

HOUSE BILL 73

G1

7lr0383

By: **Delegate Luedtke**

Introduced and read first time: January 12, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Election Judges – Minimum Age and Minimum Compensation**

3 FOR the purpose of authorizing a minor who is at least a certain age and who is a registered
4 voter to be appointed and serve as an election judge; prohibiting a local board of
5 elections from paying an election judge less than a certain minimum wage; making
6 a conforming change; and generally relating to election judges.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 10–202(a) and 10–205
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Labor and Employment
14 Section 3–210(c)
15 Annotated Code of Maryland
16 (2016 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article – Labor and Employment
19 Section 3–413
20 Annotated Code of Maryland
21 (2016 Replacement Volume)

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

24 **Article – Election Law**

25 10–202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as provided in paragraph (2) of this subsection, an election judge
2 shall be a registered voter who resides in the county for which the election judge is
3 appointed.

4 (2) (i) If a qualified individual residing in the county cannot be found
5 with reasonable effort, the local board may appoint a registered voter residing in any part
6 of the State.

7 (ii) Subject to the provisions of § 3–210(c) of the Labor and
8 Employment Article, a minor who is at least [17] **16** years old and who is [too young to be]
9 a registered voter may be appointed and serve as an election judge [if the minor
10 demonstrates, to the satisfaction of the local board, that the minor meets all of the other
11 qualifications for registration in the county].

12 10–205.

13 (a) (1) **[A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** local
14 board may fix the compensation of election judges within the limits authorized for this
15 purpose by the county's governing body.

16 **(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A LOCAL**
17 **BOARD MAY NOT PAY AN ELECTION JUDGE LESS THAN THE MINIMUM WAGE**
18 **REQUIRED UNDER § 3–413 OF THE LABOR AND EMPLOYMENT ARTICLE.**

19 **[(2)] (3)** A local board shall pay an election judge for each election day and
20 each early voting day that the election judge actually serves.

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

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

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

25 (2) (i) In Baltimore City, the compensation for each election day or
26 early voting day actually served shall be:

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

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

30 (ii) 1. In Baltimore City, except as provided in subsubparagraph
31 2 of this subparagraph, an election judge shall receive \$20 as compensation for completing
32 the course of instruction required under § 10–206(g)(1) of this subtitle.

1 2. Unless the local board excuses the election judge from
2 service, an election judge who fails to serve on election day or on an early voting day may
3 not receive the compensation authorized under this subparagraph.

4 (3) In Baltimore County, the compensation for each election day or early
5 voting day actually served shall be:

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

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

8 (4) In Calvert County, the compensation for each election day or early
9 voting day actually served shall be:

10 (i) \$200 per day for each chief election judge; and

11 (ii) \$175 per day for every other election judge.

12 (5) In Harford County, the compensation for each election day or early
13 voting day actually served shall be:

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

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

16 (6) (i) In Prince George's County, the compensation for each election
17 day or early voting day actually served shall be not less than:

18 1. \$250 per day for two chief election judges; and

19 2. \$200 per day for every other election judge.

20 (ii) 1. In Prince George's County, except as provided under
21 subsubparagraph 2 of this subparagraph, election judges and alternate election judges
22 shall receive \$50 as compensation for completing the course of instruction required under
23 § 10–206 of this subtitle.

24 2. An election judge or alternate election judge may not
25 receive the compensation authorized under this subparagraph if the election judge refuses
26 to serve on an election day or on an early voting day, unless the local board excuses the
27 election judge.

28 (7) (i) In Washington County, the compensation for each election day
29 or early voting day actually served shall be:

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

3 2. \$150 per day for every other election judge.

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

8 Article – Labor and Employment

9 3–210.

10 (c) A minor who is **16 OR** 17 years old and serves as an election judge, under §
11 10–202 of the Election Law Article, may work more than 12 hours on election day only,
12 subject to consent from at least one parent or guardian.

13 3–413.

14 (a) In this section, “employer” includes a governmental unit.

15 (b) Except as provided in subsection (d) of this section and § 3–414 of this subtitle,
16 each employer shall pay:

17 (1) to each employee who is subject to both the federal Act and this subtitle,
18 at least the greater of:

19 (i) the minimum wage for that employee under the federal Act; or

20 (ii) the State minimum wage rate set under subsection (c) of this
21 section; and

22 (2) each other employee who is subject to this subtitle, at least:

23 (i) the greater of:

24 1. the highest minimum wage under the federal Act; or

25 2. the State minimum wage rate set under subsection (c) of
26 this section; or

27 (ii) a training wage under regulations that the Commissioner adopts
28 that include the conditions and limitations authorized under the federal Fair Labor
29 Standards Amendments of 1989.

30 (c) The State minimum wage rate is:

1 (1) for the 6-month period beginning January 1, 2015, \$8.00 per hour;

2 (2) for the 12-month period beginning July 1, 2015, \$8.25 per hour;

3 (3) for the 12-month period beginning July 1, 2016, \$8.75 per hour;

4 (4) for the 12-month period beginning July 1, 2017, \$9.25 per hour; and

5 (5) beginning July 1, 2018, \$10.10 per hour.

6 (d) (1) (i) Except as provided in paragraph (2) of this subsection and
7 subject to subparagraph (ii) of this paragraph, an employer may pay an employee a wage
8 that equals a rate of 85% of the State minimum wage established under this section if the
9 employee is under the age of 20 years.

10 (ii) An employer may pay to an employee the wage provided under
11 subparagraph (i) of this paragraph only for the first 6 months that the employee is
12 employed.

13 (2) (i) This paragraph applies only to an employer that is an
14 amusement or a recreational establishment, including a swimming pool, if the employer:

15 1. operates for no more than 7 months in a calendar year; or

16 2. for any 6 months during the preceding calendar year, has
17 average receipts that do not exceed one-third of the average receipts for the other 6 months.

18 (ii) An employer may pay an employee a wage that equals the
19 greater of:

20 1. 85% of the State minimum wage established under this
21 section; or

22 2. \$7.25.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.