

HOUSE BILL 850

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By: **Delegates Frank, Bates, Boteler, Cluster, Eckardt, Hershey, Hough, Jacobs, Krebs, McComas, McConkey, McDermott, W. Miller, Myers, Norman, Otto, Parrott, Ready, Smigiel, and Stocksdales**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Early Voting – Repeal**

3 FOR the purpose of repealing certain provisions of law relating to early voting;
4 repealing a process to allow a voter in the State to vote in primary or general
5 elections at early voting centers, instead of in the voter's assigned precinct on
6 election day; repealing a requirement that each county have a certain number of
7 early voting centers, based on the number of registered voters in the county;
8 repealing a requirement that the State Board of Elections, in collaboration with
9 the local board of elections in a county, designate the early voting polling
10 centers in that county; repealing requirements that early voting centers be open
11 for voting during a certain period and during certain hours; repealing a
12 requirement that the State Board and the local boards take certain steps to
13 inform voters about early voting and the location of early voting centers;
14 repealing a requirement that the State Board adopt regulations and guidelines
15 for the conduct of early voting; repealing a requirement that local boards pay an
16 election judge for each early voting day that the election judge actually serves;
17 repealing authorization for a voter to cast a provisional ballot at an early voting
18 center; defining a certain term; and generally relating to repealing early voting.

19 BY repealing

20 Article – Election Law
21 Section 1–101(x) and 10–301.1
22 Annotated Code of Maryland
23 (2010 Replacement Volume)

24 BY renumbering

25 Article – Election Law
26 Section 1–101(y) through (ii), respectively
27 to be Section 1–101(x) through (hh), respectively

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume)

3 BY adding to
4 Article – Election Law
5 Section 1–101(ii)
6 Annotated Code of Maryland
7 (2010 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – Election Law
10 Section 9–404, 10–101, 10–205, and 10–310(a)
11 Annotated Code of Maryland
12 (2010 Replacement Volume)

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

15 **Article – Election Law**

16 1–101.

17 [(x) “Election register” means the list of voters eligible to vote:

18 (1) in a precinct on election day; or

19 (2) in a county early voting center during early voting.]

20 SECTION 2. AND BE IT FURTHER, That Section(s) 1–101(y) through (ii),
21 respectively, of Article – Election Law of the Annotated Code of Maryland be
22 renumbered to be Section(s) 1–101(x) through (hh), respectively.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article – Election Law**

26 1–101.

27 **(II) “PRECINCT REGISTER” MEANS THE LIST OF VOTERS FOR A SINGLE**
28 **PRECINCT.**

29 9–404.

30 (a) If an individual is eligible under subsection (b) of this section, the
31 individual shall be issued and may cast a provisional ballot:

- 1 (1) at a polling place on election day; **OR**
2 (2) [at an early voting center during early voting; or
3 (3)] at the local board office in the county where the individual resides
4 after the close of registration and before the closing of the polls on election day.

5 (b) An individual is eligible to cast a provisional ballot if:

6 (1) the individual declares in a written affirmation submitted with the
7 provisional ballot that the individual is a registered voter in the State and is eligible to
8 vote in that election; and

9 (2) (i) the individual's name does not appear on the [election]
10 **PRECINCT** register;

11 (ii) an election official asserts that the individual is not eligible
12 to vote; or

13 (iii) the individual does not have the necessary identification.

14 (c) In addition to the individuals who cast provisional ballots under
15 subsections (a) and (b) of this section, any individual who appears to vote during a
16 period covered by a court order or other order extending the time for closing the polls
17 shall cast a provisional ballot. A provisional ballot cast under this subsection shall be
18 separated and held apart from other provisional ballots cast by those not affected by
19 the order.

20 10–101.

21 (a) (1) Each local board shall designate a polling place that meets the
22 requirements of this subsection for each precinct in the county as established by the
23 local board in accordance with Title 2 of this article.

24 (2) Each polling place shall:

25 (i) provide an environment that is suitable to the proper
26 conduct of an election;

27 (ii) be located as conveniently as practicable for the majority of
28 registered voters assigned to that polling place;

29 (iii) except as authorized in paragraph (4) of this subsection, be
30 in a public building;

1 (iv) be in the precinct that it serves unless no suitable location
2 for a polling place can be found within that precinct, in which case the board may
3 establish the polling place in an adjacent precinct; and

4 (v) whenever practicable, be selected and arranged to avoid
5 architectural and other barriers that impede access or voting by elderly and physically
6 disabled voters.

