

# HOUSE BILL 730

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3lr1126  
CF SB 542

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

Introduced and read first time: February 5, 2013

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2013

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## CHAPTER \_\_\_\_\_

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; requiring that campaign signs be allowed on the premises of a public  
6 building that is used for a polling place for, at a minimum, certain time periods;  
7 prohibiting a polling place from being located in a privately owned building  
8 ~~unless the owner of the building agrees to allow electioneering on the premises~~  
9 ~~up to a certain electioneering boundary~~ except under certain circumstances; and  
10 generally relating to electioneering at polling places.

11 BY repealing and reenacting, without amendments,  
12 Article – Election Law  
13 Section 10–101(a)(1) and (2)  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Election Law  
18 Section 10–101(a)(3) and (4)  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume and 2012 Supplement)

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### 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.



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

3 **Article – Election Law**

4 10–101.

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

8 (2) Each polling place shall:

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

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

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

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

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

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

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

27 **(III) 1. ~~ELECTIONEERING~~ SUBJECT TO**  
28 **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, ELECTIONEERING SHALL BE**  
29 **ALLOWED ON THE PREMISES OF THE PUBLIC BUILDING UP TO THE**  
30 **ELECTIONEERING BOUNDARY ESTABLISHED UNDER § 16–206(B) OF THIS**  
31 **ARTICLE.**

32 **2. CAMPAIGN SIGNS SHALL BE ALLOWED ON THE**  
33 **PREMISES OF THE PUBLIC BUILDING, AT A MINIMUM, FROM:**

1                    A. 7 P.M. THE DAY IMMEDIATELY PRECEDING  
2 ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION  
3 DAY; AND

4                    B. 7 P.M. THE DAY BEFORE AN EARLY VOTING  
5 PERIOD BEGINS UNDER § 10-301.1 OF THIS TITLE UNTIL 8 A.M. THE DAY AFTER  
6 THE EARLY VOTING PERIOD ENDS.

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

9                    (II) A POLLING PLACE MAY NOT BE LOCATED IN A  
10 PRIVATELY OWNED BUILDING UNLESS THE OWNER OF THE BUILDING AGREES  
11 TO:

12                    1. ALLOW ELECTIONEERING ON THE PREMISES UP  
13 TO THE ELECTIONEERING BOUNDARY ESTABLISHED UNDER § 16-206(B) OF  
14 THIS ARTICLE; AND

15                    2. ALLOW CAMPAIGN SIGNS ON THE PREMISES, AT A  
16 MINIMUM, FROM:

17                    A. 7 P.M. THE DAY IMMEDIATELY PRECEDING  
18 ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION  
19 DAY; AND

20                    B. 7 P.M. THE DAY BEFORE AN EARLY VOTING  
21 PERIOD BEGINS UNDER § 10-301.1 OF THIS TITLE UNTIL 8 A.M. THE DAY AFTER  
22 THE EARLY VOTING PERIOD ENDS.

23                    [(ii)] (III) Except as provided in subparagraphs [(iii)](IV) and  
24 [(iv)](V) of this paragraph, an election may not be held in any building or part of any  
25 building used or occupied by an establishment that holds an alcoholic beverages  
26 license.

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

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

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

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

3                                   **[(iv)] (v)**     An early voting center may be located in a building  
4 that is partially occupied by an establishment that holds an alcoholic beverages license  
5 if:

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

8                                   2.     the entrance to a licensee’s establishment is at least  
9 100 feet from the entrance to the building that is closest to the part of the building  
10 where the early voting center is located.

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

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ Speaker of the House of Delegates.

\_\_\_\_\_ President of the Senate.