

# HOUSE BILL 1179

G1

(9lr2298)

## **ENROLLED BILL**

*—Ways and Means/Education, Health, and Environmental Affairs—*

Introduced by **Delegates Cardin, Hixson, Olszewski, and Ross**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Early Voting**

3 FOR the purpose of establishing a process to allow a voter in the State to vote in  
4 primary or general elections at early voting centers, instead of in the voter's  
5 assigned precinct on election day; requiring each county to have a specified  
6 number of early voting centers, based on the number of registered voters in the  
7 county; requiring the State Board of Elections, in collaboration with the local  
8 board of elections in a county, to designate the early voting polling centers in  
9 that county; requiring early voting centers to be open for voting during a certain  
10 period and during certain hours; requiring each early voting center to meet  
11 certain requirements; requiring the State Board and the local boards to take  
12 certain steps to inform voters about early voting and the location of early voting  
13 centers; making certain provisions of law applicable to early voting; requiring  
14 the State Board to adopt regulations and guidelines for the conduct of early  
15 voting; requiring local boards to pay an election judge for each early voting day

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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.

*Italics* indicate opposite chamber / conference committee amendments.



1 that the election judge actually serves; authorizing a voter to cast a provisional  
 2 ballot at an early voting center; ~~repealing a certain provision that requires the~~  
 3 ~~Comptroller to establish a certain tax add-on system that allows contributions~~  
 4 ~~to the Fund; authorizing an early voting center to be located in a building that~~  
 5 ~~is partially occupied by an establishment that holds an alcoholic beverages~~  
 6 ~~license under certain circumstances; stating the finding of the General~~  
 7 ~~Assembly that a certain fund is inoperable; stating that a certain report~~  
 8 ~~supports the finding that a certain fund is inoperable; requiring the State Board~~  
 9 ~~to expend a certain amount from a certain fund to finance the cost to the State~~  
 10 ~~of implementing early voting for certain elections; requiring the Comptroller to~~  
 11 ~~disburse funds, at the request of the State Board, from a certain fund for the~~  
 12 ~~purpose of implementing early voting for certain elections; defining a certain~~  
 13 term; making conforming changes; and generally relating to early voting.

14 BY repealing

15 Article – Election Law  
 16 Section 1–101(ii)  
 17 Annotated Code of Maryland  
 18 (2003 Volume and 2008 Supplement)

19 BY renumbering

20 Article – Election Law  
 21 Section 1–101(x) through 1–101(hh), respectively  
 22 to be Section 1–101(y) through (ii), respectively  
 23 Annotated Code of Maryland  
 24 (2003 Volume and 2008 Supplement)

25 BY adding to

26 Article – Election Law  
 27 Section 1–101(x) and 10–301.1  
 28 Annotated Code of Maryland  
 29 (2003 Volume and 2008 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article – Election Law  
 32 Section 9–404, ~~10–101~~, 10–205, ~~and 10–310(a), 10–310(a), and 15–103~~ *and*  
 33 10–310(a)  
 34 Annotated Code of Maryland  
 35 (2003 Volume and 2008 Supplement)

36 BY repealing and reenacting, without amendments,

37 Article – Election Law  
 38 Section ~~10–101~~ and 10–203  
 39 Annotated Code of Maryland  
 40 (2003 Volume and 2008 Supplement)

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

3 **Article – Election Law**

4 1–101.

5 [(ii) “Precinct register” means the list of voters for a single precinct.]

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

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

11 **Article – Election Law**

12 1–101.

13 (X) **“ELECTION REGISTER” MEANS THE LIST OF VOTERS ELIGIBLE TO**  
14 **VOTE:**

15 (1) **IN A PRECINCT ON ELECTION DAY; OR**

16 (2) **IN A COUNTY EARLY VOTING CENTER DURING EARLY VOTING.**

17 9–404.

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

20 (1) at a polling place on election day; [or]

21 (2) **AT AN EARLY VOTING CENTER DURING EARLY VOTING; OR**

22 [(2)] (3) at the local board office in the county where the individual  
23 resides after the close of registration and before the closing of the polls on election day.