7 (3) (i) The public official responsible for the use of any public
8 building requested by a local board for a polling place shall make available to the local
9 board, without charge, the space that is needed in the building for the proper conduct
10 of an election.

11 (ii) Light, heat, and custodial and janitorial services for the
12 space shall be provided to the local board without charge.

13 (4) (i) If suitable space in a public building is not available, a local
14 board may pay a reasonable fee for the use of space in a privately owned building.

15 (ii) Except as provided in [subparagraphs (iii) and (iv)]
16 **SUBPARAGRAPH (III)** of this paragraph, an election may not be held in any building
17 or part of any building used or occupied by an establishment that holds an alcoholic
18 beverages license.

19 (iii) An election may be held in a building that is owned and
20 occupied by an establishment that holds an alcoholic beverages license if:

21 1. the local board determines that there is no suitable
22 alternative place to hold an election;

23 2. the licensee agrees not to sell or dispense alcoholic
24 beverages during the period beginning 2 hours before the polls open and ending 2
25 hours after the polls close; and

26 3. where applicable, all ballots are removed from the
27 polling place by the local board immediately following the election.

28 [(iv) An early voting center may be located in a building that is
29 partially occupied by an establishment that holds an alcoholic beverages license if:

30 1. the State Board, in collaboration with a local board,
31 determines that the building is a suitable site for an early voting center; and

32 2. the entrance to a licensee's establishment is at least
33 100 feet from the entrance to the building that is closest to the part of the building
34 where the early voting center is located.]

1 (5) If a polling place is located in a building owned or leased by a
2 volunteer fire company or rescue squad, the volunteer fire company or rescue squad
3 may require the local board to pay for the use of the space that is needed in the
4 building for the proper conduct of any election.

5 (b) (1) (i) In Baltimore City, public buildings shall be used for polling
6 places to the greatest extent feasible.

7 (ii) For rental of privately owned polling places in Baltimore
8 City, the local board shall pay an amount as determined in the ordinance of estimates,
9 provided that the amount is uniform on a citywide basis.

10 (2) In Charles County, the local board may use private firehouses,
11 private halls, and other buildings for polling places.

12 (3) In Montgomery County, the County Board of Education shall make
13 available the space and custodial service as needed for the proper conduct of elections
14 upon application by the local board.

15 10–205.

16 (a) **[(1)]** A local board may fix the compensation of election judges within
17 the limits authorized for this purpose by the county’s governing body.

18 **[(2) A local board shall pay an election judge for each election day and**
19 **each early voting day that the election judge actually serves.]**

20 (b) (1) In Allegany County, the compensation for each day actually served
21 may not be less than:

22 (i) \$100 per day for each chief election judge; and

23 (ii) \$80 per day for every other election judge.

24 (2) (i) In Baltimore City, the compensation for each election day
25 **[or early voting day]** actually served shall be:

26 1. not less than \$200 per day for each chief election
27 judge; and

28 2. not less than \$150 per day for every other election
29 judge.

30 (ii) 1. In Baltimore City, except as provided in
31 subsubparagraph 2 of this subparagraph, an election judge shall receive \$20 as
32 compensation for completing the course of instruction required under § 10–206(g)(1) of
33 this subtitle.

1 2. Unless the local board excuses the election judge from
2 service, an election judge who fails to serve on election day [or on an early voting day]
3 may not receive the compensation authorized under this subparagraph.

4 (3) In Baltimore County, the compensation for each election day [or
5 early voting day] actually served shall be:

6 (i) \$225 per day for each chief election judge; and

7 (ii) \$162.50 per day for every other election judge.

8 (4) In Calvert County, the compensation for each election day [or early
9 voting day] actually served shall be:

10 (i) \$125 per day for each chief election judge; and

11 (ii) \$100 per day for every other election judge.

12 (5) In Harford County, the compensation for each election day [or
13 early voting day] actually served shall be:

14 (i) not less than \$160 per day for each chief election judge; and

15 (ii) not less than \$125 per day for every other election judge.

16 (6) (i) In Prince George's County, the compensation for each
17 election day [or early voting day] actually served shall be not less than:

18 1. \$250 per day for two chief election judges; and

19 2. \$200 per day for every other election judge.

