staff;
 - 3. Comply with the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters concerning leave, discipline, or termination; and

ARTICLE 6 – MISCELLANEOUS

Section 6.1 – Membership in MAEO

Each member of the Board, the Election Director, the Deputy Director, and other staff shall be members of the Maryland Association of Election Officials (MAEO).

Section 6.2 – Training and Continuing Education

The Board shall encourage and support the efforts of the Election Director and staff to obtain training and continuing education courses to assist the director and staff in the performance of their jobs.

Section 6.3 – Public Information Act¹⁰

When a request submitted under the Public Information Act request is received, the Board shall ensure that:

- A. The State Administrator is notified of the request; and
- B. The request is completed in timely manner.

Section 6.4 – Litigation

If the Board is notified that it is party to a lawsuit, the Board shall direct the Election Director to immediately notify the State Administrator. A member cannot accept service of process on behalf of the Board.

Section 6.5 – Reimbursement for Travel and Expenses

- A. The budget for the Board shall include funds to reimburse members for expenses incurred while carrying out their duties as members.
- B. The President shall approve, prior to payment, reimbursement for any unbudgeted expense.

¹⁰ For information and guidance on the Public Information Act, see information posted on the Office of the Attorney General's website at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/pia.aspx>.

BYLAWS OF THE CHARLES COUNTY BOARD OF ELECTIONS

SIGNATURES

Norris Jones 6-14-23
Member Date

Tracy A. Dickerson 6-14-2023
Witness (Election Director) Date

Sharon R. Hancock 6-14-23
Member Date

Wygibson 6/14/23
Member Date

MBW 6/14/23
Member Date

Jacqueline Gray 6/14/2023
Member Date

APPENDIX 1

Election Law Article, Annotated Code of Maryland

§ 2-301.

- (a) This section applies to:
 - (1) a member of the State Board;
 - (2) a regular or substitute member of a local board;
 - (3) the State Administrator;
 - (4) an employee of the State Board or of a local board, including the election director of a board;
 - (5) counsel appointed under § 2-205 of this title; and
 - (6) an election judge.
- (b) (1) An individual subject to this section may not, while holding the position:
 - (i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;
 - (ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or
 - (iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:
 - 1. be a campaign manager;
 - 2. be a treasurer or subtreasurer for a campaign finance entity; or
 - 3. take any other active part in political management or a political campaign.
- (2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:
 - (i) while performing official duties on election day; and
 - (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

State of Maryland

Assignment of Local Board of Elections' Duties to Members of the Local Board, the Election Director and Staff

This table shows the duties of the local board of elections and shows which duties are the responsibility of the members of the local board of elections and which are either delegated to the Election Director or are administrative, ministerial functions performed by the Election Director or staff. These duties associated with the members of the local boards of elections generally require personal participation and final decision making of board members, although local board staff will likely assist in performing these duties. Any duties that are delegated to the Election Director or staff should be delegated in an open meeting and captured in the meeting's minutes.

Citation	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article			
EL §1-303.1(c) & (d)	<i>Baltimore City only:</i> Provide staff to collect election materials from ballot box at Baltimore City's centralized booking facility, distribute to materials to appropriate local boards, and on or before January 1 of each year, submit to specific legislative committees a report with data related to this box		✓
EL §2-104(b)(1)	Attend State Board's biennial meeting (held in odd-numbered years)	✓	✓
EL §2-202(b)(1)	Oversee the conduct of all elections	✓	✓
EL §2-202(b)(2)	Appoint an election director to manage office and staff		
EL §2-202(b)(3)	Maintain an office and be open for business as provided by §2-302(b) of the Election Law Article		✓
EL §2-202(b)(3)	Provide for supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including supplies and equipment required by the State Board and office and polling place equipment supplies		✓
EL §2-202(b)(4)	Subject to SBE's approval for conformity with State laws, regulations and procedures, adopt regulations	✓	
EL §2-202(b)(5) ¹	Perform the canvass of the election (serving as the local board of canvassers) and certify the results of each election conducted by the local board.	✓	
EL §2-202(b)(6)	Establish and alter boundaries and number of precincts in accordance with Election Law Article, §2-303	✓	
EL §2-202(b)(6); EL §10-101	Provide a suitable polling place for each precinct		✓
EL §2-202(b)(6)	Assign voters to precincts		✓
EL §2-202(b)(7) ²	Give voters information about the election process		✓
EL §2-202(b)(8)	Conduct hearings and render determinations as allowed by law		✓
EL §2-202(b)(9)	Refer appropriate matters for prosecution and assist with prosecution	✓	✓
EL §2-202(b)(10) EL §3-505(c)	Maintain and dispose of its records in accordance with the State Board's record retention plan		✓

¹ EL §11-301 - 11-303 and §11-401 also include duties related to canvassing and certification requirements.

