

Chapter 221

(House Bill 410)

AN ACT concerning

~~Election Reform Act of 2023~~

Elections – Polling Place Plan, Prohibited Acts, and 2024 Primary Election Date

FOR the purpose of prohibiting a local board of elections from voting to change the location of a polling place unless the local board first holds a meeting to discuss the proposed change and provides an opportunity for interested individuals and organizations to testify on the proposed change at the meeting; requiring the local board to provide written notice of the meeting to certain individuals and organizations; requiring each local board to submit a polling place plan to the State Board of Elections for approval by a certain time before each statewide primary election; establishing requirements and a prohibition for a polling place plan; requiring a local board to submit a revised polling place plan to the State Board if the State Board rejects a polling place plan; requiring certain local boards to submit certain information to the State Board concerning certain precincts at a certain time; prohibiting a person from influencing or attempting to influence, through certain means, a voter's decision whether to vote by any lawful means; ~~authorizing the official custodian for a board of elections to temporarily deny inspection of a public record under certain circumstances; requiring the official custodian to petition a court to order authorization for the continued denial of inspection within a certain time period; establishing certain hearing and appeal procedures; altering, in a certain year, the date of the statewide primary election and the primary election for municipal offices in Baltimore City; and generally relating to elections.~~

~~BY repealing and reenacting, with amendments,
Article – Election Law
Section ~~2–303(f)~~ and ~~16–201~~
Annotated Code of Maryland
(~~2022 Replacement Volume and 2022 Supplement~~)~~

BY repealing and reenacting, without amendments,
Article – Election Law
Section ~~1–101(a)~~, ~~10–101(a)(1)~~ and ~~(2)~~, and ~~16–1002~~
Annotated Code of Maryland
(2022 Replacement Volume and 2022 Supplement)

BY adding to
Article – Election Law
Section ~~1–101(aa–1)~~, ~~(hh–1)~~, and ~~(ii–1)~~, 2–303(h), and 2–303.1
Annotated Code of Maryland
(2022 Replacement Volume and 2022 Supplement)

~~BY repealing and reenacting, without amendments,
Article – Election Law
Section 16–1002
Annotated Code of Maryland
(2022 Replacement Volume and 2022 Supplement)~~

~~BY adding to
Article – General Provisions
Section 4–359
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–303(a)(1) and (f) and 16–201
Annotated Code of Maryland
(2022 Replacement Volume and 2022 Supplement)

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

Article – Election Law

1–101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(AA–1) “HISTORICALLY DISENFRANCHISED COMMUNITIES” MEANS RACIAL, ETHNIC, OR SOCIOECONOMIC GROUPS THAT HAVE HISTORICALLY BEEN SUBJECT TO VOTER SUPPRESSION EFFORTS.

(HH–1) “POLLING PLACE” MEANS A PHYSICAL SPACE INSIDE A BUILDING WHERE IN–PERSON VOTING IS CONDUCTED ON ELECTION DAY.

(II–1) “PRECINCT POLLING PLACE” MEANS A POLLING PLACE DESIGNATED TO SERVE A PRECINCT.

2–303.

(a) (1) Subject to paragraphs (2) and (3) of this subsection AND § 2–303.1 OF THIS SUBTITLE, as it deems it expedient for the convenience of voters, a local board may:

(i) create and alter the boundaries for precincts in the county;

(ii) designate the location for polling places in any election district, ward, or precinct in the county; and

(iii) combine or abolish precincts.

(f) Notwithstanding any restrictions imposed by **SUBSECTIONS (A) THROUGH (E) OR (G) OF** this section, **BUT** subject to **§ 2-303.1 OF THIS SUBTITLE AND** the approval of the State Board, a local board may create a new precinct or change a precinct boundary or polling place if the local board determines that an emergency exists.

(H) (1) THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY IF A LOCAL BOARD IS CREATING A NEW PRECINCT OR CHANGING A PRECINCT BOUNDARY OR POLLING PLACE UNDER SUBSECTION (F) OF THIS SECTION DURING THE PERIOD BEGINNING 21 DAYS BEFORE ELECTION DAY THROUGH ELECTION DAY.

