

## 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 EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
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) <sup>1</sup>	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) <sup>2</sup>	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		✓

<sup>1</sup> EL §11-301 – 11-303 and §11-401 also include duties related to canvassing and certification requirements.

<sup>2</sup> 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  EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
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) <sup>3</sup>	Receive certificates of candidacy (includes withdrawal of candidacy filings) for local offices		✓
EL §2-206(7) <sup>4</sup>	Verify petitions		✓
EL §2-206(8)	With the local board, conduct the canvass following an election	✓	✓
EL §2-206(9) <sup>5</sup>	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		✓

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

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

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

Citation  EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article	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) EL §6-210(a), (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 §8-103(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 §9-216(a)	Maintain a system to account for and maintain control over the ballots		✓
EL §9-306	Provide requesting voters with a mail-in ballot <sup>6</sup>		✓
EL §9-402	Maintain a full record of provisional voting		✓
EL §10-101	For each precinct, designate a polling place that meets certain requirements	✓	
EL §10-201 <sup>7</sup>	Recruit, assign, train, and pay appointed election judges		✓

<sup>6</sup> 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.

<sup>7</sup> 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 = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article			
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 EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
	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.