

HOUSE BILL 1179

G1

9lr2298

By: **Delegates Cardin, Hixson, Olszewski, and Ross**

Introduced and read first time: February 13, 2009

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 24, 2009

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
16 that the election judge actually serves; authorizing a voter to cast a provisional
17 ballot at an early voting center; repealing a certain provision that requires the
18 Comptroller to establish a certain tax add-on system that allows contributions
19 to the Fund; authorizing an early voting center to be located in a building that
20 is partially occupied by an establishment that holds an alcoholic beverages
21 license under certain circumstances; stating the finding of the General
22 Assembly that a certain fund is inoperable; stating that a certain report
23 supports the finding that a certain fund is inoperable; requiring the State Board
24 to expend a certain amount from a certain fund to finance the cost to the State
25 of implementing early voting for certain elections; requiring the Comptroller to
26 disburse funds, at the request of the State Board, from a certain fund for the

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.



1 purpose of implementing early voting for certain elections; defining a certain
2 term; making conforming changes; and generally relating to early voting.

3 BY repealing

4 Article – Election Law
5 Section 1–101(ii)
6 Annotated Code of Maryland
7 (2003 Volume and 2008 Supplement)

8 BY renumbering

9 Article – Election Law
10 Section 1–101(x) through 1–101(hh), respectively
11 to be Section 1–101(y) through (ii), respectively
12 Annotated Code of Maryland
13 (2003 Volume and 2008 Supplement)

14 BY adding to

15 Article – Election Law
16 Section 1–101(x) and 10–301.1
17 Annotated Code of Maryland
18 (2003 Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Election Law
21 Section 9–404, ~~10–101~~, 10–205, ~~and 10–310(a)~~, 10–310(a), and 15–103
22 Annotated Code of Maryland
23 (2003 Volume and 2008 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – Election Law
26 Section ~~10–101~~ and 10–203
27 Annotated Code of Maryland
28 (2003 Volume and 2008 Supplement)

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

31 **Article – Election Law**

32 1–101.

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

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

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

3 **Article – Election Law**

4 1–101.

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

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

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

9 9–404.

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

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

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

14 [(2)] (3) at the local board office in the county where the individual
15 resides after the close of registration and before the closing of the polls on election day.

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

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

20 (2) (i) the individual’s name does not appear on the [precinct]
21 **ELECTION** register;

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

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

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

1 10-101.

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

5 (2) Each polling place shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **2. THE ENTRANCE TO A LICENSEE'S ESTABLISHMENT**
13 **IS AT LEAST 100 FEET FROM THE ENTRANCE TO THE BUILDING THAT IS**
14 **CLOSEST TO THE PART OF THE BUILDING WHERE THE EARLY VOTING CENTER IS**
15 **LOCATED.**

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

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

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

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

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

30 10-203.

31 (a) The election director, with the approval of the local board, shall appoint
32 the election judges for each polling place for a term that begins on the Tuesday that is
33 13 weeks before each statewide primary election.

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

1 (1) be designated chief judge; and

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

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

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

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

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

11 10-205.

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

14 (2) **A LOCAL BOARD SHALL PAY AN ELECTION JUDGE FOR EACH**
15 **ELECTION DAY AND EACH EARLY VOTING DAY THAT THE ELECTION JUDGE**
16 **ACTUALLY SERVES.**

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

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

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

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

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

25 2. not less than \$150 per day for every other election
26 judge.

27 (ii) 1. In Baltimore City, except as provided in
28 subparagraph 2 of this subparagraph, an election judge shall receive \$20 as
29 compensation for completing the course of instruction required under § 10-206(g)(1) of
30 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**
3 **DAY** 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**
9 **EARLY 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
27 board 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:

30 1. \$175 per day for each chief election judge, plus a
31 mileage allowance as determined by the Washington County Board; and

1 2. \$150 per day for every other election judge.

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

6 **10-301.1.**

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

10 (1) **IN THE VOTER'S ASSIGNED PRECINCT ON ELECTION DAY; OR**

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

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

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

17 (3) **A COUNTY WITH MORE THAN 150,000 BUT FEWER THAN**
18 **300,000 REGISTERED VOTERS SHALL HAVE THREE EARLY VOTING CENTERS**
19 **ESTABLISHED IN THE COUNTY.**

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

22 (C) **THE STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARD IN**
23 **EACH COUNTY, SHALL DESIGNATE EACH EARLY VOTING CENTER IN THAT**
24 **COUNTY.**

25 (D) **EACH EARLY VOTING CENTER SHALL BE OPEN FOR VOTING:**

26 (1) **BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR**
27 **GENERAL ELECTION THROUGH THE ~~FRIDAY~~ THURSDAY BEFORE THE**
28 **ELECTIONS, BUT EXCLUDING SUNDAY; AND**

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

1 **(E) EACH EARLY VOTING CENTER SHALL SATISFY THE REQUIREMENTS**
2 **OF § 10-101 OF THIS TITLE.**

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

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

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

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

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

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

16 10-310.

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

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

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

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

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

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

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

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

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

9 15-103.

10 (a) There is a Fair Campaign Financing Fund.

11 (b) The Comptroller shall administer the Fund in accordance with this
12 section.

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

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

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

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

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

20 (2) subject to the usual investing procedures for State funds, invest
21 the money in the Fund; and

22 (3) make distributions from the Fund promptly on authorization by
23 the State Board.

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

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

26 (2) as to each eligible gubernatorial ticket, to the same campaign
27 account of a single campaign finance entity established under Title 13, Subtitle 2 of
28 this article.

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

1 SECTION 4. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.