(2) EACH LOCAL BOARD SHALL:

(I) MAINTAIN A CONTACT LIST OF INDIVIDUALS AND ORGANIZATIONS WHO WISH TO BE NOTIFIED ABOUT LOCAL BOARD MEETINGS AT WHICH PROPOSED CHANGES TO THE LOCATIONS OF POLLING PLACES WILL BE DISCUSSED; AND

(II) ENABLE INDIVIDUALS AND ORGANIZATIONS TO REGISTER FOR THE CONTACT LIST MAINTAINED IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH.

(3) A LOCAL BOARD MAY NOT VOTE TO CHANGE THE LOCATION OF A POLLING PLACE UNLESS THE LOCAL BOARD FIRST:

(I) HOLDS A MEETING TO DISCUSS THE PROPOSED CHANGE;
AND

(II) PROVIDES AN OPPORTUNITY FOR INTERESTED INDIVIDUALS AND ORGANIZATIONS TO TESTIFY ON THE PROPOSED CHANGE AT THE MEETING.

(4) AT LEAST 14 DAYS BEFORE THE MEETING REQUIRED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, THE LOCAL BOARD SHALL PROVIDE WRITTEN NOTICE OF THE MEETING TO:

(I) EACH INDIVIDUAL AND ORGANIZATION ON THE CONTACT LIST MAINTAINED IN ACCORDANCE WITH PARAGRAPH (2)(I) OF THIS SUBSECTION;
AND

(II) THE FOLLOWING ELECTED OFFICIALS IF THE OFFICIAL IS ELECTED BY ELIGIBLE VOTERS RESIDING IN THE PRECINCT CONTAINING EITHER THE CURRENT POLLING PLACE LOCATION OR THE PROPOSED POLLING PLACE LOCATION:

1. THE MAYOR;
2. THE COUNTY EXECUTIVE;
3. EACH COUNTY COMMISSIONER;
4. EACH COUNTY COUNCIL MEMBER;
5. EACH MUNICIPAL COUNCIL MEMBER; AND
6. EACH MEMBER OF THE MARYLAND GENERAL ASSEMBLY.

2-303.1.

(A) AT LEAST 6 MONTHS BEFORE EACH STATEWIDE PRIMARY ELECTION, EACH LOCAL BOARD SHALL SUBMIT A POLLING PLACE PLAN TO THE STATE BOARD FOR APPROVAL.

~~(B) A POLLING PLACE PLAN MAY NOT PROPOSE TO REDUCE THE TOTAL NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES BY MORE THAN 5% BELOW THE TOTAL NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES IN THE 2018 GENERAL ELECTION.~~

~~(C)~~ (B) A POLLING PLACE PLAN SHALL INCLUDE:

~~(1) A MAP SHOWING THE PRECINCT BOUNDARIES AND THE LOCATION OF EACH POLLING PLACE TO BE USED IN THE COUNTY IN THE UPCOMING STATEWIDE PRIMARY AND GENERAL ELECTION;~~

~~(2)~~ (1) EVIDENCE THAT THE PLAN COMPLIES WITH § 10-101(A)(2) OF THIS ARTICLE; AND

(2) AN ANALYSIS OF HOW TO MAXIMIZE VOTER PARTICIPATION IN EACH PRECINCT; AND

(3) IF THE POLLING PLACE PLAN PROPOSES TO REDUCE THE TOTAL NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES *BELOW THE TOTAL*

NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES IN THE 2018 GENERAL ELECTION:

(I) THE ADDRESS AND A DESCRIPTION OF THE LOCATION OF EACH AFFECTED POLLING PLACE;

(II) ~~DEMOGRAPHIC INFORMATION CONCERNING THE ELIGIBLE VOTERS IN EACH AFFECTED PRECINCT~~ AN ANALYSIS OF AVAILABLE SUITABLE BUILDINGS WITHIN THE PRECINCT BOUNDARY, INCLUDING THE AVAILABILITY OF PARKING AND A DETERMINATION REGARDING BUILDING COMPLIANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT;

(III) OF THE VOTERS WHO CAST BALLOTS IN EACH AFFECTED PRECINCT IN THE THREE MOST RECENT STATEWIDE ELECTIONS:

