

HOUSE BILL 366

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71r2394

By: **Delegate Bohanan**

Introduced and read first time: February 2, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Administration and the Recruitment and Retention of Election**
3 **Judges**

4 FOR the purpose of requiring that each public institution of higher education in the
5 State be closed for normal academic activities on general election day; requiring
6 certain institutions of higher education to be open to accommodate voting on
7 certain election days; requiring the governing body of each public institution of
8 higher education to consider certain matters and policies to assist in the
9 administration of elections; requiring a local board of elections to establish a
10 polling place at each public or private institution of higher education in its
11 county; providing that a local board may appoint an election judge to serve for
12 all or part of a day at a polling place on the day of an election; requiring a local
13 board to apportion the compensation of certain election judges in a certain
14 manner; and generally relating to election administration and the recruitment
15 and retention of election judges.

16 BY repealing and reenacting, without amendments,
17 Article 1 – Rules of Interpretation
18 Section 27(a)(15) and (16)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2006 Supplement)

21 BY adding to
22 Article – Education
23 Section 15–111
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume)

2 BY repealing and reenacting, with amendments,
3 Article – Election Law
4 Section 2–303, 10–203, and 10–205
5 Annotated Code of Maryland
6 (2003 Volume and 2006 Supplement)

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

9 **Article 1 – Rules of Interpretation**

10 27.

11 (a) In this Code and any rule, regulation, or directive adopted under it, “legal
12 holiday” means:

13 (15) Each statewide general election day in this State; and

14 (16) Each other day that the President of the United States or the
15 Governor designates for general cessation of business.

16 **Article – Education**

17 **15–111.**

18 (A) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH PUBLIC**
19 **INSTITUTION OF HIGHER EDUCATION IN THE STATE SHALL BE CLOSED FOR ITS**
20 **NORMAL ACADEMIC ACTIVITIES ON EACH STATEWIDE GENERAL ELECTION DAY**
21 **IN THIS STATE.**

22 (B) **IN ACCORDANCE WITH § 2–303(A)(2) OF THE ELECTION LAW**
23 **ARTICLE, A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THIS STATE SHALL**
24 **BE OPEN TO ACCOMMODATE VOTING ON ITS CAMPUS ON EACH PRIMARY AND**
25 **GENERAL ELECTION DAY.**

26 (C) **TO ASSIST IN THE ADMINISTRATION OF EACH STATEWIDE PRIMARY**
27 **AND GENERAL ELECTION IN THIS STATE, THE GOVERNING BOARD OF EACH**
28 **PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL CONSIDER:**

1 (iii) A local board may not be required to establish a separate
2 precinct as provided under subparagraph (i) of this paragraph if there is an
3 established precinct within one-half mile of the public or private institution of higher
4 education's campus that serves the voters who attend or work at the public or private
5 institution of higher education.

6 (b) Except as provided in subsection (e) of this section, a local board may not
7 create or change a precinct boundary or polling place during the period beginning the
8 Tuesday that is 13 weeks prior to a primary election, through the day of the general
9 election.

10 (c) Any precinct boundary established by a local board subsequent to July 1,
11 1987 shall follow visible features as defined by the Bureau of the Census, United
12 States Department of Commerce.

13 (d) Within 5 days of creating a new precinct or changing a precinct boundary,
14 a local board shall send to the State Administrator a written description of the new
15 boundary and a map of the area involved.

16 (e) (1) Unless the action is approved in advance by the State
17 Administrator, during the period January 1, in the second year preceding the
18 decennial census, through the effective date of any redistricting based on the census, a
19 local board may not create a new precinct or change a precinct boundary.

20 (2) Upon receipt of the written description and map relating to a
21 precinct boundary established during the period described in paragraph (1) of this
22 subsection, the State Administrator shall immediately forward the documents to the
23 Secretary of the Department of Planning and the Executive Director of the
24 Department of Legislative Services.

25 (f) Notwithstanding any restrictions imposed by this section, subject to the
26 approval of the State Board, a local board may create a new precinct or change a
27 precinct boundary or polling place if the local board determines that an emergency
28 exists.

