
By: **Delegates Taylor, Barve, Bromwell, Carter, G. Clagett, V. Clagett, Cryor, Feldman, Gilleland, Haddaway, Haynes, Jennings, Kaiser, King, Lee, Love, Madaleno, McKee, Moe, Montgomery, Murray, Myers, Oaks, Patterson, Petzold, Simmons, Stull, Trueschler, Vaughn, and Weldon**

Introduced and read first time: January 31, 2005

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

CHAPTER _____

1 AN ACT concerning

2 **Elections - Absentee Voting - Disabled or Elderly Registered Voters**

3 FOR the purpose of requiring a local board of elections, before each election, to send
 4 an absentee ballot application to each disabled or elderly registered voter who
 5 has qualified to vote by absentee ballot at a previous election; authorizing a local
 6 board to send an absentee ballot application by registered mail to certain voters
 7 under certain circumstances; altering the qualifications by which a registered
 8 voter may vote by absentee ballot; and generally relating to absentee ballot
 9 applications for disabled or elderly registered voters.

10 BY repealing and reenacting, without amendments,
 11 Article - Election Law
 12 Section 1-101(q) and (u)
 13 Annotated Code of Maryland
 14 (2003 Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
 16 Article - Election Law
 17 Section 9-304 and 9-305
 18 Annotated Code of Maryland
 19 (2003 Volume and 2004 Supplement)

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

1 **Article - Election Law**

2 1-101.

3 (q) "Disabled" means having a temporary or permanent physical disability.

4 (u) "Elderly" means 65 years of age or older.

5 9-304.

6 (a) A registered voter may vote by absentee ballot at an election if the voter:

7 (1) may be absent on election day from the county in which the voter is
8 registered;9 (2) because of accident[, illness, or physical disability] OR ILLNESS, will
10 be unable to go to the polling place on election day;11 (3) because of confinement in or restriction to an institution, will be
12 prevented from going to the polling place on election day;13 (4) because of a death or serious illness in the voter's immediate family,
14 will be unable to go to the polling place on election day;15 (5) is a full-time student at an institution of higher education located
16 outside the voter's precinct but within the county of registration, and academic
17 requirements prevent the voter from going to the polling place on election day; [or]18 (6) because of employment by or service as an official of the State Board
19 or a local board, is required to be absent from the precinct in which the voter is
20 registered to vote on election day; OR

21 (7) IS DISABLED OR ELDERLY.

22 (b) An individual may vote by absentee ballot if authorized under an
23 applicable federal law.

24 9-305.

25 (a) An application for an absentee ballot, signed by the voter, may be made:

26 (1) on a form produced by the local board and supplied to the voter on
27 request;

28 (2) on a form provided under federal law; or

29 (3) in a written request that includes:

30 (i) the voter's name and residence address;

1 (ii) the address to which the ballot is to be mailed, if different from
2 the residence address; and

3 (iii) the reason, as authorized in § 9-304 of this subtitle, for
4 absentee voting.

5 (B) (1) BEFORE EACH ELECTION, A LOCAL BOARD SHALL SEND AN
6 APPLICATION FOR AN ABSENTEE BALLOT TO EACH DISABLED OR ELDERLY
7 REGISTERED VOTER WHO, UNDER SUBSECTION (A) OF THIS SECTION, HAS
8 QUALIFIED TO VOTE BY ABSENTEE BALLOT AT A PREVIOUS ELECTION.

9 (2) A LOCAL BOARD MAY SEND AN APPLICATION FOR AN ABSENTEE
10 BALLOT BY REGISTERED MAIL TO AN ELDERLY OR DISABLED VOTER IF THE
11 ELECTION DIRECTOR OF THE LOCAL BOARD IS UNCERTAIN ABOUT THE ACCURACY
12 OF THE VOTER'S ADDRESS.

13 [(b)] (C) Except for a late application under subsection [(c)] (D) of this section,
14 an application for an absentee ballot must be received by a local board not later than
15 the Tuesday preceding the election, at the time specified in the guidelines.

16 [(c)] (D) (1) Beginning on the Wednesday preceding the election, through
17 the closing of the polls on election day, a registered voter or the voter's duly
18 authorized agent may apply in person for an absentee ballot at the office of the local
19 board if the voter is qualified for absentee voting under § 9-304 of this subtitle or §
20 10-102 of this article.

21 (2) A special application for an absentee ballot issued under this
22 subsection shall be supplied by the staff of the local board to the voter or the voter's
23 duly authorized agent.

24 (3) The application shall be made under penalty of perjury, but without a
25 formal oath, specifying the reason for absentee voting.

26 (4) After review of the application, if the staff of the local board finds
27 that the voter qualifies for absentee voting, the staff shall issue an absentee ballot to
28 the voter or the voter's duly authorized agent.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2005.