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

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

1                   (2) (i) the individual's name does not appear on the [precinct]  
2 **ELECTION** register;

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

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

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

12 10–101.

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

16                   (2) Each polling place shall:

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

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

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

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

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

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

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

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

3 (ii) Except as provided in ~~subparagraph (iii)~~ **SUBPARAGRAPHS**  
4 **(III) AND (IV)** of this paragraph, an election may not be held in any building or part of  
5 any building used or occupied by an establishment that holds an alcoholic beverages  
6 license.

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

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

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

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

16 **(IV) AN EARLY VOTING CENTER MAY BE LOCATED IN A**  
17 **BUILDING THAT IS PARTIALLY OCCUPIED BY AN ESTABLISHMENT THAT HOLDS**  
18 **AN ALCOHOLIC BEVERAGES LICENSE IF:**

19 **1. THE STATE BOARD, IN COLLABORATION WITH A**  
20 **LOCAL BOARD, DETERMINES THAT THE BUILDING IS A SUITABLE SITE FOR AN**  
21 **EARLY VOTING CENTER; AND**

22 **2. THE ENTRANCE TO A LICENSEE'S ESTABLISHMENT**  
23 **IS AT LEAST 100 FEET FROM THE ENTRANCE TO THE BUILDING THAT IS**  
24 **CLOSEST TO THE PART OF THE BUILDING WHERE THE EARLY VOTING CENTER IS**  
25 **LOCATED.**

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

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

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

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

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

6 10–203.

7           (a) The election director, with the approval of the local board, shall appoint  
8 the election judges for each polling place for a term that begins on the Tuesday that is  
9 13 weeks before each statewide primary election.

10          (b) One or two election judges in each precinct shall:

11           (1) be designated chief judge; and

12           (2) supervise the staff at the polling place.

13          (c) The term of office for an election judge continues until the Tuesday that  
14 is 13 weeks before the next statewide primary election unless:

15           (1) the local board excuses the person for good cause; or

16           (2) a special election is held during the election judge's term of office  
17 and the State Board determines that a local board may not need the service of all of  
18 the appointed election judges.

19          (d) A local board shall fill each vacant election judge position in the same  
20 manner as set forth in subsection (a) of this section.

21 10–205.

22          (a) **(1)** A local board may fix the compensation of election judges within  
23 the limits authorized for this purpose by the county's governing body.

24           **(2) A LOCAL BOARD SHALL PAY AN ELECTION JUDGE FOR EACH**  
25 **ELECTION DAY AND EACH EARLY VOTING DAY THAT THE ELECTION JUDGE**  
26 **ACTUALLY SERVES.**

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

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

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

2 (2) (i) In Baltimore City, the compensation for each election day  
3 **OR EARLY VOTING DAY** actually served shall be:

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

6 2. not less than \$150 per day for every other election  
7 judge.

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

12 2. Unless the local board excuses the election judge from  
13 service, an election judge who fails to serve on election day **OR ON AN EARLY VOTING**  
14 **DAY** may not receive the compensation authorized under this subparagraph.

15 (3) In Baltimore County, the compensation for each election day **OR**  
16 **EARLY VOTING DAY** actually served shall be:

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

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

19 (4) In Calvert County, the compensation for each election day **OR**  
20 **EARLY VOTING DAY** actually served shall be:

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

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

23 (5) In Harford County, the compensation for each election day **OR**  
24 **EARLY VOTING DAY** actually served shall be:

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

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

27 (6) (i) In Prince George's County, the compensation for each  
28 election day **OR EARLY VOTING DAY** actually served shall be not less than:

29 1. \$250 per day for two chief election judges; and

1                                   2.     \$200 per day for every other election judge.

2                                   (ii)   1.     In Prince George’s County, except as provided under  
3     subsubparagraph 2 of this subparagraph, election judges and alternate election judges  
4     shall receive \$50 as compensation for completing the course of instruction required  
5     under § 10–206 of this subtitle.

