G1   (5lr0934)

ENROLLED BILL
-- Education, Health, and Environmental Affairs/Way and Means --

Introduced by **Senators Miller, Conway, Currie, Dyson, Exum, Frosh,
    Garagiola, Green, Hogan, Hollinger, Middleton, and Ruben**

Read and Examined by Proofreaders:

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                                                                    Proofreader.

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                                                                    Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____M.

_____
                                                                    President.

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 early voting polling places for~~
7   ~~each election; granting authority to certain entities to select early voting polling~~
8   ~~places; establishing that each local board of elections has the final authority to~~
9   ~~select the geographic locations for certain early voting polling places;~~ *requiring*
10   *the local boards of elections to establish the early voting polling places in each*
11   *county; requiring the local boards in certain counties to establish at least a*
12   *certain number of early voting polling places for each primary or general election;*
13   requiring the Governor to allocate certain resources to implement this Act;
14   requiring the State Board of Elections to adopt certain regulations and
15   guidelines by a certain date; making certain provisions of law applicable to early
16   voting; and generally relating to early voting in elections in the State.

1 BY adding to
2   Article - Election Law
3   Section 10-301.1
4   Annotated Code of Maryland
5   (2003 Volume and 2004 Supplement)

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

<center>**Article - Election Law**</center>

9 10-301.1.

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

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

13   (2)   IN AN EARLY VOTING POLLING PLACE AS PROVIDED IN THIS
14 SECTION.

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

16   (1)   BEGINNING THE ~~EIGHTH DAY~~ *TUESDAY* BEFORE A PRIMARY OR
17 GENERAL ELECTION THROUGH THE ~~FRIDAY~~ *SATURDAY* BEFORE THE ELECTION; AND

18   (2)   8 HOURS EACH DAY DURING THE PERIOD SPECIFIED UNDER
19 PARAGRAPH (1) OF THIS SUBSECTION~~, INCLUDING EACH SATURDAY AND SUNDAY~~.

20   ~~(C)~~   ~~(1)~~   ~~WITH THE ADVICE OF THE LOCAL ELECTION DIRECTOR, THE STATE~~
21 ~~ADMINISTRATOR SHALL SET THE NUMBER OF EARLY VOTING POLLING PLACES THAT~~
22 ~~EACH LOCAL BOARD MUST ESTABLISH.~~

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

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

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

27   ~~3.~~   ~~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~~.

1   ~~(3)~~   ~~IF THE NUMBER OF POLLING LOCATIONS~~ EARLY VOTING POLLING
2 ~~PLACES SET BY THE STATE ADMINISTRATOR FOR A LOCAL BOARD IS NOT EQUALLY~~
3 ~~DIVISIBLE BY THREE:~~

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

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

9   *(C)*   *(1)*   *EACH LOCAL BOARD SHALL ESTABLISH THE EARLY VOTING POLLING*
10 *PLACES IN ITS COUNTY.*

11   *(2)*   *(I)*   *IN THE FOLLOWING COUNTIES, THE LOCAL BOARD SHALL*
12 *ESTABLISH AT LEAST THREE EARLY VOTING POLLING PLACES FOR EACH PRIMARY*
13 *OR GENERAL ELECTION:*

14   *1.*   *ANNE ARUNDEL;*

15   *2.*   *BALTIMORE CITY;*

16   *3.*   *BALTIMORE COUNTY;*

17   *4.*   *HARFORD;*

18   *5.*   *HOWARD;*

19   *6.*   *MONTGOMERY; AND*

20   *7.*   *PRINCE GEORGE'S.*

21   *(II)*   *IN EACH COUNTY OTHER THAN A COUNTY SPECIFIED IN*
22 *SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL BOARD SHALL ESTABLISH AT*
23 *LEAST ONE EARLY VOTING POLLING PLACE FOR EACH PRIMARY OR GENERAL*
24 *ELECTION.*

25   ~~(4)~~   ~~(I)~~   *(3)*   POLLING PLACES ESTABLISHED BY A LOCAL BOARD
26 UNDER THIS SECTION SHALL MEET THE REQUIREMENTS OF § 10-101 OF THIS TITLE.

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

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

32   (2)   THE LOCAL BOARD SHALL ENSURE THAT EVERY BALLOT STYLE
33 USED IN THE COUNTY FOR THE ELECTION IS AVAILABLE AT THE EARLY VOTING
34 POLLING ~~LOCATIONS~~ PLACES.

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

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

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

12   SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October June 1, 2005.