

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 851.

This bill requires the Election Board in Baltimore City to appoint a Chief Judge for each precinct in the City from among the election judges appointed by it. The Chief Judges are made responsible "for the supervision of election procedures, personnel and equipment" in their respective precincts, and receive an additional per diem compensation of \$25.00.

Article 33, Section 2-7(a) of the Code presently requires each local election board, biennially, to appoint at least four election judges for each precinct, an equal number of whom shall be from the majority and the principal minority political parties. These election judges are empowered to superintend the conduct of elections at the various polling places. They have the power to keep the peace and prevent breaches of the election laws or interference with the progress of an election, the canvass of ballots, or the ascertainment and transcription of votes recorded on the voting machines (Article 33, §15-1). They are empowered, inter alia, to remove challengers from the premises for improper activity (§15-3(c)); verify the registration of voters and prevent a person from voting if not satisfied that he is the person he purports to be (§15-4(a), 16-14); account for all voting authority cards upon closing of the polls (§15-4(b)); inspect voting machines prior to the opening of the polls (§16-11(b)); adjust voting machines in primary elections (§16-11(h)); advise voters in the operation of the voting machines and assist certain disabled persons in actually voting (§16-12); and tabulate the votes cast (§16-16).

Recognizing the nature of these powers and the potential harm which would arise from their being abused, the law generally requires that they be exercised either by a majority of the judges or at least with the participation of judges representing both major political parties. In that context, this bill providing for only one Chief Judge in each precinct, and making him responsible generally for supervising election procedures, personnel, and equipment, does not make clear what the actual authority of the Chief Judge really is vis a vis the other judges.

The election boards, which would appoint the Chief Judges, are appointed biennially by the Governor. They consist of three persons, two of whom must be from the Governor's party. (Article 33, §§2-1(a), 1-1(a)(11)). Thus, it is likely, if not inevitable, that all of the Chief Judges will also be from the Governor's party. Had