

# HOUSE BILL 73

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71r0383

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By: **Delegate Luedtke**

Introduced and read first time: January 12, 2017

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2017

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

1 AN ACT concerning

2 **Election Law – Election Judges – Minimum Age ~~and Minimum Compensation~~**

3 FOR the purpose of authorizing a minor who is at least a certain age and who is a registered  
4 voter to be appointed and serve as an election judge; ~~prohibiting a local board of~~  
5 ~~elections from paying an election judge less than a certain minimum wage;~~ making  
6 a conforming change; making a technical correction; requiring the State Board of  
7 Elections to survey the local boards of elections concerning minor election judges  
8 authorized by this Act and submit a certain report to certain committees of the  
9 General Assembly on or before a certain date; and generally relating to election  
10 judges.

11 BY repealing and reenacting, with amendments,  
12 Article – Election Law  
13 Section 10–202(a) ~~and 10–205~~  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Labor and Employment  
18 Section 3–210(c)  
19 Annotated Code of Maryland  
20 (2016 Replacement Volume)

21 ~~BY repealing and reenacting, without amendments,~~  
22 ~~Article – Labor and Employment~~

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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.



~~Section 3-413~~  
~~Annotated Code of Maryland~~  
~~(2016 Replacement Volume)~~

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

### Article – Election Law

10–202.

(a) (1) Except as provided in paragraph (2) of this subsection, an election judge shall be a registered voter who resides in the county for which the election judge is appointed.

(2) (i) If a qualified individual residing in the county cannot be found with reasonable effort, the local board may appoint a registered voter residing in any part of the State.

(ii) Subject to the provisions of § 3–210(c) of the Labor and Employment Article, a minor who is at least [17] **16** years old and who is [too young to be] a registered voter may be appointed and serve as an election judge [if the minor demonstrates, to the satisfaction of the local board, that the minor meets all of the other qualifications for registration in the county].

~~10–205.~~

~~(a) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A local board may fix the compensation of election judges within the limits authorized for this purpose by the county's governing body.~~

~~(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A LOCAL BOARD MAY NOT PAY AN ELECTION JUDGE LESS THAN THE MINIMUM WAGE REQUIRED UNDER § 3-413 OF THE LABOR AND EMPLOYMENT ARTICLE.~~

~~[(2)] (3) A local board shall pay an election judge for each election day and each early voting day that the election judge actually serves.~~

~~(b) (1) In Allegany County, the compensation for each day actually served may not be less than:~~

~~(i) \$100 per day for each chief election judge; and~~

~~(ii) \$80 per day for every other election judge.~~

1           ~~(2) (i) In Baltimore City, the compensation for each election day or~~  
2 ~~early voting day actually served shall be:~~

3                           ~~1. not less than \$200 per day for each chief election judge;~~  
4 ~~and~~

5                           ~~2. not less than \$150 per day for every other election judge.~~

6                   (ii) ~~1. In Baltimore City, except as provided in subsubparagraph~~  
7 ~~2 of this subparagraph, an election judge shall receive \$20 as compensation for completing~~  
8 ~~the course of instruction required under § 10-206(g)(1) of this subtitle.~~

9                           ~~2. Unless the local board excuses the election judge from~~  
10 ~~service, an election judge who fails to serve on election day or on an early voting day may~~  
11 ~~not receive the compensation authorized under this subparagraph.~~

12           ~~(3) In Baltimore County, the compensation for each election day or early~~  
13 ~~voting day actually served shall be:~~

14                   (i) ~~\$225 per day for each chief election judge; and~~

15                   (ii) ~~\$162.50 per day for every other election judge.~~

16           ~~(4) In Calvert County, the compensation for each election day or early~~  
17 ~~voting day actually served shall be:~~

18                   (i) ~~\$200 per day for each chief election judge; and~~

19                   (ii) ~~\$175 per day for every other election judge.~~

20           ~~(5) In Harford County, the compensation for each election day or early~~  
21 ~~voting day actually served shall be:~~

22                   (i) ~~not less than \$160 per day for each chief election judge; and~~

23                   (ii) ~~not less than \$125 per day for every other election judge.~~

24           ~~(6) (i) In Prince George's County, the compensation for each election~~  
25 ~~day or early voting day actually served shall be not less than:~~

26                   ~~1. \$250 per day for two chief election judges; and~~

27                   ~~2. \$200 per day for every other election judge.~~

28                   (ii) ~~1. In Prince George's County, except as provided under~~  
29 ~~subsubparagraph 2 of this subparagraph, election judges and alternate election judges~~

1 ~~shall receive \$50 as compensation for completing the course of instruction required under~~  
 2 ~~§ 10-206 of this subtitle.~~