6                                   2.     An election judge or alternate election judge may not  
7     receive the compensation authorized under this subparagraph if the election judge  
8     refuses to serve on an election day **OR ON AN EARLY VOTING DAY**, unless the local  
9     board excuses the election judge.

10                               (7)   (i)     In Washington County, the compensation for each election  
11     day **OR EARLY VOTING DAY** actually served shall be:

12                                   1.     \$175 per day for each chief election judge, plus a  
13     mileage allowance as determined by the Washington County Board; and

14                                   2.     \$150 per day for every other election judge.

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

19     **10–301.1.**

20                               **(A)   EXCEPT AS PROVIDED UNDER TITLE 9, SUBTITLE 3 OF THIS**  
21     **ARTICLE, DURING ANY REGULARLY SCHEDULED PRIMARY OR GENERAL**  
22     **ELECTION A VOTER MAY VOTE:**

23                               **(1)   IN THE VOTER’S ASSIGNED PRECINCT ON ELECTION DAY; OR**

24                               **(2)   AT AN EARLY VOTING CENTER IN THE VOTER’S COUNTY OF**  
25     **RESIDENCE ON ANY EARLY VOTING DAY IN ACCORDANCE WITH THIS SECTION.**

26                               **(B)   (1)   EACH COUNTY SHALL HAVE AT LEAST ONE EARLY VOTING**  
27     **CENTER ESTABLISHED IN THE COUNTY AS PRESCRIBED IN THIS SUBSECTION.**

28                               **(2)   A COUNTY WITH FEWER THAN 150,000 REGISTERED VOTERS**  
29     **SHALL HAVE ONE EARLY VOTING CENTER ESTABLISHED IN THE COUNTY.**

30                               **(3)   A COUNTY WITH MORE THAN 150,000 BUT FEWER THAN**  
31     **300,000 REGISTERED VOTERS SHALL HAVE THREE EARLY VOTING CENTERS**  
32     **ESTABLISHED IN THE COUNTY.**



1           (4) A COUNTY WITH MORE THAN 300,000 REGISTERED VOTERS  
2 SHALL HAVE FIVE EARLY VOTING CENTERS ESTABLISHED IN THE COUNTY.

3           (C) ~~THE NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE~~  
4 STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARD IN EACH COUNTY,  
5 SHALL DESIGNATE EACH EARLY VOTING CENTER IN THAT COUNTY.

6           (D) EACH EARLY VOTING CENTER SHALL BE OPEN FOR VOTING AS  
7 FOLLOWS:

8           ~~(1) BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR~~  
9 ~~GENERAL ELECTION THROUGH THE FRIDAY THURSDAY BEFORE THE~~  
10 ~~ELECTIONS, BUT EXCLUDING SUNDAY; AND~~

11           ~~(2) DURING THE HOURS BETWEEN 7 A.M. 10 A.M. AND 8 P.M.~~

12           (1) FOR THE 2010 GUBERNATORIAL PRIMARY AND GENERAL  
13 ELECTIONS:

14           (I) BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR  
15 GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS, BUT  
16 EXCLUDING SUNDAY; AND

17           (II) DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M.; AND

18           (2) FOR THE 2012 PRESIDENTIAL PRIMARY AND GENERAL  
19 ELECTIONS;

20           (I) BEGINNING THE SECOND SATURDAY BEFORE A PRIMARY  
21 OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS;  
22 AND

23           (II) 1. DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M.  
24 ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE  
25 EARLY VOTING PERIOD; AND

26           2. DURING THE HOURS BETWEEN 12 NOON AND 6  
27 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.

28           (E) EACH EARLY VOTING CENTER SHALL SATISFY THE REQUIREMENTS  
29 OF § 10-101 OF THIS TITLE.

