

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 542 (Senator Young, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Election Law - Polling Places - Electioneering

This bill requires that electioneering be allowed on the premises of a public building used for a polling place up to a specified electioneering boundary and prohibits a polling place from being located in a privately owned building unless the owner of the building agrees to allow electioneering on the premises up to the specified electioneering boundary. In both cases, campaign signs must be allowed on the premises, at a minimum, from 7 p.m. on the day before an early voting period begins and on the day before election day, until 8 a.m. on the day after the early voting period ends and on the day after election day.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: The bill does not directly affect State operations or finances.

Local Effect: Local government expenditures may increase in some jurisdictions due to costs associated with moving polling places.

Small Business Effect: None.

Analysis

Current Law: Each polling place must:

- provide an environment that is suitable to the proper conduct of an election;

- be located as conveniently as practicable for the majority of registered voters assigned to that polling place;
- be in a public building, unless suitable space in a public building is not available;
- be in the precinct that it serves unless no suitable location for a polling place can be found within that precinct, in which case the board may establish the polling place in an adjacent precinct; and
- whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters.

The public official responsible for the use of any public building requested by a local board of elections for a polling place must make available to the local board, without charge, the space that is needed in the building for the proper conduct of an election. Light, heat, and custodial and janitorial services for the space must be provided to the local board without charge.

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.

Each polling place must have an electioneering boundary as near as practicable to 100 feet from the entrance and exit of the building that are closest to the part of the building in which voting occurs. In Montgomery County, however, on approval of the local board, the boundary may be located at any point between 25 feet and 100 feet from the entrance and exit.

Local Fiscal Effect: Local government expenditures may increase in some jurisdictions if the bill's requirement that electioneering be allowed at polling places requires that polling places be moved to different facilities. One jurisdiction has indicated this possibility, while a small number of other jurisdictions indicate that all of their polling places allow electioneering and/or they require that a facility owner or operator allow electioneering as part of their polling place selection criteria. Costs associated with moving a polling place would include costs of notifying affected voters of the change and potentially increased rent for the new polling place. *For illustrative purposes*, if a polling place has 3,000 registered voters assigned to it and voter notification cards need to be sent to each voter at a cost of approximately \$.50 per card (for materials and postage), costs increase by \$1,500 to notify voters of the moved polling place.

Additional Information

Prior Introductions: None.

Cross File: HB 730 (Delegate Parrott, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Anne Arundel, Baltimore, Charles, Frederick, Montgomery, Washington counties; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2013
mc/hlb Revised - Senate Third Reader - March 25, 2013
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Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510