

HOUSE BILL 427

G1

3lr1250

By: **Delegates Impallaria, Boteler, Bromwell, Dwyer, Frank, McComas, McDonough, W. Miller, Myers, Stocksdale, ~~and Szeliga~~ Szeliga, and Afzali**

Introduced and read first time: January 28, 2013

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2013

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Timeliness**

3 FOR the purpose of requiring that an absentee ballot returned by an absent uniformed
4 services voter or an overseas voter be considered timely if the ballot is mailed by
5 the voter and received by a local board by certain times; and generally relating
6 to the timeliness of absentee ballots.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 9–303 and 11–302(c)
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2012 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 11–302(a)
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2012 Supplement)

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

19 **Article – Election Law**

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 9–303.

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

4 (b) The guidelines shall provide for:

5 (1) the application process;

6 (2) late application for absentee ballots;

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

8 (4) **SUBJECT TO § 11–302(C)(3) OF THIS ARTICLE**, determining
9 timeliness of receipt of applications and ballots, including applications and ballots for
10 overseas voters;

11 (5) the canvass process;

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

14 (7) observers of the process;

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

17 (9) standards for disallowance of ballots during the canvass; and

18 (10) storage and retention of ballots following canvass and certification.

19 (c) The State Board shall:

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

22 (2) revise the guidelines if indicated.

23 11–302.

24 (a) Following an election, each local board shall meet at its designated
25 counting center to canvass the absentee ballots cast in that election in accordance with
26 the regulations and guidelines established by the State Board.

1 (c) (1) [An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN
2 absentee ballot shall be deemed timely received if it is received in accordance with the
3 regulations and guidelines established by the State Board.

4 (2) [An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN
5 absentee ballot that is received after the deadline specified by the regulations and
6 guidelines may not be counted.

7 (3) AN ABSENTEE BALLOT THAT IS RETURNED TO A LOCAL BOARD
8 BY AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, AS
9 THOSE TERMS ARE DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS
10 CITIZENS ABSENTEE VOTING ACT, SHALL BE CONSIDERED TIMELY IF THE
11 ABSENTEE BALLOT IS:

12 (I) MAILED ON OR BEFORE ELECTION DAY; AND

13 (II) RECEIVED BY THE LOCAL BOARD AT ANY TIME BEFORE
14 THE CERTIFICATION OF THE ELECTION RESULTS BY THE BOARD OF
15 CANVASSERS.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.