

Chapter 498

(Senate Bill 542)

AN ACT concerning

Election Law – Polling Places – Electioneering

FOR the purpose of requiring that electioneering be allowed on the premises of a public building that is used for a polling place up to a certain electioneering boundary; requiring that campaign signs be allowed on the premises of a public building that is used for a polling place for, at a minimum, certain time periods; prohibiting a polling place from being located in a privately owned building ~~unless the owner of the building agrees to allow electioneering on the premises up to a certain electioneering boundary~~ except under certain circumstances; and generally relating to electioneering at polling places.

BY repealing and reenacting, without amendments,
 Article – Election Law
 Section 10–101(a)(1) and (2)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
 Article – Election Law
 Section 10–101(a)(3) and (4)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2012 Supplement)

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

Article – Election Law

10–101.

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

(2) Each polling place shall:

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

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

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

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

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

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

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

(III) 1. ~~ELECTIONEERING~~ SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, ELECTIONEERING SHALL BE ALLOWED ON THE PREMISES OF THE PUBLIC BUILDING UP TO THE ELECTIONEERING BOUNDARY ESTABLISHED UNDER § 16-206(B) OF THIS ARTICLE.

2. CAMPAIGN SIGNS SHALL BE ALLOWED ON THE PREMISES OF THE PUBLIC BUILDING, AT A MINIMUM, FROM:

A. 5 7 P.M. THE DAY IMMEDIATELY PRECEDING ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION DAY; AND

B. 5 7 P.M. THE DAY BEFORE AN EARLY VOTING PERIOD BEGINS UNDER § 10-301.1 OF THIS TITLE UNTIL 8 A.M. THE DAY AFTER THE EARLY VOTING PERIOD ENDS.

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

(II) A POLLING PLACE MAY NOT BE LOCATED IN A PRIVATELY OWNED BUILDING UNLESS THE OWNER OF THE BUILDING AGREES TO:

1. ALLOW ELECTIONEERING ON THE PREMISES UP TO THE ELECTIONEERING BOUNDARY ESTABLISHED UNDER § 16-206(B) OF THIS ARTICLE; AND

2. ALLOW CAMPAIGN SIGNS ON THE PREMISES, AT A MINIMUM, FROM:

A. ~~5~~ 7 P.M. THE DAY IMMEDIATELY PRECEDING ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION DAY; AND

B. ~~5~~ 7 P.M. THE DAY BEFORE AN EARLY VOTING PERIOD BEGINS UNDER § 10-301.1 OF THIS TITLE UNTIL 8 A.M. THE DAY AFTER THE EARLY VOTING PERIOD ENDS.

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

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

1. the local board determines that there is no suitable alternative place to hold an election;
2. the licensee agrees not to sell or dispense alcoholic beverages during the period beginning 2 hours before the polls open and ending 2 hours after the polls close; and
3. where applicable, all ballots are removed from the polling place by the local board immediately following the election.

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

1. the State Board, in collaboration with a local board, determines that the building is a suitable site for an early voting center; and
2. the entrance to a licensee's establishment is at least 100 feet from the entrance to the building that is closest to the part of the building where the early voting center is located.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 16, 2013.