

HOUSE BILL 657

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HB 787/11 – W&M

2lr0980
CF SB 341

By: **Delegates Kramer, Arora, Cullison, Dumais, Hucker, A. Kelly, K. Kelly, Malone, Reznik, Simmons, Stein, and Valderrama**

Introduced and read first time: February 8, 2012

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 9, 2012

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Subsequent Election Absentee Ballot List**

3 FOR the purpose of requiring a court to report certain information to the State Board
4 of Elections when the court makes a certain finding that an individual under
5 guardianship for mental disability cannot communicate a desire to participate
6 in the voting process; requiring the State Board ~~of Elections~~ to establish
7 guidelines for a subsequent election absentee ballot list; requiring certain forms
8 for making an application for an absentee ballot to include certain information
9 and require the voter to make a certain acknowledgement; requiring that a
10 voter who receives an absentee ballot be provided the opportunity to request an
11 absentee ballot for the next subsequent election in certain materials
12 accompanying the absentee ballot; requiring that a voter who requests an
13 absentee ballot for the next subsequent election be placed on the subsequent
14 election absentee ballot list; requiring that an absentee ballot be sent to a voter
15 on the subsequent election absentee ballot list for certain elections; requiring
16 that a voter be removed from the subsequent election absentee ballot list under
17 certain circumstances; requiring a voter who requests an absentee ballot for the
18 next subsequent election to notify the local board with certain information
19 under certain circumstances; and generally relating to the subsequent election
20 absentee ballot list.

21 BY repealing and reenacting, without amendments,

22 Article – Election Law

23 Section 3–102(b), 3–501, and 9–304

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.



1 Annotated Code of Maryland
 2 (2010 Replacement Volume and 2011 Supplement)

3 BY repealing and reenacting, with amendments,
 4 Article – Election Law
 5 Section ~~3–504(a)~~ and ~~9–303~~ and ~~9–305~~
 6 Annotated Code of Maryland
 7 (2010 Replacement Volume and 2011 Supplement)

8 ~~BY repealing and reenacting, without amendments,~~
 9 ~~Article – Election Law~~
 10 ~~Section ~~9–304~~~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2010 Replacement Volume and 2011 Supplement)~~

13 BY adding to
 14 Article – Election Law
 15 Section 9–305.1
 16 Annotated Code of Maryland
 17 (2010 Replacement Volume and 2011 Supplement)

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

20 **Article – Election Law**

21 3–102.

22 (b) An individual is not qualified to be a registered voter if the individual:

23 (1) has been convicted of a felony and is actually serving a
 24 court-ordered sentence of imprisonment, including any term of parole or probation, for
 25 the conviction;

26 (2) is under guardianship for mental disability and a court of
 27 competent jurisdiction has specifically found by clear and convincing evidence that the
 28 individual cannot communicate, with or without accommodations, a desire to
 29 participate in the voting process; or

30 (3) has been convicted of buying or selling votes.

31 3–501.

32 An election director may remove a voter from the statewide voter registration
 33 list only:

34 (1) at the request of the voter, provided the request is:

- 1 (i) signed by the voter;
2 (ii) authenticated by the election director; and
3 (iii) in a format acceptable to the State Board or on a
4 cancellation notice provided by the voter on a voter registration application;

5 (2) upon determining, based on information provided pursuant to §
6 3-504 of this subtitle, that the voter is no longer eligible because:

7 (i) the voter is not qualified to be a registered voter as provided
8 in § 3-102(b) of this title; or

9 (ii) the voter is deceased;

10 (3) if the voter has moved outside the State, as determined by
11 conducting the procedures established in § 3-502 of this subtitle; or

12 (4) if, in accordance with the administrative complaint process under §
13 3-602 of this title, the State Administrator or the State Administrator's designee has
14 determined that the voter is not qualified to be registered to vote.

15 3-504.

16 (a) (1) (i) Information from the agencies specified in this paragraph
17 shall be reported to the State Administrator in a format and at times prescribed by the
18 State Board.

19 (ii) The Department of Health and Mental Hygiene shall report
20 the names and residence addresses (if known) of all individuals at least 16 years of age
21 reported deceased within the State since the date of the last report.

22 (iii) The clerk of the circuit court for each county and the
23 administrative clerk for each District Court shall report the names and addresses of
24 all individuals convicted, in the respective court, of a felony since the date of the last
25 report.

26 (iv) The clerk of the circuit court for each county shall report the
27 former and present names and residence addresses (if known) of all individuals whose
28 names have been changed by decree or order of the court since the date of the last
29 report.

30 (v) **A COURT SHALL REPORT THE NAME AND RESIDENCE**
31 **ADDRESS OF AN INDIVIDUAL UNDER GUARDIANSHIP FOR MENTAL DISABILITY IF**
32 **THE COURT FINDS THAT THE INDIVIDUAL CANNOT COMMUNICATE A DESIRE TO**
33 **PARTICIPATE IN THE VOTING PROCESS IN ACCORDANCE WITH § 3-102(B).**

1 (2) The State Administrator shall make arrangements with the clerk
2 of the United States District Court for the District of Maryland to receive reports of
3 names and addresses, if available, of individuals convicted of a felony in that court.

