

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 515 (Delegate Palakovich Carr)
Environment and Transportation and
Ways and Means

Real Property – Candidates – Access to Apartment Buildings

This bill prohibits a person from preventing a candidate from accessing an “apartment building” for the purpose of campaigning for elected office, registering voters, or distributing campaign material. A person, however, is authorized to impose specified limits and requirements on candidates accessing apartment buildings.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Apartment Building

“Apartment Building” means a residential building containing four or more individual dwelling units that (1) is not generally open to the public and (2) contains common areas that are locked and monitored by the owner or manager of the apartment building to prohibit entry by persons other than residents of the apartment building or guests of the residents.

Limitations on Access and Related Requirements

The bill authorizes a person to:

- deny a candidate access to an apartment building if the apartment building is not within the election district or precinct served by the office for which the candidate is campaigning or the candidate will not appear on the ballot for a general, primary, or special election within six months after the date on which the candidate wishes to enter the apartment;
- deny access to a particular room or individual dwelling within an apartment building;
- require a candidate to present identification;
- require that a candidate make an appointment, as specified;
- deny access to or expel a candidate from an apartment building or individual dwelling unit for good cause based on the conduct of the candidate, including (1) an unreasonable disturbance of residents; (2) a failure to distribute campaign material in an orderly fashion within the apartment building; (3) criminal conduct; (4) a failure to provide proof of identification to specified individuals; (5) a failure to schedule or adhere to a previously scheduled appointment; and (6) engagement in activity that does not further the permissible purposes under the bill; or
- impose reasonable limitations on the times a candidate may visit an apartment building or individual dwelling unit or on the distribution of campaign material.

The owner, manager or appropriate agent may require a waiver of liability to gain access. If the tenants of an apartment building have formed a tenants' organization, only the organization may decide to limit access to the candidate.

The bill also prohibits candidates from seeking to engage a resident in an individual dwelling unit if there is a clearly posted sign prohibiting canvassing or solicitation. Additionally, the bill specifies that its provisions do *not* authorize a candidate to post campaign material in a common area without the express consent of the owner, manager, or an appropriate agent.

Finally, the bill also requires an owner, manager, or appropriate agent of a complex of multiple apartment buildings to make available all of the apartment buildings in the complex during the same visit.

Current Law: Under the Maryland Condominium Act, a recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a condominium may not restrict or prohibit the display of a candidate's sign or a sign that advertises the support or defeat of any referendum. However, the display of signs in the common areas may be

restricted, in accordance with provisions of federal, State, and local law. If a limitation to the time period during which signs may be displayed is not specified by a local law, the limitations may not be more restrictive than 30 days before the primary election, general election, or vote on the proposition and 7 days after the primary election, general election, or vote on the proposition. Similar requirements apply to homeowners associations through the Maryland Homeowners Association Act.

Under the Election Law Article, in Montgomery and Prince George's counties only, the owner or governing board of a multifamily residential building, where access to the entrance of individual residential units is restricted by the owner or governing board of the entire building, must designate a public area within the building where, for 60 days immediately prior to each primary and general election, voter information material may be distributed or deposited. "Voter information material" includes campaign literature and registration or voting information issued by the State Board of Elections or a local board of elections. The designated public area must be readily accessible to the residents. Voter information material deposited in the designated area must remain available for residents of the building for a period of at least 10 days. If the local board of elections is notified in writing by a person whose rights were violated, the local board of elections must notify the owner or governing board of the apparent violation, list these requirements, and request compliance.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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