1. THE PERCENTAGE WHO VOTED IN PERSON ON ELECTION DAY;

2. THE PERCENTAGE WHO VOTED BY MAIL; ~~AND~~

3. THE NUMBER WHO REGISTERED TO VOTE ON ELECTION DAY; ~~AND~~

4. THE NUMBER WHO VOTED AT AN EARLY VOTING CENTER;

(IV) ~~THE POPULATION DENSITY OF EACH~~ PROXIMITY OF THE PROPOSED POLLING PLACE TO A DENSE CONCENTRATION OF VOTERS IN THE AFFECTED PRECINCT;

(V) ~~THE PERCENTAGE OF HOUSEHOLDS IN THE COUNTY THAT HAVE NO VEHICLE OR HAVE ONLY ONE VEHICLE, ACCORDING TO THE MOST RECENT AMERICAN COMMUNITY SURVEY CONDUCTED BY THE U.S. CENSUS BUREAU~~ THE CHANGE IN THE NUMBER OF REGISTERED VOTERS IN THE AFFECTED PRECINCT FROM THE LAST STATEWIDE ELECTION;

(VI) THE PUBLIC TRANSPORTATION OPTIONS THAT VOTERS IN EACH AFFECTED PRECINCT COULD USE TO ACCESS THE POLLING PLACE THAT WOULD SERVE THE PRECINCT UNDER THE PLAN; ~~AND~~

(VII) AN ANALYSIS OF THE IMPACT ON THE ABILITY OF HISTORICALLY DISENFRANCHISED COMMUNITIES TO CAST A BALLOT, INCLUDING DEMOGRAPHIC INFORMATION OF THE VOTERS IN THE AFFECTED PRECINCT FROM

THE MOST RECENT REPORT PUBLISHED BY THE MARYLAND VITAL STATISTICS ADMINISTRATION.

~~(D)~~ (C) THE STATE BOARD ~~MAY~~ SHALL APPROVE A POLLING PLACE PLAN ONLY IF THE POLLING PLACE PLAN:

(1) COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AND § 10-101(A)(2) OF THIS ARTICLE; AND

(2) WILL NOT NEGATIVELY AFFECT ACCESS TO VOTING FOR HISTORICALLY DISENFRANCHISED COMMUNITIES.

~~(E)~~ (D) (1) THE STATE BOARD SHALL REJECT A POLLING PLACE PLAN THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION ~~(D)~~ (C) OF THIS SECTION.

(2) IF THE STATE BOARD REJECTS A POLLING PLACE PLAN, THE LOCAL BOARD SHALL SUBMIT A REVISED POLLING PLACE PLAN TO THE STATE BOARD WITHIN 15 DAYS AFTER THE DATE ON WHICH THE STATE BOARD REJECTED THE PREVIOUS PLAN.

10-101.

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

(2) Each polling place shall:

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

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

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

(iv) 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

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

16–201.

(a) A person may not willfully and knowingly:

(1) (i) impersonate another person in order to vote or attempt to vote;
or

(ii) vote or attempt to vote under a false name;

(2) vote more than once for a candidate for the same office or for the same ballot question;

(3) vote or attempt to vote more than once in the same election, or vote in more than one election district or precinct;

(4) vote in an election district or precinct without the legal authority to vote in that election district or precinct;

(5) influence or attempt to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

(6) influence or attempt to influence a voter's decision, **THROUGH THE USE OF FORCE, FRAUD, THREAT, MENACE, INTIMIDATION, BRIBERY, REWARD, OR OFFER OF REWARD**, whether to:

(I) go to the polls to cast a vote [through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward]; or

(II) **VOTE BY OTHER LAWFUL MEANS; OR**

(7) engage in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.

(b) Except as provided in § 16–1002 of this title, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(c) A person who violates this section is subject to § 5–106(b) of the Courts Article.

16–1002.

A person who violates § 16–201(a)(6) or (7) or § 16–903 of this title without knowing that the act is illegal shall pay a civil penalty and have the matter adjudicated in accordance with § 13–604 of this article.