4 9–303.

5 (a) The State Board shall establish guidelines for the administration of
6 absentee voting by the local boards.

7 (b) The guidelines shall provide for:

8 (1) the application process;

9 (2) late application for absentee ballots;

10 (3) ballot security, including storage of returned ballots;

11 (4) determining timeliness of receipt of applications and ballots,
12 including applications and ballots for overseas voters;

13 (5) the canvass process;

14 (6) notice of the canvass to candidates, political parties, campaign
15 organizations, news media, and the general public;

16 (7) observers of the process;

17 (8) review of voted ballots and envelopes for compliance with the law
18 and for machine tabulation acceptability;

19 (9) standards for disallowance of ballots during the canvass; [and]

20 (10) storage and retention of ballots following canvass and certification;

21 **AND**

22 **(11) THE SUBSEQUENT ELECTION ABSENTEE BALLOT LIST**
23 **ESTABLISHED UNDER § 9–305.1 OF THIS SUBTITLE.**

24 (c) The State Board shall:

25 (1) in consultation with the local boards, assess the guidelines before
26 each primary election; and

27 (2) revise the guidelines if indicated.

28 9–304.

1 An individual may vote by absentee ballot except to the extent preempted under
2 an applicable federal law.

3 9-305.

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

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

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

7 (3) in a written request that includes:

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

9 (ii) the address to which the ballot is to be mailed, if different
10 from the residence address.

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

14 (c) (1) Beginning on the Wednesday preceding the election, through the
15 closing of the polls on election day, a registered voter or the voter's duly authorized
16 agent may apply in person for an absentee ballot at the office of the local board.

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

20 (3) The application shall be made under penalty of perjury but without
21 a formal oath.

22 (4) After review of the application, the staff shall issue an absentee
23 ballot to the voter or the voter's duly authorized agent.

24 (D) **EACH WRITTEN FORM PRODUCED BY THE LOCAL BOARD AND**
25 **SUPPLIED TO A VOTER FOR MAKING AN APPLICATION FOR AN ABSENTEE**
26 **BALLOT SHALL:**

27 (1) **INCLUDE INFORMATION CONCERNING:**

28 **1. THE CRITERIA FOR DETERMINING A VOTER'S**
29 **QUALIFICATIONS TO VOTE AND A VOTER'S ELIGIBILITY TO VOTE IN AN**
30 **ELECTION; AND**

1 **2. THE PENALTIES REQUIRED UNDER STATE AND**
2 **FEDERAL LAW FOR REGISTERING TO VOTE OR VOTING IN VIOLATION OF**
3 **APPLICABLE LAW; AND**

4 **(2) REQUIRE THAT THE VOTER REQUESTING THE ABSENTEE**
5 **BALLOT ACKNOWLEDGE RECEIPT OF THE INFORMATION REQUIRED UNDER**
6 **ITEM (1) OF THIS SUBSECTION.**

7 **9-305.1.**

8 **(A) A VOTER WHO RECEIVES AN ABSENTEE BALLOT SHALL BE**
9 **PROVIDED THE OPPORTUNITY TO REQUEST AN ABSENTEE BALLOT FOR THE**
10 **NEXT SUBSEQUENT ELECTION IN THE WRITTEN MATERIALS ACCOMPANYING**
11 **THE ABSENTEE BALLOT.**

12 **(B) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT**
13 **SUBSEQUENT ELECTION SHALL BE PLACED ON THE SUBSEQUENT ELECTION**
14 **ABSENTEE BALLOT LIST.**

15 **(C) AN ABSENTEE BALLOT SHALL BE SENT TO EACH VOTER ON THE**
16 **SUBSEQUENT ELECTION ABSENTEE BALLOT LIST FOR:**

17 **(1) THE REGULARLY SCHEDULED PRIMARY AND GENERAL**
18 **ELECTION IMMEDIATELY FOLLOWING THE REQUEST; AND**

19 **(2) ANY INTERVENING SPECIAL ELECTIONS.**

20 **(D) A VOTER SHALL BE REMOVED FROM THE SUBSEQUENT ELECTION**
21 **ABSENTEE BALLOT LIST IF THE VOTER IS REMOVED FROM THE STATEWIDE**
22 **VOTER REGISTRY IN ACCORDANCE WITH TITLE 3, SUBTITLE 5 OF THIS ARTICLE.**

23 **(E) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT**
24 **SUBSEQUENT ELECTION SHALL NOTIFY THE LOCAL BOARD IF THE ABSENTEE**
25 **BALLOT IS TO BE SENT TO AN ADDRESS THAT IS DIFFERENT THAN THE ADDRESS**
26 **TO WHICH THE VOTER'S PREVIOUS ABSENTEE BALLOT WAS SENT.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2012.