

SENATE BILL 439

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By: **Senator Jones**

Introduced and read first time: January 31, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Polling Place Designation - Senior Centers**

3 FOR the purpose of authorizing a local board of elections to use a senior center as a
4 polling place under certain circumstances; requiring local boards of elections to
5 designate any senior center that contains 100 or more registered voters as a
6 polling place, subject to a certain exception; requiring a senior center to provide
7 a certain facility without charge for use as a polling place; requiring a local
8 board to attempt to recruit election judges to staff a polling place designated at
9 a senior center from any institution of higher education in the county; and
10 generally relating to the designation of certain senior centers as polling places.

11 BY repealing and reenacting, with amendments,
12 Article - Election Law
13 Section 10-101 and 10-102
14 Annotated Code of Maryland
15 (2003 Volume and 2007 Supplement)

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

18 **Article - Election Law**

19 10-101.

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

23 (2) Each polling place shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (iii) except as authorized in paragraph (4) of this subsection **AND**
6 **SUBSECTION (B) OF THIS SECTION**, be in a public building;

7 (iv) be in the precinct that it serves unless no suitable location
8 for a polling place can be found within that precinct, in which case the board may
9 establish the polling place in an adjacent precinct; and

10 (v) whenever practicable, be selected and arranged to avoid
11 architectural and other barriers that impede access or voting by elderly and physically
12 disabled voters.

13 (3) (i) The public official responsible for the use of any public
14 building requested by a local board for a polling place shall make available to the local
15 board, without charge, the space that is needed in the building for the proper conduct
16 of an election.

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

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

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

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

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

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

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

33 (5) If a polling place is located in a building owned or leased by a
34 volunteer fire company or rescue squad, the volunteer fire company or rescue squad

1 may require the local board to pay for the use of the space that is needed in the
2 building for the proper conduct of any election.

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

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

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

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

13 **(4) UNDER § 10-102(E) OF THIS SUBTITLE, A LOCAL BOARD MAY**
14 **USE A PRIVATE SENIOR CENTER FOR A POLLING PLACE.**

15 10-102.

16 (a) If the polling place assigned to an elderly or disabled voter is not
17 structurally barrier free, the voter may request a reassignment by the local board.

18 (b) (1) To qualify for a reassignment by the local board, the voter shall
19 submit a request in writing to the local board not later than the close of registration
20 for the election.

21 (2) The request may be made on a form prescribed by the State Board.

22 (c) On receipt of a request from an elderly or disabled voter under subsection
23 (b) of this section, the local board shall either:

24 (1) assign the voter to an election district, ward, or precinct in the
25 voter's county that contains a structurally barrier free polling place; or

26 (2) issue the voter an absentee ballot in accordance with the
27 procedures established under Title 9, Subtitle 3 of this article.

28 (d) Any ballot issued to a voter under subsection (c)(2) of this section shall be
29 identical to the ballot used in the polling place originally assigned to the voter.

30 **(E) (1) (I) A LOCAL BOARD SHALL DESIGNATE A POLLING PLACE**
31 **IN A SENIOR CENTER IF THE LOCAL BOARD DETERMINES THAT AT LEAST 100**
32 **ELDERLY INDIVIDUALS WHO ATTEND OR LIVE AT THE SENIOR CENTER ARE**

1 REGISTERED VOTERS IN THE PRECINCT IN WHICH THE SENIOR CENTER IS
2 LOCATED.

3 (II) A LOCAL BOARD MAY NOT BE REQUIRED TO DESIGNATE
4 A SEPARATE POLLING PLACE AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH IF THERE IS A DESIGNATED POLLING PLACE WITHIN ONE-HALF
6 MILE OF THE SENIOR CENTER THAT SERVES THE ELDERLY VOTERS WHO
7 ATTEND OR LIVE AT THE SENIOR CENTER.

8 (2) IF, IN ACCORDANCE WITH PARAGRAPH (1) OF THIS
9 SUBSECTION, A POLLING PLACE IS DESIGNATED AT A SENIOR CENTER, THAT
10 SENIOR CENTER SHALL PROVIDE WITHOUT CHARGE TO THE LOCAL BOARD A
11 FACILITY FOR USE AS A POLLING PLACE THAT MEETS ALL APPLICABLE
12 REQUIREMENTS UNDER THIS ARTICLE AND AS REQUIRED BY THE STATE
13 BOARD.

14 (3) A LOCAL BOARD SHALL ATTEMPT TO RECRUIT ELECTION
15 JUDGES TO STAFF A POLLING PLACE DESIGNATED UNDER PARAGRAPH (1) OF
16 THIS SUBSECTION FROM ANY INSTITUTION OF HIGHER EDUCATION IN THE
17 COUNTY.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2008.