
By: **Delegate Giannetti**

Introduced and read first time: February 21, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Student Voting Rights Act**

3 FOR the purpose of requiring that, for each election, in each precinct in a county in
4 which an institution of higher education is located, the local board of elections
5 for that county designate at least one polling place on the campus of the
6 institution of higher education; defining a certain term; providing for the
7 effective date of certain provisions of this Act; providing for the termination of
8 certain provisions of this Act; and generally relating to the establishment of
9 certain polling places at certain institutions of higher education for each
10 election.

11 BY repealing and reenacting, with amendments,
12 Article 33 - Election Code
13 Section 10-101
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Election Law
18 Section 10-101
19 Annotated Code of Maryland
20 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2002)

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

23 **Article 33 - Election Code**

24 10-101.

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

28 (2) Each polling place shall:

1 (i) Provide an environment that is suitable to the proper conduct of
2 an election;

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

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

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

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

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

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

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

21 (ii) Except as provided in subparagraph (iii) of this paragraph, an
22 election may not be held in any building or part of any building used or occupied by an
23 establishment that holds an alcoholic beverages license.

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

26 1. The local board determines that there is no suitable
27 alternative place to hold an election;

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

31 3. Where applicable, all ballots are removed from the polling
32 place by the local board immediately following the election.

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

1 (B) (1) IN THIS SUBSECTION, "INSTITUTION OF HIGHER EDUCATION" HAS
2 THE MEANING STATED UNDER § 10-101(G) OF THE EDUCATION ARTICLE.

3 (2) FOR EACH ELECTION, IN EACH PRECINCT IN A COUNTY IN WHICH AN
4 INSTITUTION OF HIGHER EDUCATION IS LOCATED, THE LOCAL BOARD FOR THAT
5 COUNTY SHALL DESIGNATE AT LEAST ONE POLLING PLACE ON THE CAMPUS OF THE
6 INSTITUTION OF HIGHER EDUCATION.

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

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

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

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

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

19 **Article - Election Law**

20 10-101.

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

24 (2) Each polling place shall:

25 (i) Provide an environment that is suitable to the proper conduct of
26 an election;

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

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

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

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

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

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

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

12 (ii) Except as provided in subparagraph (iii) of this paragraph, an
13 election may not be held in any building or part of any building used or occupied by a
14 establishment that holds an alcoholic beverages license.

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

17 1. The local board determines that there is no suitable
18 alternative place to hold an election;

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

22 3. Where applicable, all ballots are removed from the polling
23 place by the local board immediately following the election.

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

28 (B) (1) IN THIS SUBSECTION, "INSTITUTION OF HIGHER EDUCATION" HAS
29 THE MEANING STATED UNDER § 10-101(G) OF THE EDUCATION ARTICLE.

30 (2) FOR EACH ELECTION, IN EACH PRECINCT IN A COUNTY IN WHICH AN
31 INSTITUTION OF HIGHER EDUCATION IS LOCATED, THE LOCAL BOARD FOR THAT
32 COUNTY SHALL DESIGNATE AT LEAST ONE POLLING PLACE ON THE CAMPUS OF THE
33 INSTITUTION OF HIGHER EDUCATION.

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

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

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

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
10 take effect October 1, 2002. It shall remain effective until the taking effect of Section
11 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be
12 abrogated and of no further force and effect.

13 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
14 of Section 3 of this Act, this Act shall take effect January 1, 2003.