3 ~~2. An election judge or alternate election judge may not~~  
 4 ~~receive the compensation authorized under this subparagraph if the election judge refuses~~  
 5 ~~to serve on an election day or on an early voting day, unless the local board excuses the~~  
 6 ~~election judge.~~

7 ~~(7) (i) In Washington County, the compensation for each election day~~  
 8 ~~or early voting day actually served shall be:~~

9 ~~1. \$175 per day for each chief election judge, plus a mileage~~  
 10 ~~allowance as determined by the Washington County Board; and~~

11 ~~2. \$150 per day for every other election judge.~~

12 ~~(ii) In Washington County, a chief election judge or election judge~~  
 13 ~~who successfully completes a course of instruction in poll working shall be eligible for~~  
 14 ~~additional compensation, if approved by the Washington County Board and provided for in~~  
 15 ~~the county budget.~~

## 16 Article – Labor and Employment

17 3-210.

18 (c) A minor who is **16 OR** 17 years old and serves as an election judge, under §  
 19 10-202 of the Election Law Article, may work more than 12 hours on **AN EARLY VOTING**  
 20 **DAY OR ON** election day only, subject to consent from at least one parent or guardian.

21 ~~3-413.~~

22 ~~(a) In this section, “employer” includes a governmental unit.~~

23 ~~(b) Except as provided in subsection (d) of this section and § 3-414 of this subtitle,~~  
 24 ~~each employer shall pay:~~

25 ~~(1) to each employee who is subject to both the federal Act and this subtitle,~~  
 26 ~~at least the greater of:~~

27 ~~(i) the minimum wage for that employee under the federal Act; or~~

28 ~~(ii) the State minimum wage rate set under subsection (c) of this~~  
 29 ~~section; and~~

30 ~~(2) each other employee who is subject to this subtitle, at least:~~

31 ~~(i) the greater of:~~

1 ~~1. the highest minimum wage under the federal Act; or~~  
 2 ~~2. the State minimum wage rate set under subsection (c) of~~  
 3 ~~this section; or~~

4 ~~(ii) a training wage under regulations that the Commissioner adopts~~  
 5 ~~that include the conditions and limitations authorized under the federal Fair Labor~~  
 6 ~~Standards Amendments of 1989.~~

7 ~~(e) The State minimum wage rate is:~~

8 ~~(1) for the 6-month period beginning January 1, 2015, \$8.00 per hour;~~

9 ~~(2) for the 12-month period beginning July 1, 2015, \$8.25 per hour;~~

10 ~~(3) for the 12-month period beginning July 1, 2016, \$8.75 per hour;~~

11 ~~(4) for the 12-month period beginning July 1, 2017, \$9.25 per hour; and~~

12 ~~(5) beginning July 1, 2018, \$10.10 per hour.~~

13 ~~(d) (1) (i) Except as provided in paragraph (2) of this subsection and~~  
 14 ~~subject to subparagraph (ii) of this paragraph, an employer may pay an employee a wage~~  
 15 ~~that equals a rate of 85% of the State minimum wage established under this section if the~~  
 16 ~~employee is under the age of 20 years.~~

17 ~~(ii) An employer may pay to an employee the wage provided under~~  
 18 ~~subparagraph (i) of this paragraph only for the first 6 months that the employee is~~  
 19 ~~employed.~~

20 ~~(2) (i) This paragraph applies only to an employer that is an~~  
 21 ~~amusement or a recreational establishment, including a swimming pool, if the employer:~~

22 ~~1. operates for no more than 7 months in a calendar year; or~~

23 ~~2. for any 6 months during the preceding calendar year, has~~  
 24 ~~average receipts that do not exceed one-third of the average receipts for the other 6 months.~~

25 ~~(ii) An employer may pay an employee a wage that equals the~~  
 26 ~~greater of:~~

27 ~~1. 85% of the State minimum wage established under this~~  
 28 ~~section; or~~

29 ~~2. \$7.25.~~

1        SECTION 2. AND BE IT FURTHER ENACTED, That:

2            (a)    The State Board of Elections shall survey the local boards of elections after  
3 the 2018 elections concerning their experience with 16-year-old election judges authorized  
4 by this Act.

5            (b)    The State Board shall compile and summarize the responses to the survey in  
6 a report that includes findings and recommendations concerning the value of 16-year-old  
7 election judges.

8            (c)    On or before February 1, 2019, the State Board shall submit the report  
9 required under this section to the Senate Education, Health, and Environmental Affairs  
10 Committee and the House Committee on Ways and Means, in accordance with § 2-1246 of  
11 the State Government Article.

12            SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.