

HB0980/853323/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 980, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike “Ex-Felons” and substitute “Individuals Convicted of a Felony”; in line 4, strike “discharged from incarceration” and substitute “who are convicted of a felony”; in the same line, after “vote;” insert “altering the circumstances under which an individual is eligible to cast a provisional ballot; providing that certain individuals may vote only by casting a provisional ballot; requiring each local board of elections to designate each State and local correctional facility as a polling place;”; in line 12, strike “ex-felons” and substitute “individuals convicted of a felony”; in line 15, after “3-102” insert “, 9-404,”; in the same line, strike “16-202” and substitute “10-101”; and after line 17, insert:

“BY repealing

Article - Election Law

Section 16-202

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)”.

In the Committee on Ways and Means Amendments (HB0980/225062/1), in line 2 of Amendment No. 1, strike “making a conforming change” and substitute “repealing the prohibition on certain persons who have been convicted of a felony voting or attempting to vote during a certain time period”.

AMENDMENT NO. 2

On page 2 of the bill, strike beginning with “has” in line 19 down through “(2)” in line 22; in line 26, strike “(3)” and substitute “(2)”; and after line 26, insert:

“9-404.

(Over)

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

(1) at a polling place on election day;

(2) at an early voting center during early voting; or

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

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

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

[(2)] (II) [(i)] 1. the individual's name does not appear on the election register;

[(ii)] 2. an election official asserts that the individual is not eligible to vote; or

[(iii)] 3. the individual does not have the necessary identification; OR

(2) THE INDIVIDUAL:

(I) HAS BEEN CONVICTED OF A FELONY; AND

(II) IS CASTING A BALLOT AT A POLLING PLACE ESTABLISHED UNDER § 10-101(C) OF THIS ARTICLE.

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

(D) AN INDIVIDUAL DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION MAY VOTE ONLY BY CASTING A PROVISION BALLOT.

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

(Over)

(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. 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. 7 p.m. the day immediately preceding election day until 8 a.m. on the day immediately following election day; and

B. 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. 7 p.m. the day immediately preceding election day until 8 a.m. on the day immediately following election day; and

B. 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.

(iii) Except as provided in subparagraphs (iv) and (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.

(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.

(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.

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

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

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

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

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

(C) EACH LOCAL BOARD SHALL DESIGNATE EACH STATE AND LOCAL CORRECTIONAL FACILITY AS A POLLING PLACE FOR INDIVIDUALS WHO HAVE BEEN CONVICTED OF A FELONY AND ARE CURRENTLY SERVING A COURT-ORDERED SENTENCE OF IMPRISONMENT."

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MCDONOUGH

Amendments to HB 980

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On pages 8 and 9 of the bill, strike in their entirety the lines beginning with line 31 on page 8 through line 5 on page 9, inclusive.