

SENATE BILL 141

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7lr1784

By: **Senator Zirkin**

Introduced and read first time: January 16, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Polling Places on College Campuses**

3 FOR the purpose of requiring a local board of elections to establish a polling place at each
4 senior institution of higher education in the county that has residential student
5 housing on its campus; defining a certain term; and generally relating to polling
6 places at certain senior institutions of higher education.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 10–101
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2016 Supplement)

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

14 **Article – Election Law**

15 10–101.

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

19 (2) Each polling place shall:

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

14 (iii) 1. Subject to subsubparagraph 2 of this subparagraph,
15 electioneering shall be allowed on the premises of the public building up to the
16 electioneering boundary established under § 16–206(b) of this article.

17 2. Campaign signs shall be allowed on the premises of the
18 public building, at a minimum, from:

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

21 B. 7 p.m. the day before an early voting period begins under
22 § 10–301.1 of this title until 8 a.m. the day after the early voting period ends.

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

25 (ii) A polling place may not be located in a privately owned building
26 unless the owner of the building agrees to:

27 1. allow electioneering on the premises up to the
28 electioneering boundary established under § 16–206(b) of this article; and

29 2. allow campaign signs on the premises, at a minimum,
30 from:

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

1 B. 7 p.m. the day before an early voting period begins under
2 § 10–301.1 of this title until 8 a.m. the day after the early voting period ends.

3 (iii) Except as provided in subparagraphs (iv) and (v) of this
4 paragraph, an election may not be held in any building or part of any building used or
5 occupied by an establishment that holds an alcoholic beverages license.

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

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

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

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

15 (v) An early voting center may be located in a building that is
16 partially occupied by an establishment that holds an alcoholic beverages license if:

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

19 2. the entrance to a licensee’s establishment is at least 100
20 feet from the entrance to the building that is closest to the part of the building where the
21 early voting center is located.

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

26 **(B) (1) IN THIS SUBSECTION, “SENIOR INSTITUTION OF HIGHER**
27 **EDUCATION” MEANS AN INSTITUTION OF POSTSECONDARY EDUCATION THAT**
28 **GENERALLY LIMITS ENROLLMENT TO GRADUATES OF SECONDARY SCHOOLS AND**
29 **AWARDS DEGREES AT THE BACCALAUREATE OR GRADUATE LEVEL.**

30 **(2) CONSISTENT WITH THE REQUIREMENTS ESTABLISHED UNDER**
31 **SUBSECTION (A) OF THIS SECTION, A LOCAL BOARD SHALL DESIGNATE AT LEAST**
32 **ONE POLLING PLACE AT EACH SENIOR INSTITUTION OF HIGHER EDUCATION IN THE**
33 **COUNTY THAT HAS RESIDENTIAL STUDENT HOUSING ON ITS CAMPUS.**

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

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2017.