² The following provisions of the Election Law Article include duties related to providing voters with information about the election process: EL §2-301(c)(1); EL §7-105; EL §8-102; EL §9-214; EL §10-301.1(f); and EL §10-306

Citation	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article EL §2-202(b)(11)	Administer voter registration and absentee voting for residents of nursing homes and assisted living facilities		✓
EL §2-202(c)(1)	<i>Garrett County only:</i> Evaluate the population of the county commissioner districts to determine whether the districts are of substantially equal population		✓
EL §2-202(c)(2)	<i>Garrett County only:</i> Recommend to the Garrett County Delegation to the General Assembly any adjustments of the boundaries of those districts that are necessary to maintain districts of substantially equal population.		✓
EL §2-202	Appoint or retain counsel (except for Baltimore City)	✓	
EL §2-206(1)	Appoint employees of the local board		✓
EL §2-106(2)	Train election judges		✓
EL §2-206(3)	Give notice of elections		✓
EL §2-206(4); EL §10-102(c)	If asked, provide elderly voters or voters with disabilities an alternate polling place		✓
EL §2-206(5); EL §3-301(c)	Mail voter notification cards		✓
EL §2-206(6) ³	Receive certificates of candidacy (includes withdrawal of candidacy filings) for local offices		✓
EL §2-206(7) ⁴	Verify petitions		✓
EL §2-206(8)	With the local board, conduct the canvass following an election		✓
EL §2-206(9) ⁵	Process and reject absentee ballot applications	✓	✓
EL §2-302(b)(2)	Be available as needed on election day and during the canvass	✓	✓
EL §2-303(a)(1)(i)	Create and alter boundaries for precincts in the county except during the period beginning 13 weeks before a primary election through the general election and in accordance with State Board regulations	✓	
EL §2-303(a)(1)(ii)	Designate the location for polling places in any election district, ward, or precinct in the county		✓
EL §2-303(a)(1)(iii)	Combine or abolish precincts	✓	
EL §2-303(a)(2)(i)	Establish a separate precinct on campus or within ½ mile of the campus to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located.	✓	✓
EL §2-303(d)	Provide State Administrator with description of new precinct boundaries		✓

³ EL §5-302(c) and EL §5-503(a) also include duties related to certificates of candidacy.

⁴ EL §6-205(a) and EL §6-206 - §6-208 also include duties related to receiving, processing and certifying petitions.

⁵ EL §9-302 and 9-306 also include duties related to processing absentee ballot applications.

Citation	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL §2-303(f)	Determine whether an emergency exists. If so, create a new precinct or change a precinct boundary or polling place and submit request to State Board	✓	
EL §2-303(h)	Maintain a list of individuals and organizations interested in being notified about polling place changes and give notice before a local board considers polling place changes		✓
EL §2-303.1	Submit to State Board a polling place plan and if the initial plan is rejected, submit a revised plan	✓	✓
EL §3-301(a)	Determine whether a voter registration applicant is qualified to be a registered voters and if qualified, enter into the statewide voter registration list		✓
EL §3-303(c); EL §3-502	Process timely name, address, and party affiliation changes		✓
EL §3-304(b)	Promptly process in the statewide voter registration system changes of name or address submit by registered voters		✓
EL §3-501; EL §3-502(e); EL §3-504(c)	After following required steps, remove from the statewide voter registration list voters for authorized reasons		✓
EL §3-502(b), (c)	Perform required steps and send confirmation notice when receive information about voter's registration in another county or state		✓
EL §3-502(d) EL §3-601.1	Make corrections to voter's record in statewide voter registration list		✓
EL §3-504(b)(4)	Make arrangements to receive change of address information from an entity approved by the State Board		✓
EL §5-705(b)(2)	Issue a certificate of nomination to each candidate who qualifies for the nomination		✓
EL §6-202(b)	Determine sufficiency of any summary of a local law or charter amendment that is contained in a petition and explain any determination of insufficiency		✓
EL §6-210(a), (b)	If emergency circumstances interfere with the electoral process and the Governor has not declared a state of emergency, petition a circuit court – after conferring with the State Board – to take action	✓	
EL §8-103(b)	Maintain a system to account for and maintain control over the ballots		✓
EL §9-216(a)	Provide requesting voters with a mail-in ballot ⁶		✓
EL §9-306	Maintain a full record of provisional voting		✓
EL §9-402	For each precinct, designate a polling place that meets certain requirements		✓
EL §10-101	Recruit, assign, train, and pay appointed election judges	✓	
EL §10-201 ⁷			✓

⁶ The State Board provides most voters requesting a mail-in ballot with their ballots. The local board staff provides mail-in ballots for in-person requests, ballots for residents of nursing homes and assisted living facilities, and ballots requested after a specific date before each election.