29 (g) (1) The regulations adopted by the State Board shall include
30 procedures for the creation of new precincts and changes to precinct boundaries or
31 polling places.

32 (2) A local board may create a new precinct or make a change in a
33 precinct boundary or polling place only in accordance with regulations adopted by the
34 State Board.

1 10-203.

2 (a) The election director, with the approval of the local board[,]:

3 (1) shall appoint the election judges for each polling place for a term
4 that begins on the Tuesday that is 13 weeks before each statewide primary election;
5 **AND**

6 (2) **MAY APPOINT AN ELECTION JUDGE TO SERVE FOR ALL OR**
7 **PART OF A DAY AT A POLLING PLACE ON THE DAY OF AN ELECTION.**

8 (b) One or two election judges in each precinct shall:

9 (1) be designated chief judge; and

10 (2) supervise the staff at the polling place.

11 (c) The term of office for an election judge continues until the Tuesday that
12 is 13 weeks before the next statewide primary election unless:

13 (1) the local board excuses the person for good cause; or

14 (2) a special election is held during the election judge's term of office
15 and the State Board determines that a local board may not need the service of all of
16 the appointed election judges.

17 (d) A local board shall fill each vacant election judge position in the same
18 manner as set forth in subsection (a) of this section.

19 10-205.

20 (a) (1) A local board may fix the compensation of election judges within
21 the limits authorized for this purpose by the county's governing body.

22 (2) **A LOCAL BOARD SHALL APPORTION THE COMPENSATION FOR**
23 **AN ELECTION JUDGE ON THE BASIS OF EACH DAY OR PART OF A DAY THAT THE**
24 **ELECTION JUDGE ACTUALLY WORKS.**

25 (b) (1) In Allegany County, the compensation for each day actually served
26 may not be less than:

27 (i) \$100 per day for each chief election judge; and

1 (ii) \$80 per day for every other election judge.

2 (2) (i) In Baltimore City, the compensation for each election day
3 actually served shall be:

4 1. not less than \$200 per day for each chief election
5 judge; and

6 2. not less than \$150 per day for every other election
7 judge.

8 (ii) 1. In Baltimore City, except as provided in
9 subsubparagraph 2 of this subparagraph, an election judge shall receive \$20 as
10 compensation for completing the course of instruction required under § 10-206(f)(1) of
11 this subtitle.

12 2. Unless the local board excuses the election judge from
13 service, an election judge who fails to serve on election day may not receive the
14 compensation authorized under this subparagraph.

15 (3) In Baltimore County, the compensation for each election day
16 actually served shall be:

17 (i) \$160 per day for each chief election judge; and

18 (ii) \$125 per day for every other election judge.

19 (4) In Calvert County, the compensation for each election day actually
20 served shall be:

21 (i) \$125 per day for each chief election judge; and

22 (ii) \$100 per day for every other election judge.

23 (5) In Harford County, the compensation for each election day actually
24 served shall be:

25 (i) not less than \$160 per day for each chief election judge; and

26 (ii) not less than \$125 per day for every other election judge.

1 (6) (i) In Prince George's County, the compensation for each
2 election day actually served shall be:

3 1. \$200 per day for two chief election judges; and

4 2. \$125 per day for every other election judge.

5 (ii) 1. In Prince George's County, except as provided under
6 sub-subparagraph 2 of this subparagraph, election judges and alternate election
7 judges shall receive \$25 as compensation for completing the course of instruction
8 required under § 10-206 of this subtitle.

9 2. An election judge or alternate election judge may not
10 receive the compensation authorized under this subparagraph if the election judge
11 refuses to serve on an election day, unless the local board excuses the election judge.

12 (7) (i) In Washington County, the compensation for each election
13 day actually served shall be:

14 1. \$175 per day for each chief election judge, plus a
15 mileage allowance as determined by the Washington County Board; and

16 2. \$150 per day for every other election judge.

17 (ii) In Washington County, a chief election judge or election
18 judge who successfully completes a course of instruction in poll working shall be
19 eligible for additional compensation, if approved by the Washington County Board and
20 provided for in the county budget.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2007.