HOUSE BILL 1179

G1 9lr2298

By: **Delegates Cardin, Hixson, Olszewski, and Ross**
Introduced and read first time: February 13, 2009
Assigned to: Ways and Means

A BILL ENTITLED

1   AN ACT concerning

2   **Election Law – Early Voting**

3   FOR the purpose of establishing a process to allow a voter in the State to vote in
4   primary or general elections at early voting centers, instead of in the voter's
5   assigned precinct on election day; requiring each county to have a specified
6   number of early voting centers, based on the number of registered voters in the
7   county; requiring the State Board of Elections, in collaboration with the local
8   board of elections in a county, to designate the early voting polling centers in
9   that county; requiring early voting centers to be open for voting during a certain
10   period and during certain hours; requiring each early voting center to meet
11   certain requirements; requiring the State Board and the local boards to take
12   certain steps to inform voters about early voting and the location of early voting
13   centers; making certain provisions of law applicable to early voting; requiring
14   the State Board to adopt regulations and guidelines for the conduct of early
15   voting; requiring local boards to pay an election judge for each early voting day
16   that the election judge actually serves; authorizing a voter to cast a provisional
17   ballot at an early voting center; defining a certain term; making conforming
18   changes; and generally relating to early voting.

19   BY repealing
20   Article – Election Law
21   Section 1–101(ii)
22   Annotated Code of Maryland
23   (2003 Volume and 2008 Supplement)

24   BY renumbering
25   Article – Election Law
26   Section 1–101(x) through 1–101(hh), respectively
27   to be Section 1–101(y) through (ii), respectively
28   Annotated Code of Maryland
29   (2003 Volume and 2008 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
   [Brackets] indicate matter deleted from existing law.

1 BY adding to
2   Article – Election Law
3   Section 1–101(x) and 10–301.1
4   Annotated Code of Maryland
5   (2003 Volume and 2008 Supplement)

6 BY repealing and reenacting, with amendments,
7   Article – Election Law
8   Section 9–404, 10–205, and 10–310(a)
9   Annotated Code of Maryland
10   (2003 Volume and 2008 Supplement)

11 BY repealing and reenacting, without amendments,
12   Article – Election Law
13   Section 10–101 and 10–203
14   Annotated Code of Maryland
15   (2003 Volume and 2008 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 1–101.

20   [(ii)   "Precinct register" means the list of voters for a single precinct.]

21   SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1–101(x)
22 through (hh), respectively, of Article – Election Law of the Annotated Code of
23 Maryland be renumbered to be Section(s) 1–101(y) through (ii), respectively.

24   SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26   **Article – Election Law**

27 1–101.

28   **(X)   "ELECTION REGISTER" MEANS THE LIST OF VOTERS ELIGIBLE TO**
29 **VOTE:**

30   **(1)   IN A PRECINCT ON ELECTION DAY; OR**

31   **(2)   IN A COUNTY EARLY VOTING CENTER DURING EARLY VOTING.**

32 9–404.

1   (a)   If an individual is eligible under subsection (b) of this section, the
2 individual shall be issued and may cast a provisional ballot:

3   (1)   at a polling place on election day; **[**or**]**

4   **(2)   AT AN EARLY VOTING CENTER DURING EARLY VOTING; OR**

5   **[**(2)**] (3)**   at the local board office in the county where the individual
6 resides after the close of registration and before the closing of the polls on election day.

7   (b)   An individual is eligible to cast a provisional ballot if:

8   (1)   the individual declares in a written affirmation submitted with the
9 provisional ballot that the individual is a registered voter in the State and is eligible to
10 vote in that election; and

11   (2)   (i)   the individual's name does not appear on the **[**precinct**]**
12 **ELECTION** register;

13   (ii)   an election official asserts that the individual is not eligible
14 to vote; or

15   (iii)   the individual does not have the necessary identification.

