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By: **Delegate Bates**

Introduced and read first time: February 9, 2005

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - One-Stop Absentee Ballot Voting Process**

3 FOR the purpose of establishing a one-stop absentee ballot voting process; requiring  
4 local boards of elections to conduct one-stop absentee ballot voting at certain  
5 times, and authorizing the boards to remain open for one-stop absentee ballot  
6 voting at certain other times, prior to an election; specifying procedures and  
7 requirements for local boards and for voters using the one-stop absentee ballot  
8 voting process; requiring the State Board of Elections to adopt certain  
9 regulations; authorizing certain persons to file a challenge against a voter using  
10 the one-stop absentee ballot voting process under certain circumstances; and  
11 generally relating to one-stop absentee ballot voting.

12 BY renumbering

13 Article - Election Law  
14 Section 9-311 and 9-312, respectively  
15 to be Section 9-312 and 9-313, respectively  
16 Annotated Code of Maryland  
17 (2003 Volume and 2004 Supplement)

18 BY adding to

19 Article - Election Law  
20 Section 9-311  
21 Annotated Code of Maryland  
22 (2003 Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That Section(s) 9-311 and 9-312, respectively, of Article - Election Law  
25 of the Annotated Code of Maryland be renumbered to be Section(s) 9-312 and 9-313,  
26 respectively.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
28 read as follows:

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**Article - Election Law**

2 9-311.

3 (A) AS AN ALTERNATIVE TO THE PROCEDURES FOR ABSENTEE BALLOT  
4 VOTING SPECIFIED UNDER THIS SUBTITLE, A REGISTERED VOTER WHO QUALIFIES  
5 TO VOTE BY ABSENTEE BALLOT UNDER § 9-304 OF THIS SUBTITLE MAY REQUEST AN  
6 APPLICATION FOR AN ABSENTEE BALLOT, COMPLETE THE APPLICATION, AND CAST A  
7 VOTE UNDER THE PROVISIONS OF THE ONE-STOP ABSENTEE BALLOT VOTING  
8 PROCESS ESTABLISHED UNDER THIS SECTION.

9 (B) (1) SUBJECT TO SUBSECTIONS (G) AND (H) OF THIS SECTION, NOT  
10 EARLIER THAN THE THIRD THURSDAY BEFORE AN ELECTION AND NOT LATER THAN  
11 THE SATURDAY IMMEDIATELY PRECEDING THAT ELECTION, A VOTER MAY APPEAR  
12 IN PERSON AT THE OFFICE OF THE VOTER'S LOCAL BOARD TO CAST AN ABSENTEE  
13 BALLOT.

14 (2) ON THE SATURDAY IMMEDIATELY PRECEDING AN ELECTION, EACH  
15 LOCAL BOARD:

16 (I) SHALL BE OPEN FOR ONE-STOP ABSENTEE BALLOT VOTING  
17 FROM 9:00 A.M. TO 1:00 P.M.; AND

18 (II) MAY BE OPEN FOR ONE-STOP ABSENTEE BALLOT VOTING  
19 FROM 1:00 P.M. TO 5:00 P.M.

20 (3) ON ENTRY TO THE OFFICE OF THE LOCAL BOARD TO VOTE BY  
21 ABSENTEE BALLOT UNDER THIS SECTION, AN INDIVIDUAL SHALL:

22 (I) STATE THE INDIVIDUAL'S NAME AND PLACE OF RESIDENCE TO  
23 AN AUTHORIZED MEMBER OR EMPLOYEE OF THE LOCAL BOARD; AND

24 (II) FOR A PRIMARY ELECTION, STATE THE POLITICAL PARTY WITH  
25 WHICH THE INDIVIDUAL IS AFFILIATED, OR IF THE INDIVIDUAL IS NOT AFFILIATED  
26 WITH A POLITICAL PARTY BUT IS PERMITTED TO VOTE IN THE PRIMARY OF A  
27 PARTICULAR POLITICAL PARTY, THE NAME OF THE POLITICAL PARTY IN WHOSE  
28 PRIMARY THE INDIVIDUAL WISHES TO VOTE.

29 (4) THE MEMBER OR EMPLOYEE OF THE LOCAL BOARD SHALL:

30 (I) ANNOUNCE, IN A DISTINCT TONE OF VOICE, THE NAME AND  
31 PLACE OF RESIDENCE OF THE INDIVIDUAL REQUESTING THE ABSENTEE BALLOT;

32 (II) EXAMINE THE VOTER REGISTRY AND STATE WHETHER THE  
33 INDIVIDUAL SEEKING TO VOTE IS A REGISTERED VOTER; AND

34 (III) IF THE INDIVIDUAL IS FOUND TO BE A REGISTERED VOTER,  
35 PROVIDE THE VOTER WITH AN APPLICATION FOR AN ABSENTEE BALLOT.

