
By: **Delegates McConkey, Cardin, V. Clagett, Cluster, Dwyer, Gilleland,
Montgomery, and Vaughn**

Introduced and read first time: January 25, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Polling Places in Privately Owned or Leased Buildings -**
3 **Rules and Regulations**

4 FOR the purpose of requiring a local board of elections to require that certain polling
5 places post certain information and adhere to certain rules and regulations;
6 prohibiting the owner or operator of a privately owned building used as a polling
7 place from imposing certain rules and regulations on the polling place or the
8 election judge; and generally relating to rules and regulations of polling places
9 in privately owned or leased buildings.

10 BY repealing and reenacting, with amendments,

11 Article - Election Law

12 Section 10-101

13 Annotated Code of Maryland

14 (2003 Volume and 2005 Supplement)

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

17 **Article - Election Law**

18 10-101.

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

22 (2) Each polling place shall:

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

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

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
5 the 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
8 physically 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,
11 without charge, the space that is needed in the building for the proper conduct of an
12 election.

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

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

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

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

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

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

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

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

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

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

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

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

6 (C) (1) IF A LOCAL BOARD DESIGNATES A PRIVATELY OWNED OR LEASED
7 BUILDING UNDER SUBSECTION (A)(4) OF THIS SECTION AS A POLLING PLACE, THE
8 LOCAL BOARD SHALL REQUIRE THE POLLING PLACE TO:

9 (I) POST INFORMATIONAL MATERIALS AS PROVIDED UNDER §
10 10-306 OF THIS TITLE; AND

11 (II) ADHERE TO THE ELECTIONEERING LAWS ESTABLISHED UNDER
12 § 16-206(B) OF THIS ARTICLE.

13 (2) THE OWNER OR OPERATOR OF A PRIVATELY OWNED BUILDING THAT
14 IS USED AS A POLLING PLACE MAY NOT IMPOSE ANY ADDITIONAL RULES OR
15 REGULATIONS ON THE POLLING PLACE OR THE ELECTION JUDGE THAT HAVE NOT
16 BEEN ADOPTED BY THE STATE OR LOCAL BOARD.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2006.