

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

House Bill 328  
Ways and Means

(Delegate D. Jones)

Education, Health, and Environmental Affairs

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**Elections - Polling Place Location Restrictions - Repeal**

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This emergency bill requires the State Board of Elections (SBE) to adopt specified regulations, by August 31, 2022, 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. Contingent on adoption of those regulations, the bill repeals provisions in State election law that limit the extent to which an election can be held in any building or part of any building used or occupied by an establishment that holds an alcoholic beverages license.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect State finances.

**Local Effect:** The bill does not directly affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill requires SBE to adopt regulations, by August 31, 2022, 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. The regulations must require a local board of elections to prioritize the placement of polling locations in buildings that are not owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license.

Within five days after adopting the regulations, SBE must provide notice of the adoption of the regulations to the Department of Legislative Services (DLS). If the notice is received by DLS by August 31, 2022, provisions in State election law that limit the extent to which an election can be held in any building or part of any building used or occupied by an establishment that holds an alcoholic beverages license are repealed, on the date that DLS receives the notice.

**Current Law:** With certain exceptions, under State election law, 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.

An election may be held in a building that is owned or occupied by an establishment that holds an alcoholic beverages license if (1) the local board of elections 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 two hours before the polls open and ending two 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.

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) SBE, 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.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 907 (Senator Simonaire) - Education, Health, and Environmental Affairs.

**Information Source(s):** State Board of Elections; Baltimore, Carroll, Cecil, Harford, and St. Mary's counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2022  
km/hlb Third Reader - March 21, 2022  
Revised - Amendment(s) - March 21, 2022  
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