
By: **Delegates Ramirez, Anderson, Conroy, Cryor, Doory, Howard, James, Kaiser, Kelley, Leopold, Madaleno, Marriott, McComas, Murray, Trueschler, F. Turner, and Weir**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

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CHAPTER _____

1 AN ACT concerning

2 **Election Law - Early Voting**

3 FOR the purpose of establishing a process to allow voters to vote in elections at early
 4 voting polling places in the State; specifying the period in which early voting is
 5 allowed; specifying criteria and procedures to guide the State Administrator of
 6 Elections in ~~setting the number and location of~~ establishing early voting polling
 7 places for each election; granting authority to certain entities to select early
 8 voting polling places; establishing that each local board of elections has the final
 9 authority to select the geographic locations for certain early voting polling
 10 places; requiring the Governor to allocate certain resources to implement this
 11 Act; requiring the State Board of Elections to adopt certain regulations and
 12 guidelines by a certain date; making certain provisions of law applicable to early
 13 voting; and generally relating to early voting in elections in the State.

14 BY adding to

15 Article - Election Law

16 Section 10-301.1

17 Annotated Code of Maryland

18 (2003 Volume and 2004 Supplement)

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

1

Article - Election Law

2 10-301.1.

3 (A) EXCEPT AS PROVIDED UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE, A
4 VOTER SHALL VOTE:

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

6 (2) IN AN EARLY VOTING POLLING PLACE AS PROVIDED IN THIS
7 SECTION.

8 (B) EACH EARLY VOTING POLLING PLACE SHALL BE OPEN FOR VOTING:

9 (1) BEGINNING THE ~~EIGHTH~~ FIFTH DAY BEFORE A PRIMARY OR
10 GENERAL ELECTION THROUGH THE ~~FRIDAY~~ SATURDAY BEFORE THE ELECTION; AND

11 (2) 8 HOURS EACH DAY DURING THE PERIOD SPECIFIED UNDER
12 PARAGRAPH (1) OF THIS SUBSECTION, ~~INCLUDING EACH SATURDAY AND SUNDAY.~~

13 (C) (1) WITH THE ADVICE OF THE LOCAL ELECTION DIRECTOR, THE STATE
14 ADMINISTRATOR SHALL ~~SET THE NUMBER OF EARLY VOTING POLLING PLACES THAT~~
15 ~~EACH LOCAL BOARD MUST ESTABLISH AT LEAST ONE EARLY VOTING POLLING~~
16 PLACE IN EACH COUNTY.

17 (2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION,
18 AT LEAST ONE OF THE EARLY VOTING POLLING PLACES SHALL BE LOCATED AT THE
19 LOCAL BOARD OF ELECTIONS OFFICE IN THE COUNTY.

20 (3) IF THE LOCAL BOARD OF ELECTIONS OFFICE IS NOT SUITABLE TO BE
21 USED AS AN EARLY VOTING POLLING PLACE, THE LOCAL BOARD OF ELECTIONS MAY
22 USE ANOTHER SUITABLE LOCATION.

23 ~~(2)~~ (4) (I) THE GEOGRAPHIC LOCATION OF EARLY VOTING POLLING
24 PLACES SHALL BE SELECTED IN ~~EQUAL PROPORTIONS BY CONSULTATION WITH:~~

25 ~~(I)~~ 1. THE PRINCIPAL MAJORITY POLITICAL PARTY; AND

26 ~~(II)~~ 2. THE PRINCIPAL MINORITY POLITICAL PARTY; AND

27 ~~(III)~~ THE LOCAL BOARD BASED ON THE RECOMMENDATION OF
28 RECOGNIZED NONPRINCIPAL POLITICAL PARTIES AND OTHER PUBLIC INTEREST
29 GROUPS.

30 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH,
31 EACH LOCAL BOARD HAS THE FINAL AUTHORITY TO SELECT THE GEOGRAPHIC
32 LOCATIONS FOR THE NUMBER OF EARLY VOTING POLLING PLACES DESIGNATED BY
33 THE STATE ADMINISTRATOR FOR THAT COUNTY.

34 (3) IF THE NUMBER OF POLLING LOCATIONS IS NOT EQUALLY DIVISIBLE
35 BY THREE:

1 (4) ~~THE NUMBER OF GEOGRAPHIC LOCATIONS SELECTED BY THE~~
2 ~~PRINCIPAL PARTIES SHALL BE EQUAL; AND~~

3 (II) ~~THE NUMBER OF GEOGRAPHIC LOCATIONS SELECTED BY THE~~
4 ~~LOCAL BOARD SHALL BE LESS THAN, BY NO MORE THAN TWO, THE NUMBER~~
5 ~~SELECTED BY ONE PRINCIPAL PARTY.~~

6 (4) (5) (4) POLLING PLACES ESTABLISHED BY A LOCAL BOARD
7 UNDER THIS SECTION SHALL MEET THE REQUIREMENTS OF § 10-101 OF THIS TITLE.

8 (II) ~~IF A LOCAL BOARD CANNOT ESTABLISH A POLLING PLACE IN~~
9 ~~THE GEOGRAPHIC LOCATION REQUESTED UNDER THIS SUBSECTION, THE~~
10 ~~REQUESTING ENTITY MAY MAKE ANOTHER REQUEST.~~

11 (D) (1) A VOTER MAY VOTE AT ANY EARLY VOTING POLLING ~~LOCATION~~
12 PLACE IN THE VOTER'S COUNTY OF RESIDENCE.

13 (2) THE LOCAL BOARD SHALL ENSURE THAT EVERY BALLOT STYLE
14 USED IN THE COUNTY FOR THE ELECTION IS AVAILABLE AT THE EARLY VOTING
15 POLLING LOCATIONS PLACES.

16 (E) (1) ON OR BEFORE JANUARY 1, 2006, THE STATE BOARD SHALL ADOPT
17 REGULATIONS AND GUIDELINES FOR THE CONDUCT OF EARLY VOTING.

18 (2) THE REGULATIONS AND GUIDELINES SHALL:

19 (I) REQUIRE THAT APPROPRIATE AND ADEQUATE MEASURES ARE
20 ESTABLISHED TO ENSURE THE SECURITY OF EACH VOTING UNIT AT AN EARLY
21 VOTING POLLING PLACE THROUGHOUT THE PERIOD THAT THE UNIT IS DEPLOYED
22 AT THE EARLY VOTING POLLING PLACE; AND

23 (II) PROVIDE FOR A CLEAR AND SPECIFIC CHAIN OF CUSTODY FOR
24 EACH VOTING UNIT USED AT AN EARLY VOTING POLLING PLACE FROM THE TIME
25 THE VOTING UNIT IS DEPLOYED UNTIL THE UNIT IS RETURNED TO THE PHYSICAL
26 CUSTODY OF THE LOCAL BOARD.

27 (F) ANY PROVISION OF THIS ARTICLE THAT APPLIES TO ELECTION DAY ALSO
28 SHALL APPLY TO EARLY VOTING.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall
30 allocate the resources required to implement the requirements of this Act, including
31 any gift received by the State for the purposes of this Act under § 2-201 of the State
32 Finance and Procurement Article, or, except for federal funds received by the State to
33 implement the requirements of the Help America Vote Act 2002, any federal or other
34 funds or grant received by the State in accordance with federal and State law for the
35 purposes of this Act by fiscal year 2007 and each fiscal year thereafter.

36 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take
37 effect ~~October~~ June 1, 2005.

