

# HOUSE BILL 459

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HB 280/06 – W&M

9lr1598

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By: **Delegates McConkey, Barkley, Bates, V. Clagett, Dumais, George, and Kipke**

Introduced and read first time: February 4, 2009

Assigned to: Ways and Means

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## 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  
7 polling place from imposing certain rules and regulations on the polling place or  
8 the election judge; and generally relating to rules and regulations of polling  
9 places 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 2008 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:

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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, be  
6 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  
35 may require the local board to pay for the use of the space that is needed in the  
36 building for the proper conduct of any election.

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

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

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

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

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

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

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

18                           **(2)   THE OWNER OR OPERATOR OF A PRIVATELY OWNED**  
19 **BUILDING THAT IS USED AS A POLLING PLACE MAY NOT IMPOSE ANY**  
20 **ADDITIONAL REQUIREMENTS OR REGULATIONS ON THE POLLING PLACE OR THE**  
21 **ELECTION JUDGE THAT HAVE NOT BEEN ADOPTED BY THE STATE OR LOCAL**  
22 **BOARD.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2009.