

BILL: House Bill 14
TITLE: Election Law - Revisions
DATE: January 25, 2024
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) opposes House Bill 14 in so far as a key provision of the bill would expand local elections board authority to require school systems to comply with requests to use schools as early voting sites. Without school system discretion to review and deny such requests, the bill could result in numerous additional days of school closings to accommodate early voting activities on school premises. Therefore, MABE requests an amendment to clearly exclude school boards, superintendents, and school facilities from the bill's references to public officials and public buildings.

MABE certainly appreciates the need for adequate early voting locations, and the role that school sites can play in meeting the needs of local election boards and communities for accessible polling places. However, this bill as drafted would provide broad and absolute authority for a local elections board to demand that a school system accommodate requests for use of a school or schools as polling places for early voting.

Specifically, the bill includes the expansion of current law, as follows:

“THE PUBLIC OFFICIAL RESPONSIBLE FOR THE USE OF A PUBLIC BUILDING REQUESTED BY A LOCAL BOARD FOR AN EARLY VOTING CENTER SHALL MAKE THE PUBLIC BUILDING AVAILABLE TO THE LOCAL BOARD IN ACCORDANCE WITH § 10–101(A)(3) OF THIS TITLE.”

The new law proposed in House Bill 14 references that the use of a location for early voting would be in accordance with section 10-101(a)(3) of the Election Law Article. The extensive obligations and time commitments for locations used as polling places are outlined in this section of law:

Election Law Article.
§10–101.

- (a) (3) (i) The public official responsible for the use of any public building requested by a local board for a polling place shall make available to the local board, without charge, the space that is needed in the building for the proper conduct of an election.
- (ii) Light, heat, and custodial and janitorial services for the space shall be provided to the local board without charge.
- (iii) 1. Subject to subparagraph 2 of this subparagraph, electioneering shall be allowed on the premises of the public building up to the electioneering boundary established under § 16–206(b) of this article.
- 2. Campaign signs shall be allowed on the premises of the public building, at a minimum, from:

- A. 5 p.m. the day immediately preceding election day until 8 a.m. on the day immediately following election day; and
- B. 5 p.m. the day before an early voting period begins under § 10–301.1 of this title until 8 a.m. the day after the early voting period ends.

Again, MABE is deeply concerned about the potential consequences for school systems being required to accommodate local elections board requests that schools be used for one or more early voting days. MABE firmly believes that each local school system should have the decision making authority to determine whether schools should be made available as early voting sites.

House Bill 14, as introduced, could have disruptive impacts on school operations, school safety, and days of instruction. These issues are significant and warrant additional consideration before enacting the language proposed in House Bill 14 to allow local elections boards to select early voting locations in schools without any recourse for the school system.

For these reasons, MABE requests a favorable report on House Bill 14 if amended to create an exception for local school systems and public school facilities. For example:

“THE PUBLIC OFFICIAL RESPONSIBLE FOR THE USE OF A PUBLIC BUILDING, NOT INCLUDING A PUBLIC SCHOOL FACILITY, REQUESTED BY A LOCAL BOARD FOR AN EARLY VOTING CENTER SHALL MAKE THE PUBLIC BUILDING AVAILABLE TO THE LOCAL BOARD IN ACCORDANCE WITH § 10–101(A)(3) OF THIS TITLE.”