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

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

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 Governor to allocate certain resources to implement this Act; requiring the
11 State Board of Elections to adopt certain regulations and guidelines by a certain
12 date; making certain provisions of law applicable to early voting; and generally
13 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 DAY BEFORE A PRIMARY OR GENERAL
10 ELECTION THROUGH THE FRIDAY 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.

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

18 ~~(1)~~ 1. THE PRINCIPAL MAJORITY POLITICAL PARTY; ~~AND~~

19 ~~(2)~~ 2. THE PRINCIPAL MINORITY POLITICAL PARTY; ~~AND~~

20 3. THE LOCAL BOARD BASED ON THE RECOMMENDATION OF
21 RECOGNIZED NONPRINCIPAL POLITICAL PARTIES AND OTHER PUBLIC INTEREST
22 GROUPS.

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

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

30 (I) THE NUMBER OF GEOGRAPHIC LOCATIONS SELECTED BY THE
31 PRINCIPAL PARTIES SHALL BE EQUAL; AND

32 (II) THE NUMBER OF GEOGRAPHIC LOCATIONS SELECTED BY THE
33 LOCAL BOARD SHALL BE LESS THAN, BY NO MORE THAN TWO, THE NUMBER
34 SELECTED BY ONE PRINCIPAL PARTY.

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

3 (II) IF A LOCAL BOARD CANNOT ESTABLISH A POLLING PLACE IN
4 THE GEOGRAPHIC LOCATION REQUESTED UNDER THIS SUBSECTION, THE
5 REQUESTING ENTITY MAY MAKE ANOTHER REQUEST.

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

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

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

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

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

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