

HOUSE BILL 730

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CF SB 542

By: **Delegates Parrott, Afzali, Aumann, Boteler, Dwyer, Eckardt, Frank, George, Haddaway–Ricchio, Hogan, Hough, Impallaria, Kipke, Krebs, McComas, W. Miller, Norman, Smigiel, Stocksdale, Szeliga, and Vitale**

Introduced and read first time: February 5, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Polling Places – Electioneering**

3 FOR the purpose of requiring that electioneering be allowed on the premises of a
4 public building that is used for a polling place up to a certain electioneering
5 boundary; prohibiting a polling place from being located in a privately owned
6 building unless the owner of the building agrees to allow electioneering on the
7 premises up to a certain electioneering boundary; and generally relating to
8 electioneering at polling places.

9 BY repealing and reenacting, without amendments,
10 Article – Election Law
11 Section 10–101(a)(1) and (2)
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 10–101(a)(3) and (4)
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2012 Supplement)

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

21 **Article – Election Law**

22 10–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (2) Each polling place shall:

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

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

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

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

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

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

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

23 **(III) ELECTIONEERING SHALL BE ALLOWED ON THE**
24 **PREMISES OF THE PUBLIC BUILDING UP TO THE ELECTIONEERING BOUNDARY**
25 **ESTABLISHED UNDER § 16-206(B) OF THIS ARTICLE.**

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

28 **(II) A POLLING PLACE MAY NOT BE LOCATED IN A**
29 **PRIVATELY OWNED BUILDING UNLESS THE OWNER OF THE BUILDING AGREES**
30 **TO ALLOW ELECTIONEERING ON THE PREMISES UP TO THE ELECTIONEERING**
31 **BOUNDARY ESTABLISHED UNDER § 16-206(B) OF THIS ARTICLE.**

32 **[(ii)] (III)** Except as provided in subparagraphs **[(iii)](IV)** and
33 **[(iv)](V)** of this paragraph, an election may not be held in any building or part of any

1 building used or occupied by an establishment that holds an alcoholic beverages
2 license.

3 **[(iii)] (IV)** An election may be held in a building that is owned
4 and occupied by an establishment that holds an alcoholic beverages license if:

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

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

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

12 **[(iv)] (V)** An early voting center may be located in a building
13 that is partially occupied by an establishment that holds an alcoholic beverages license
14 if:

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

17 2. the entrance to a licensee's establishment is at least
18 100 feet from the entrance to the building that is closest to the part of the building
19 where the early voting center is located.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2013.