

SENATE BILL 542

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3lr1882
CF HB 730

By: **Senators Young, Jacobs, Raskin, and Shank**
Introduced and read first time: February 1, 2013
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 11, 2013

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)

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

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 **Article – Election Law**

2 10–101.

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

6 (2) Each polling place shall:

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

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

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

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

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

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

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

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

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

1 **A. 5 P.M. THE DAY IMMEDIATELY PRECEDING**
2 **ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION**
3 **DAY; AND**

4 **B. 5 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. 5 P.M. THE DAY IMMEDIATELY PRECEDING**
18 **ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION**
19 **DAY; AND**

20 **B. 5 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.

President of the Senate.

Speaker of the House of Delegates.