

SENATE BILL 197

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By: **Senator Lenett**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Early Voting and Polling Places**

3 FOR the purpose of establishing a process to allow voters in the State to vote in
4 elections at early voting polling places, instead of voting in the voters' assigned
5 precinct on election day; authorizing a voter to vote by provisional ballot at any
6 polling place in the State on election day; requiring the State Board of Elections,
7 in collaboration with local boards of election, to designate the days and hours
8 during a certain period in which early voting is allowed; requiring each local
9 board to designate early voting polling places in the county; requiring each early
10 voting polling place to meet certain requirements; requiring a local board to
11 ensure that every voting style used in the State is available at each early voting
12 polling place in that county; requiring the State Board to adopt certain
13 regulations and guidelines; making certain provisions of law applicable to early
14 voting; requiring local boards to pay an election judge for each early voting day
15 that the election judge actually serves; and generally relating to early voting in
16 elections in the State.

17 BY repealing and reenacting, without amendments,
18 Article – Election Law
19 Section 10–101 and 10–203
20 Annotated Code of Maryland
21 (2003 Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Election Law
24 Section 10–205
25 Annotated Code of Maryland
26 (2003 Volume and 2008 Supplement)

27 BY adding to
28 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10-301.1
2 Annotated Code of Maryland
3 (2003 Volume and 2008 Supplement)

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

6 **Article - Election Law**

7 10-101.

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

11 (2) Each polling place shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 10–203.

25 (a) The election director, with the approval of the local board, shall appoint
26 the election judges for each polling place for a term that begins on the Tuesday that is
27 13 weeks before each statewide primary election.

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

29 (1) be designated chief judge; and

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

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

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

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

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

7 10-205.

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

10 (2) **A LOCAL BOARD SHALL PAY AN ELECTION JUDGE FOR EACH**
11 **ELECTION DAY AND EACH EARLY VOTING DAY THAT THE ELECTION JUDGE**
12 **ACTUALLY SERVES.**

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

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

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

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

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

21 2. not less than \$150 per day for every other election
22 judge.

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

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

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

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

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

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

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

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

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

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

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

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

12 1. \$250 per day for two chief election judges; and

13 2. \$200 per day for every other election judge.

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

18 2. An election judge or alternate election judge may not
19 receive the compensation authorized under this subparagraph if the election judge
20 refuses to serve on an election day **OR EARLY VOTING DAY**, unless the local board
21 excuses the election judge.

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

24 1. \$175 per day for each chief election judge, plus a
25 mileage allowance as determined by the Washington County Board; and

26 2. \$150 per day for every other election judge.

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

1 **10-301.1.**

2 (A) EXCEPT AS PROVIDED UNDER TITLE 9, SUBTITLE 3 OF THIS
3 ARTICLE, A VOTER MAY VOTE:

4 (1) IN THE VOTER'S ASSIGNED PRECINCT ON ELECTION DAY;

5 (2) BY PROVISIONAL BALLOT AT ANY POLLING PLACE IN THE
6 STATE ON ELECTION DAY; OR

7 (3) AT AN EARLY VOTING POLLING PLACE ON ANY EARLY VOTING
8 DAY IN ACCORDANCE WITH THIS SECTION.

9 (B) THE STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARDS,
10 SHALL:

11 (1) DESIGNATE NOT MORE THAN 10 DAYS FOR THE CONDUCT OF
12 EARLY VOTING DURING THE 2-WEEK PERIOD IMMEDIATELY PRECEDING AN
13 ELECTION; AND

14 (2) PRESCRIBE THE HOURS EACH DAY WHEN THE EARLY VOTING
15 POLLING PLACES SHALL BE OPEN FOR VOTING.

16 (C) EACH LOCAL BOARD SHALL:

17 (1) DESIGNATE EARLY VOTING POLLING PLACES IN THAT
18 COUNTY; AND

19 (2) ENDEAVOR TO ENSURE THAT THE EARLY VOTING POLLING
20 PLACES IN THE COUNTY ARE ADEQUATE IN NUMBER AND CONVENIENTLY
21 LOCATED TO SERVE THE VOTERS IN THE COUNTY.

22 (D) EACH EARLY VOTING POLLING PLACE SHALL MEET THE
23 REQUIREMENTS OF § 10-101 OF THIS TITLE.

24 (E) EACH LOCAL BOARD SHALL ENSURE THAT EVERY BALLOT STYLE
25 USED IN THE STATE FOR THE ELECTION IS AVAILABLE AT THE EARLY VOTING
26 POLLING PLACES IN THAT COUNTY.

27 (F) ANY PROVISION OF THIS ARTICLE THAT APPLIES TO ELECTION DAY
28 ALSO SHALL APPLY TO EARLY VOTING.

29 (G) THE STATE BOARD SHALL ADOPT REGULATIONS AND GUIDELINES
30 FOR THE CONDUCT OF EARLY VOTING.

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