1           **(F) BEGINNING 30 DAYS PRIOR TO EACH EARLY VOTING PERIOD THE**  
2 **STATE BOARD AND EACH LOCAL BOARD SHALL UNDERTAKE STEPS TO INFORM**  
3 **THE PUBLIC ABOUT EARLY VOTING AND THE LOCATION OF EARLY VOTING**  
4 **CENTERS IN EACH COUNTY, INCLUDING:**

5                   **(1) A SERIES OF PUBLIC SERVICE MEDIA ANNOUNCEMENTS;**

6                   **(2) MAILINGS TO ALL REGISTERED VOTERS IN EACH COUNTY; AND**

7                   **(3) OTHER MEASURES AS APPROPRIATE.**

8           **(G) EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, ANY**  
9 **PROVISION OF THIS ARTICLE THAT APPLIES TO VOTING ON ELECTION DAY ALSO**  
10 **APPLIES TO EARLY VOTING.**

11           **(H) THE STATE BOARD SHALL ADOPT REGULATIONS AND GUIDELINES**  
12 **IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE**  
13 **CONDUCT OF EARLY VOTING.**

14 10–310.

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

17                   (1) locate the individual's name in the [precinct] **ELECTION** register  
18 and locate the preprinted voting authority card and then authorize the individual to  
19 vote a regular ballot;

20                   (2) (i) if the individual's name is not found on the [precinct]  
21 **ELECTION** register, search the inactive list and if the name is found, authorize the  
22 individual to vote a regular ballot; or

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

25                   (3) establish the identity of the voter by requesting the voter to state  
26 the month and day of the voter's birth and comparing the response to the information  
27 listed in the [precinct] **ELECTION** register;

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

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

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

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

6 ~~15-103.~~

7 ~~(a) There is a Fair Campaign Financing Fund.~~

8 ~~(b) The Comptroller shall administer the Fund in accordance with this~~  
9 ~~section.~~

10 ~~(c) [For each taxable year, the Comptroller shall establish a tax add-on~~  
11 ~~system that allows contributions to the Fund:~~

12 ~~(1) by an individual, other than a nonresident alien, filing a personal~~  
13 ~~State income tax return; and~~

14 ~~(2) in an amount not to exceed \$500.~~

15 ~~(d) In accordance with this title, the Comptroller shall:~~

16 ~~(1) credit to the Fund all money collected under this title;~~

17 ~~(2) subject to the usual investing procedures for State funds, invest~~  
18 ~~the money in the Fund; and~~

19 ~~(3) make distributions from the Fund promptly on authorization by~~  
20 ~~the State Board.~~

21 ~~[(e)] (D) The Comptroller shall distribute public contributions:~~

22 ~~(1) only on authorization of the State Board; and~~

23 ~~(2) as to each eligible gubernatorial ticket, to the same campaign~~  
24 ~~account of a single campaign finance entity established under Title 13, Subtitle 2 of~~  
25 ~~this article.~~

26 ~~[(f)] (E) The Comptroller shall submit a statement of the Fund's balance to~~  
27 ~~the State Board at the State Board's request and on May 15 of each year.~~

28 ~~SECTION 4. AND BE IT FURTHER ENACTED, That:~~

1 ~~(a) The General Assembly finds that the Fair Campaign Financing Fund~~  
2 ~~established under § 15-103 of the Election Law Article is inoperable and cannot~~  
3 ~~function as originally contemplated.~~

4 ~~(b) The 2004 final report of the Study Commission on Public Funding of~~  
5 ~~Campaigns in Maryland supports the finding in subsection (a) of this section.~~

6 ~~(c) The State Board of Elections shall expend no more than \$2.5 million from~~  
7 ~~the Fair Campaign Financing Fund established under § 15-103 of the Election Law~~  
8 ~~Article to finance the cost to the State of implementing early voting under this Act for~~  
9 ~~the 2010 primary and general elections.~~

10 ~~(d) The Comptroller shall disburse funds at the request of the State Board of~~  
11 ~~Elections from the Fair Campaign Financing Fund for purposes of this section.~~

12 SECTION ~~4. 5.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
13 effect October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.