1 (5) THE VOTER SHALL COMPLETE THE APPLICATION IN THE PRESENCE  
2 OF THE AUTHORIZED MEMBER OR EMPLOYEE OF THE LOCAL BOARD AND THEN  
3 RETURN THE APPLICATION TO THAT PERSON.

4 (C) (1) ON COMPLETION OF THE APPLICATION, AN AUTHORIZED MEMBER  
5 OR EMPLOYEE OF THE LOCAL BOARD SHALL REVIEW THE APPLICATION AND  
6 DETERMINE WHETHER THE APPLICANT QUALIFIES TO VOTE BY ABSENTEE BALLOT.

7 (2) IF THE LOCAL BOARD DETERMINES THAT THE VOTER QUALIFIES TO  
8 VOTE, THE LOCAL BOARD SHALL ISSUE THE VOTER AN ABSENTEE BALLOT AND  
9 INSTRUCT THE VOTER TO CAST THE BALLOT IN ACCORDANCE WITH SUBSECTION (E)  
10 OF THIS SECTION.

11 (3) (I) THE VOTER SHALL SIGN THE APPLICATION REQUIRED UNDER  
12 THIS SECTION IN THE PRESENCE OF, AND HAVE IT WITNESSED AND CERTIFIED BY,  
13 AN AUTHORIZED MEMBER OR EMPLOYEE OF THE LOCAL BOARD.

14 (II) EACH ACTION REQUIRED UNDER THIS SUBSECTION SHALL BE  
15 PERFORMED IN THE OFFICE OF THE APPLICABLE LOCAL BOARD OR AT ANOTHER  
16 SITE APPROVED BY THE STATE BOARD.

17 (D) (1) THE LOCAL BOARD SHALL KEEP VOTER APPLICATIONS FOR  
18 ABSENTEE BALLOTS PROCESSED UNDER THE ONE-STOP ABSENTEE BALLOT VOTING  
19 PROCESS ESTABLISHED UNDER THIS SECTION SEPARATE FROM THE APPLICATIONS  
20 FOR ABSENTEE BALLOTS THE LOCAL BOARD RECEIVES IN ACCORDANCE WITH §§  
21 9-302 THROUGH 9-310 OF THIS SUBTITLE.

22 (2) IF THE LOCAL BOARD REJECTS AN APPLICATION FOR AN ABSENTEE  
23 BALLOT UNDER THIS SECTION, THE LOCAL BOARD SHALL MAIL THE VOTER WRITTEN  
24 NOTICE BY FIRST-CLASS MAIL ADDRESSED TO THE VOTER AT THE VOTER'S PLACE OF  
25 RESIDENCE SPECIFIED IN THE VOTER REGISTRY AND, IF DIFFERENT, AT THE  
26 ADDRESS SHOWN IN THE APPLICATION SUBMITTED BY THE VOTER FOR A ONE-STOP  
27 ABSENTEE BALLOT.

28 (E) (1) A VOTER SHALL CAST A BALLOT UNDER THE ONE-STOP ABSENTEE  
29 BALLOT VOTING PROCESS IN THE SAME MANNER AS IF THE VOTING PROCESS WAS IN  
30 A PRECINCT ON ELECTION DAY.

31 (2) (I) THE STATE BOARD SHALL ADOPT REGULATIONS FOR  
32 CONDUCTING ONE-STOP ABSENTEE BALLOT VOTING.

33 (II) REGARDLESS OF THE TYPE OF VOTING SYSTEM THAT IS USED  
34 FOR VOTING, THE REGULATIONS SHALL REQUIRE THAT EACH BALLOT CAST UNDER  
35 THIS SECTION INCLUDE A BALLOT NUMBER OR OTHER EQUIVALENT IDENTIFIER ON  
36 IT THAT WILL ALLOW THE BALLOT TO BE RETRIEVED AFTER IT IS CAST.

37 (3) EACH LOCAL BOARD SHALL AT ALL TIMES SECURE IN ACCORDANCE  
38 WITH A PLAN APPROVED BY THE STATE BOARD THE VOTING SYSTEM IT USED TO  
39 CONDUCT ONE-STOP ABSENTEE BALLOT VOTING.