16   (c)   In addition to the individuals who cast provisional ballots under
17 subsections (a) and (b) of this section, any individual who appears to vote during a
18 period covered by a court order or other order extending the time for closing the polls
19 shall cast a provisional ballot. A provisional ballot cast under this subsection shall be
20 separated and held apart from other provisional ballots cast by those not affected by
21 the order.

22 10–101.

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

26   (2)   Each polling place shall:

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

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

1   (iii)   except as authorized in paragraph (4) of this subsection, be
2   in a public building;

3   (iv)   be in the precinct that it serves unless no suitable location
4   for a polling place can be found within that precinct, in which case the board may
5   establish 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 physically
8   disabled voters.

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

13   (ii)   Light, heat, and custodial and janitorial services for the
14   space 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,
18   an election may not be held in any building or part of any building used or occupied by
19   an 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
28   polling 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.

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

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

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

9 10–203.

10   (a)   The election director, with the approval of the local board, shall appoint
11 the election judges for each polling place for a term that begins on the Tuesday that is
12 13 weeks before each statewide primary election.

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

14   (1)   be designated chief judge; and

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

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

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

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

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

24 10–205.

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

27   **(2)**   **A LOCAL BOARD SHALL PAY AN ELECTION JUDGE FOR EACH**
28 **ELECTION DAY AND EACH EARLY VOTING DAY THAT THE ELECTION JUDGE**
29 **ACTUALLY SERVES.**

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

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

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

3   (2)   (i)   In Baltimore City, the compensation for each election day
4   **OR EARLY VOTING DAY** actually served shall be:

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

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

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

13   2.   Unless the local board excuses the election judge from
14   service, an election judge who fails to serve on election day **OR ON AN EARLY VOTING**
15   **DAY** may not receive the compensation authorized under this subparagraph.

16   (3)   In Baltimore County, the compensation for each election day **OR**
17   **EARLY VOTING DAY** actually served shall be:

18   (i) $225 per day for each chief election judge; and

19   (ii) $162.50 per day for every other election judge.

20   (4)   In Calvert County, the compensation for each election day **OR**
21   **EARLY VOTING DAY** actually served shall be:

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

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

24   (5)   In Harford County, the compensation for each election day **OR**
25   **EARLY VOTING DAY** actually served shall be:

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

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

28   (6)   (i)   In Prince George's County, the compensation for each
29   election day **OR EARLY VOTING DAY** actually served shall be not less than:

30   1. $250 per day for two chief election judges; and

1   2. $200 per day for every other election judge.

2   (ii)   1.   In Prince George's County, except as provided under
3 subsubparagraph 2 of this subparagraph, election judges and alternate election judges
4 shall receive $50 as compensation for completing the course of instruction required
5 under § 10–206 of this subtitle.

6   2.   An election judge or alternate election judge may not
7 receive the compensation authorized under this subparagraph if the election judge
8 refuses to serve on an election day **OR ON AN EARLY VOTING DAY**, unless the local
9 board excuses the election judge.

10   (7)   (i)   In Washington County, the compensation for each election
11 day **OR EARLY VOTING DAY** actually served shall be:

12   1. $175 per day for each chief election judge, plus a
13 mileage allowance as determined by the Washington County Board; and

14   2. $150 per day for every other election judge.

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

19 **10–301.1.**

20   **(A)   EXCEPT AS PROVIDED UNDER TITLE 9, SUBTITLE 3 OF THIS**
21 **ARTICLE, DURING ANY REGULARLY SCHEDULED PRIMARY OR GENERAL**
22 **ELECTION A VOTER MAY VOTE:**

23   **(1)   IN THE VOTER'S ASSIGNED PRECINCT ON ELECTION DAY; OR**

24   **(2)   AT AN EARLY VOTING CENTER IN THE VOTER'S COUNTY OF**
25 **RESIDENCE ON ANY EARLY VOTING DAY IN ACCORDANCE WITH THIS SECTION.**

26   **(B)   (1)   EACH COUNTY SHALL HAVE AT LEAST ONE EARLY VOTING**
27 **CENTER ESTABLISHED IN THE COUNTY AS PRESCRIBED IN THIS SUBSECTION.**