⁷ The following provisions of the Election Law Article include duties related to election judges: EL §10-205 – 206; EL §10-305; and EL §10-314(a).

Citation	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL §10-203	Appoint election judges based on election director's recommendation	✓	
EL §10-205	Pay election judges at least the minimum compensation for training and service		✓
EL §10-207	Upon receiving complaint about an election judge, promptly investigate and remove any election judge who is unfit or incompetent	✓	✓
EL §10-301.1	Identify and recommend to the local board members locations for that county's early voting centers		✓
EL §10-301.1	Approve early voting centers in that county	✓	
EL §10-302	Deliver supplies and equipment to each voting location		✓
EL §10-307(a)	Be available as needed on election day	✓	
EL §10-307(b)	Provide way for voting locations to communicate with LBE office		✓
EL §10-311(a)(1)(ii)	Designate voters registered in the county as challengers or watchers	✓	
EL §10-312(d)	Determine whether ballot from challenged voter should be accepted	✓	
EL §11-302(a)(1) & (b)	Convene to canvass mail-in ballots and canvass according to State law, regulations, and guidance	✓	✓
EL §11-302(b)(1)(ii)	Seek a waiver of the requirement to canvassing of mail-in ballots before election day	✓	
EL §11-302(a)(2) & (d)(3)	Review each mail-in ballot envelope for a signed oath and if there no signature, contact voter		✓
EL §11-302(a)(3)	Record the receipt of each mail-in ballot within specified timeframe		✓
EL §11-302(e)	At the end of each day of canvassing on or after election day, prepare and release a report of unofficial returns of the mail-in ballot tabulation	✓	✓
EL §11-303	Convene to canvass provisional ballots and canvass according to State law, regulations, and guidance	✓	
EL §11-309	Perform manual audit of voted ballots		✓
EL §11-402	Prepare a statement of election results and declare who is elected or nominated for local contests	✓	
EL §12-106(a)	Conduct recounts	✓	
SPP §7-502(a)	Perform written performance appraisal of Election Director using State PEP form every July and January	✓	
SPP Titles 9, 11, & 12	Follow requirements of the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters related to the Election Director's leave, discipline, or termination	✓	
SPP §1-101(k); SPP §11-109(c)	Act as (Board President), or consult with (the other Board members), the head of the principal unit for the purposes of appeals and grievances filed under the State Personnel and Pensions Article	✓	
SPP §7-502(a)	Perform written performance appraisal of staff members every July and January		✓
SPP Titles 9, 11, & 12	Follow requirements of the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters related to the staff members' leave, discipline, or termination		✓
GP §3-213	Designate at least one board member to be trained in the Open Meetings Act	✓	
	Follow county processes for developing and submitting budget, paying invoices, submitting reimbursements, etc.		✓
	Administer oath to new employees (within 45 days of employment) (see below for language)	✓	

Citation	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article			
	Prepare and present at local board meetings reports on achievement of goals, objectives, and projects		✓
	Monitor budget expenditures		✓
	Plan agenda for meetings of the local board of elections	✓	✓
	Take minutes at meetings of the local board of elections and submit to SBE approved minutes		✓
	Adopt minutes of local board of elections	✓	
	File ethics forms yearly	✓	✓

Oath for election judges and staff (Art. 1, Sec. 9 of the Maryland Constitution)

I,, do swear, (or affirm, as the case may be,) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of, according to the Constitution and Laws of this State

Note: The oath required by Article I, § 9 of the Constitution of Maryland includes the following language: "I, . . . , do swear (or affirm, as the case may be) that I will support the Constitution of the United States. . . (Emphasis added) There is no legal distinction between "swearing" and "affirming." Generally, an individual who does not believe in a higher religious being opts to "affirm," while an individual who believes in a higher being opts to "swear." The choice to "swear" or "affirm" is made by the individual taking the oath. Local board members, as well as local board employees who swear in election judges, should be mindful of the distinction and use the language preferred by the individual taking the oath.