1 (F) NOTWITHSTANDING § 2-302 OF THIS ARTICLE, A LOCAL BOARD MAY  
2 REMAIN OPEN TO CONDUCT ONE-STOP ABSENTEE BALLOT VOTING IN THE  
3 EVENINGS AND ON WEEKENDS DURING THE PERIOD SPECIFIED UNDER SUBSECTION  
4 (B)(1) AND (2) OF THIS SECTION AS LONG AS THE HOURS ARE PART OF THE PLAN  
5 APPROVED BY THE STATE BOARD.

6 (G) (1) BY UNANIMOUS VOTE, A LOCAL BOARD MAY PROVIDE FOR ONE OR  
7 MORE SITES IN THE COUNTY FOR ONE-STOP ABSENTEE BALLOT VOTING.

8 (2) EACH SITE SHALL:

9 (I) BE STAFFED BY A FULLY-TRAINED MEMBER OR EMPLOYEE OF  
10 THE LOCAL BOARD;

11 (II) BE APPROVED BY THE STATE BOARD;

12 (III) ACCOMMODATE A REASONABLE NUMBER OF OBSERVERS FROM  
13 POLITICAL PARTIES;

14 (IV) INCLUDE A PRIVATE OR CURTAINED AREA WHERE THE VOTER  
15 MAY MARK THE BALLOT UNOBSERVED; AND

16 (V) BE SECURED IN ACCORDANCE WITH THE REQUIREMENTS OF  
17 THIS SECTION.

18 (3) WITH THE APPROVAL OF THE STATE BOARD, A LOCAL BOARD MAY  
19 EXCLUDE ITS OFFICES AS A ONE-STOP ABSENTEE BALLOT VOTING SITE BUT ONLY IF  
20 THE LOCAL BOARD DESIGNATES AS A ONE-STOP ABSENTEE BALLOT VOTING SITE AT  
21 LEAST ONE LOCATION THAT IS PROXIMATE TO THE OFFICES OF THE LOCAL BOARD.

22 (H) (1) IF A LOCAL BOARD IS UNABLE TO ADOPT BY UNANIMOUS VOTE A  
23 PLAN FOR ONE-STOP ABSENTEE BALLOT VOTING, A MEMBER OF THE LOCAL BOARD  
24 MAY PETITION THE STATE BOARD TO ADOPT A PLAN.

25 (2) IF PETITIONED BY A MEMBER OF THE LOCAL BOARD, THE STATE  
26 BOARD ALSO MAY RECEIVE AND CONSIDER ANY ALTERNATIVE PETITION SUBMITTED  
27 BY ANY OTHER MEMBER OF THE LOCAL BOARD.

28 (3) IN ADOPTING A ONE-STOP ABSENTEE BALLOT VOTING PLAN FOR A  
29 COUNTY, THE STATE BOARD SHALL CONSIDER THE GEOGRAPHIC, DEMOGRAPHIC,  
30 AND PARTISAN CHARACTERISTICS OF THAT COUNTY.

31 (I) (1) A CHALLENGE MAY BE FILED AGAINST A VOTER WHO SEEKS TO  
32 VOTE BY THE ONE-STOP ABSENTEE BALLOT PROCESS BY:

33 (I) AN AUTHORIZED MEMBER OR EMPLOYEE OF A LOCAL BOARD  
34 THAT CONDUCTS ONE-STOP ABSENTEE BALLOT VOTING; OR

1 (II) A REGISTERED VOTER WHO RESIDES IN THE SAME PRECINCT  
2 AS THE VOTER WHO MAKES AN APPLICATION TO CAST A ONE-STOP ABSENTEE  
3 BALLOT.

4 (2) IF THE CHALLENGE IS FILED AT A VOTING SITE WHEN THE VOTER IS  
5 ATTEMPTING TO CAST A ONE-STOP ABSENTEE BALLOT, THE VOTER SHALL BE  
6 ALLOWED TO CAST A PROVISIONAL BALLOT IN ACCORDANCE WITH THIS ARTICLE.

7 (3) THE CHALLENGE SHALL BE:

8 (I) MADE ON A FORM PRESCRIBED BY THE STATE BOARD; AND

9 (II) HEARD BY THE LOCAL BOARD DURING THE CANVASSING OF  
10 PROVISIONAL BALLOTS UNDER TITLE 11, SUBTITLE 3 OF THIS ARTICLE.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2005.