HOUSE BILL 328

By: Delegate D. Jones
Introduced and read first time: January 19, 2022
 Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2022

CHAPTER _____

1 AN ACT concerning

2 Elections – Polling Place Location Restrictions – Repeal

3 FOR the purpose of repealing restrictions on holding an election in a building used, owned, or occupied by an establishment that holds an alcoholic beverages license; and generally relating to restrictions on polling place locations.

4 BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–101(a)(4)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

5 BY adding to
Article – Election Law
Section 10–101(c)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Election Law


EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike-out indicates matter stricken from the bill by amendment or deleted from the law by amendment.
(a) (4) (i) If suitable space in a public building is not available, a local board may pay a reasonable fee for the use of space in a privately owned building.

(ii) A polling place may not be located in a privately owned building unless the owner of the building agrees to:

1. allow electioneering on the premises up to the electioneering boundary established under § 16–206(b) of this article; and

2. allow campaign signs on the premises, at a minimum, from:
   A. 5 p.m. the day immediately preceding election day until 8 a.m. on the day immediately following election day; and
   B. 5 p.m. the day before an early voting period begins under § 10–301.1 of this title until 8 a.m. the day after the early voting period ends.

[(iii) Except as provided in subparagraphs (iv) and (v) of this paragraph, an election may not be held in any building or part of any building used or occupied by an establishment that holds an alcoholic beverages license.

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

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

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

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

(v) An early voting center may be located in a building that is partially occupied by an establishment that holds an alcoholic beverages license if:

1. the State Board, in collaboration with a local board, determines that the building is a suitable site for an early voting center; and

2. the entrance to a licensee’s establishment is at least 100 feet from the entrance to the building that is closest to the part of the building where the early voting center is located.]

(C) The State Board shall adopt regulations governing the use of a building or part of a building that is owned, occupied, or partially
OCCUPIED BY AN ESTABLISHMENT THAT HOLDS AN ALCOHOLIC BEVERAGES LICENSE AS A POLLING PLACE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

__________________________________________
Governor.

__________________________________________
Speaker of the House of Delegates.

__________________________________________
President of the Senate.