20 (ii) 1. In Prince George's County, except as provided under
21 subsubparagraph 2 of this subparagraph, election judges and alternate election judges
22 shall receive \$50 as compensation for completing the course of instruction required
23 under § 10-206 of this subtitle.

24 2. An election judge or alternate election judge may not
25 receive the compensation authorized under this subparagraph if the election judge
26 refuses to serve on an election day [or on an early voting day], unless the local board
27 excuses the election judge.

28 (7) (i) In Washington County, the compensation for each election
29 day [or early voting day] actually served shall be:

1 1. \$175 per day for each chief election judge, plus a
2 mileage allowance as determined by the Washington County Board; and

3 2. \$150 per day for every other election judge.

4 (ii) In Washington County, a chief election judge or election
5 judge who successfully completes a course of instruction in poll working shall be
6 eligible for additional compensation, if approved by the Washington County Board and
7 provided for in the county budget.

8 [10-301.1.

9 (a) Except as provided under Title 9, Subtitle 3 of this article, during any
10 regularly scheduled primary or general election a voter may vote:

11 (1) in the voter's assigned precinct on election day; or

12 (2) at an early voting center in the voter's county of residence on any
13 early voting day in accordance with this section.

14 (b) (1) Each county shall have at least one early voting center established
15 in the county as prescribed in this subsection.

16 (2) A county with fewer than 150,000 registered voters shall have one
17 early voting center established in the county.

18 (3) A county with more than 150,000 but fewer than 300,000
19 registered voters shall have three early voting centers established in the county.

20 (4) A county with more than 300,000 registered voters shall have five
21 early voting centers established in the county.

22 (c) No later than 6 months before a primary election, the State Board, in
23 collaboration with the local board in each county, shall designate each early voting
24 center in that county.

25 (d) Each early voting center shall be open for voting as follows:

26 (1) for the 2010 gubernatorial primary and general elections:

27 (i) beginning the second Friday before a primary or general
28 election through the Thursday before the elections, but excluding Sunday; and

29 (ii) during the hours between 10 a.m. and 8 p.m.; and

30 (2) for the 2012 presidential primary and general elections:

1 (i) beginning the second Saturday before a primary or general
2 election through the Thursday before the elections; and

3 (ii) 1. during the hours between 10 a.m. and 8 p.m. on the
4 Saturday and the Monday through the Thursday during the early voting period; and

5 2. during the hours between 12 noon and 6 p.m. on the
6 Sunday during the early voting period.

7 (e) Each early voting center shall satisfy the requirements of § 10–101 of this
8 title.

9 (f) Beginning 30 days prior to each early voting period the State Board and
10 each local board shall undertake steps to inform the public about early voting and the
11 location of early voting centers in each county, including:

12 (1) a series of public service media announcements;

13 (2) mailings to all registered voters in each county; and

14 (3) other measures as appropriate.

15 (g) Except as expressly provided in this section, any provision of this article
16 that applies to voting on election day also applies to early voting.

17 (h) The State Board shall adopt regulations and guidelines in accordance
18 with the requirements of this section for the conduct of early voting.]

19 10–310.

20 (a) For each individual who seeks to vote, an election judge, in accordance
21 with instructions provided by the local board, shall:

22 (1) locate the individual's name in the [election] **PRECINCT** register
23 and locate the preprinted voting authority card and then authorize the individual to
24 vote a regular ballot;

25 (2) (i) if the individual's name is not found on the [election]
26 **PRECINCT** register, search the inactive list and if the name is found, authorize the
27 individual to vote a regular ballot; or

28 (ii) if the individual's name is not on the inactive list, refer the
29 individual for provisional ballot voting under § 9–404 of this article;

30 (3) establish the identity of the voter by requesting the voter to state
31 the month and day of the voter's birth and comparing the response to the information
32 listed in the [election] **PRECINCT** register;

1 (4) (i) except if a voter's personal information has been deemed
2 confidential by the local board, verify the address of the voter's residence; or

3 (ii) conduct an alternative verification as established by the
4 State Board, if the voter's personal information has been deemed confidential by the
5 local board;

6 (5) if any changes to the voting authority card are indicated by a voter,
7 make the appropriate changes in information on the card or other appropriate form;
8 and

9 (6) have the voter sign the voting authority card and either issue the
10 voter a ballot or send the voter to a machine to vote.

11 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2011.