28   **(2)   A COUNTY WITH FEWER THAN 150,000 REGISTERED VOTERS**
29 **SHALL HAVE ONE EARLY VOTING CENTER ESTABLISHED IN THE COUNTY.**

30   **(3)   A COUNTY WITH MORE THAN 150,000 BUT FEWER THAN**
31 **300,000 REGISTERED VOTERS SHALL HAVE THREE EARLY VOTING CENTERS**
32 **ESTABLISHED IN THE COUNTY.**

1   **(4)   A COUNTY WITH MORE THAN 300,000 REGISTERED VOTERS**
2   **SHALL HAVE FIVE EARLY VOTING CENTERS ESTABLISHED IN THE COUNTY.**

3   **(C)   THE STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARD IN**
4   **EACH COUNTY, SHALL DESIGNATE EACH EARLY VOTING CENTER IN THAT**
5   **COUNTY.**

6   **(D)   EACH EARLY VOTING CENTER SHALL BE OPEN FOR VOTING:**

7   **(1)   BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR**
8   **GENERAL ELECTION THROUGH THE FRIDAY BEFORE THE ELECTIONS, BUT**
9   **EXCLUDING SUNDAY; AND**

10   **(2)   DURING THE HOURS BETWEEN 7 A.M. AND 8 P.M.**

11   **(E)   EACH EARLY VOTING CENTER SHALL SATISFY THE REQUIREMENTS**
12   **OF § 10–101 OF THIS TITLE.**

13   **(F)   BEGINNING 30 DAYS PRIOR TO EACH EARLY VOTING PERIOD THE**
14   **STATE BOARD AND EACH LOCAL BOARD SHALL UNDERTAKE STEPS TO INFORM**
15   **THE PUBLIC ABOUT EARLY VOTING AND THE LOCATION OF EARLY VOTING**
16   **CENTERS IN EACH COUNTY, INCLUDING:**

17   **(1)   A SERIES OF PUBLIC SERVICE MEDIA ANNOUNCEMENTS;**

18   **(2)   MAILINGS TO ALL REGISTERED VOTERS IN EACH COUNTY; AND**

19   **(3)   OTHER MEASURES AS APPROPRIATE.**

20   **(G)   EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, ANY**
21   **PROVISION OF THIS ARTICLE THAT APPLIES TO VOTING ON ELECTION DAY ALSO**
22   **APPLIES TO EARLY VOTING.**

23   **(H)   THE STATE BOARD SHALL ADOPT REGULATIONS AND GUIDELINES**
24   **IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION FOR THE**
25   **CONDUCT OF EARLY VOTING.**

26   10–310.

27   (a)   For each individual who seeks to vote, an election judge, in accordance
28   with instructions provided by the local board, shall:

1   (1)   locate the individual's name in the **[**precinct**]** **ELECTION** register
2 and locate the preprinted voting authority card and then authorize the individual to
3 vote a regular ballot;

4   (2)   (i)   if the individual's name is not found on the **[**precinct**]**
5 **ELECTION** register, search the inactive list and if the name is found, authorize the
6 individual to vote a regular ballot; or

7   (ii)   if the individual's name is not on the inactive list, refer the
8 individual for provisional ballot voting under § 9–404 of this article;

9   (3)   establish the identity of the voter by requesting the voter to state
10 the month and day of the voter's birth and comparing the response to the information
11 listed in the **[**precinct**]** **ELECTION** register;

12   (4)   (i)   except if a voter's personal information has been deemed
13 confidential by the local board, verify the address of the voter's residence; or

14   (ii)   conduct an alternative verification as established by the
15 State Board, if the voter's personal information has been deemed confidential by the
16 local board;

17   (5)   if any changes to the voting authority card are indicated by a voter,
18 make the appropriate changes in information on the card or other appropriate form;
19 and

20   (6)   have the voter sign the voting authority card and either issue the
21 voter a ballot or send the voter to a machine to vote.

22   SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2009.