

HOUSE BILL 1443

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3lr3271

By: **Delegates Beidle, Kipke, and Pena–Melnik**
Introduced and read first time: February 20, 2013
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – County Council Special Elections – Voting by Mail**

3 FOR the purpose of including Anne Arundel County under certain provisions of law
4 concerning voting by mail for special elections for the Anne Arundel County
5 Council; authorizing the Anne Arundel County Council to direct that voting by
6 mail be utilized in certain special elections for the Anne Arundel County
7 Council; and generally relating to voting by mail in special elections to fill
8 vacancies on the Anne Arundel County Council.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 9–501 and 9–502 to be under the amended subtitle “Subtitle 5. Voting
12 by Mail”
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Election Law
17 Section 9–503 through 9–506
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2012 Supplement)

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

22 **Article – Election Law**

23 Subtitle 5. **[Montgomery County]** Voting by Mail.

24 9–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (a) This subtitle applies only to a special election [for the Montgomery
2 County Council] that is not held concurrently with a regularly scheduled primary or
3 general election **FOR:**

4 (1) **THE ANNE ARUNDEL COUNTY COUNCIL; OR**

5 (2) **THE MONTGOMERY COUNTY COUNCIL.**

6 (b) Voting by mail may be utilized in a special election [for the Montgomery
7 County Council] **FOR A VACANCY ON A COUNTY COUNCIL** in accordance with this
8 subtitle.

9 (c) A special election to fill a vacancy [in the Montgomery County Council]
10 **UNDER THIS SUBTITLE** shall be conducted by mail if the resolution of the
11 [Montgomery County Council] **COUNTY COUNCIL FOR THE AFFECTED**
12 **JURISDICTION** establishing the date of the special election directs that the election be
13 conducted by mail.

14 (d) Except as otherwise provided in this subtitle:

15 (1) provisions of this article relating to absentee voting apply to voting
16 by mail; and

17 (2) county laws relating to the conduct of a county council special
18 election apply to a special election conducted under this subtitle.

19 (e) Provisions of this article relating to the conduct of elections apply to a
20 special election conducted under this subtitle, unless a law specifically relevant to a
21 special election applies.

22 9-502.

23 (a) (1) Except as provided in paragraph (2) of this subsection, the local
24 board shall mail by nonforwardable mail a vote-by-mail ballot to each registered voter
25 who is eligible to vote in a special election for [the Montgomery County Council] **A**
26 **COUNTY COUNCIL VACANCY UNDER THIS SUBTITLE.**

27 (2) The local board is not required to mail a vote-by-mail ballot to a
28 voter if the voter has requested that the ballot be sent by other means.

29 (b) A voter is not required to submit an application to receive a vote-by-mail
30 ballot.

31 (c) (1) Each vote-by-mail ballot shall be accompanied by a postage-paid
32 envelope in which a voter may return the voted ballot to the local board.

1 (2) The local board shall pay the cost of postage-paid envelopes
2 provided under this subsection.

3 (d) The local board shall send a vote-by-mail ballot to each eligible voter at
4 least 14 days before the day of a special election.

5 (e) (1) Except as provided in paragraph (2) of this subsection, a
6 vote-by-mail ballot shall be mailed to the address that is on file in the statewide voter
7 registration list for each eligible voter.

8 (2) A registered voter may request to receive a vote-by-mail ballot at
9 an address other than the address that is on file in the statewide voter registration list
10 by:

11 (i) submitting an absentee ballot application in accordance with
12 § 9-305(a) of this title not later than the Tuesday preceding the day of a special
13 election, if the voter is temporarily absent from the address that is on file in the
14 statewide voter registration list; or

15 (ii) notifying a local board of a change of address not later than
16 the Tuesday preceding the day of a special election, if the voter's residence has
17 changed from the address that is on file in the statewide voter registration list to
18 another location within the State.

19 (f) The local board shall issue a replacement vote-by-mail ballot to a voter if
20 the election director of the local board has reasonable grounds to believe that the
21 vote-by-mail ballot previously issued to the voter has been lost, destroyed, or spoiled.

22 9-503.

23 (a) The local board shall establish voting centers for the use of any eligible
24 voter who chooses to cast a ballot in person in a special election in accordance with
25 this section.

26 (b) (1) In a special election held in a single county council district, at least
27 one voting center shall be established in the county council district where the special
28 election is being held.

29 (2) In a countywide special election, at least one voting center shall be
30 established in each county council district.

31 (c) A voting center established under this section shall:

32 (1) provide access to a voting system that is accessible to voters with
33 disabilities in accordance with the federal Americans with Disabilities Act and the
34 federal Help America Vote Act;

1 (2) provide for provisional voting in accordance with Subtitle 4 of this
2 title;

3 (3) satisfy the requirements of § 10–101 of this article; and

4 (4) be open for voting during the days and for the hours that the
5 county council directs in the resolution under § 9–501(c) of this subtitle.

6 (d) If necessary to expedite the conduct of a special election and subject to
7 the approval of the State Board, the local board may establish a polling place under
8 this section during a period when a change in polling places is prohibited under §
9 2–303 of this article.

10 (e) The process for applying in person for an absentee ballot at the office of a
11 local board under § 9–305(c) of this title does not apply to a special election conducted
12 by mail.

13 (f) Except as otherwise provided in this section, any provision of this article
14 that applies to voting at a polling place on election day also applies to voting at a
15 voting center established under this section.

16 9–504.

17 (a) A voter may return a vote–by–mail ballot to the local board:

18 (1) by mail;

19 (2) in person during regular office hours; or

20 (3) through a duly authorized agent in accordance with subsection (b)
21 of this section.

22 (b) (1) A voter may designate a duly authorized agent in accordance with
23 § 9–307 of this title to return a vote–by–mail ballot to the local board during regular
24 office hours.

25 (2) Notwithstanding § 9–307(b)(4)(i) of this title, an agent is required
26 only to:

27 (i) witness the voter mark the ballot and place it in an
28 envelope; and

29 (ii) return the ballot to the local board.

30 9–505.

1 (a) A vote-by-mail ballot is considered timely and may be counted if the
2 ballot:

3 (1) is returned in person to the office of the local board by the voter or
4 the voter's duly authorized agent no later than 8 p.m. on the day of a special election;
5 or

6 (2) (i) is received by mail by the local board no later than 10 a.m.
7 on the second Friday after a special election; and

8 (ii) was mailed on or before election day, as verified:

9 1. by a postmark; or

10 2. if the return envelope does not contain a postmark or
11 the postmark is illegible, by the voter's affidavit that the ballot was mailed on or
12 before election day.

13 (b) A vote-by-mail ballot that does not meet the requirements of subsection
14 (a) of this section is not timely and may not be counted.

15 9-506.

16 The State Board may adopt regulations as necessary to implement this subtitle.

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