~~Article — General Provisions~~~~4-359.~~

~~(A) IN THIS SECTION, “BOARD OF ELECTIONS” MEANS THE STATE BOARD OF ELECTIONS OR A COUNTY BOARD OF ELECTIONS.~~

~~(B) WHENEVER THIS TITLE AUTHORIZES INSPECTION OF A PUBLIC RECORD HELD BY A BOARD OF ELECTIONS, THE OFFICIAL CUSTODIAN MAY DENY INSPECTION TEMPORARILY IF:~~

~~(1) THE REQUEST FOR INSPECTION IS RECEIVED IN THE PERIOD BEGINNING 90 DAYS BEFORE A PRIMARY OR GENERAL ELECTION AND ENDING WHEN THE PRIMARY OR GENERAL ELECTION IS CERTIFIED; AND~~

~~(2) THE OFFICIAL CUSTODIAN BELIEVES THAT INSPECTION WOULD CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST BY IMPAIRING THE ABILITY OF THE BOARD OF ELECTIONS TO PREPARE FOR THE ELECTION.~~

~~(C) (1) WITHIN 5 WORKING DAYS AFTER THE DENIAL, THE OFFICIAL CUSTODIAN SHALL PETITION A COURT TO ORDER AUTHORIZATION FOR THE CONTINUED DENIAL OF INSPECTION.~~

~~(2) THE PETITION SHALL BE FILED WITH THE CIRCUIT COURT FOR THE COUNTY WHERE:~~

~~(I) THE PUBLIC RECORD IS LOCATED; OR~~

~~(II) THE PRINCIPAL PLACE OF BUSINESS OF THE OFFICIAL CUSTODIAN IS LOCATED.~~

~~(3) THE PETITION SHALL BE SERVED ON THE APPLICANT, AS PROVIDED IN THE MARYLAND RULES.~~

~~(D) THE APPLICANT IS ENTITLED TO APPEAR AND TO BE HEARD ON THE PETITION.~~

~~(E) WHEN MAKING A DETERMINATION REGARDING A PETITION FILED UNDER SUBSECTION (C) OF THIS SECTION, THE COURT SHALL CONSIDER THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING:~~

~~(1) THE PROXIMITY OF THE PRIMARY ELECTION OR GENERAL ELECTION; AND~~

~~(2) WHETHER THE APPLICANT'S REQUEST IS PART OF A PATTERN OF REQUESTS MADE BY OTHER INDIVIDUALS.~~

~~(F) IF, AFTER THE HEARING, THE COURT FINDS THAT INSPECTION OF THE PUBLIC RECORD WOULD CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST, THE COURT MAY ISSUE AN APPROPRIATE ORDER AUTHORIZING THE CONTINUED DENIAL OF INSPECTION.~~

~~(G) (1) A JUDICIAL PROCEEDING UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES, EXCEPT THAT:~~

~~(I) THE CASE SHALL BE HEARD AND DECIDED WITHOUT A JURY AND AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE; AND~~

~~(II) AN APPEAL SHALL BE TAKEN DIRECTLY TO THE SUPREME COURT OF MARYLAND WITHIN 5 DAYS AFTER THE DATE OF THE DECISION OF THE CIRCUIT COURT.~~

~~(2) THE SUPREME COURT OF MARYLAND SHALL GIVE PRIORITY TO HEAR AND DECIDE AN APPEAL BROUGHT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION AS EXPEDITIOUSLY AS THE CIRCUMSTANCES REQUIRE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

~~(a) This section applies only to a local board that used a total number of separate buildings as polling places in the 2022 statewide primary or general election that was less than the total number of separate buildings the local board used as polling places in the 2018 general election.~~

~~(b) For each precinct that in the 2018 general election was served by a polling place located within the precinct boundaries but that in the 2022 primary or general election was not served by a polling place located within the precinct boundaries, each local board shall submit to the State Board, at the same time that the local board submits its polling place plan for the 2024 primary and general elections under § 2-303.1 of the Election Law Article, as enacted by Section 1 of this Act:~~

~~(1) all the information required under § 2-303.1(c)(3) of the Election Law Article, as enacted by Section 1 of this Act; and~~

~~(2) evidence that the requirements of § 10-101(a)(2) of the Election Law Article were met.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 8–201 of the Election Law Article, in 2024, the statewide primary election and the primary election for municipal offices in Baltimore City shall be held on the second Tuesday in May.

SECTION ~~2~~ ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2023.

Approved by the Governor, April 24, 2023.