

SENATE BILL 171

G1
HB 225/12 – W&M

3lr0937
CF 3lr0972

By: **Senator Forehand**

Introduced and read first time: January 17, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Special Elections – Voting by Mail**

3 FOR the purpose of authorizing the Governor, a county council, or a board of county
4 commissioners to direct that voting by mail be utilized in certain special
5 elections; specifying the application of certain provisions of law to a special
6 election conducted by mail; requiring a local board of elections to mail a
7 vote-by-mail ballot to each registered voter who is eligible to vote in a special
8 election conducted by mail unless the voter has requested that the ballot be
9 transmitted by other means; specifying that a voter is not required to submit an
10 application to receive a vote-by-mail ballot; requiring a local board to send a
11 vote-by-mail ballot to each eligible voter at least a certain number of days
12 before the day of a special election; requiring that vote-by-mail ballots be
13 mailed to the address on file in the statewide voter registration list for each
14 eligible voter except in certain circumstances; requiring a local board to issue a
15 replacement vote-by-mail ballot to a voter under certain circumstances;
16 requiring each local board to establish at least one voting center for the use of
17 any eligible voter who chooses to cast a ballot in person in a special election;
18 specifying certain requirements for a voting center established by a local board;
19 authorizing a local board to establish a voting center during a certain time
20 period; providing that a certain process for applying in person for an absentee
21 ballot at the office of a local board does not apply to a special election conducted
22 by mail; providing that certain provisions of law relating to voting at a polling
23 place on election day also apply to voting at a voting center established under
24 this Act; requiring a voter to return a vote-by-mail ballot by certain methods;
25 authorizing a voter to designate an agent to return a vote-by-mail ballot to a
26 local board; requiring that a vote-by-mail ballot be returned to a local board by
27 certain deadlines and meet certain requirements to be considered timely and be
28 counted; authorizing the State Board of Elections to adopt regulations as
29 necessary to implement this Act; and generally relating to voting by mail in
30 special elections.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Election Law
3 Section 9–601 through 9–606 to be under the new subtitle “Subtitle 6. Voting by
4 Mail in Special Elections”
5 Annotated Code of Maryland
6 (2010 Replacement Volume and 2012 Supplement)

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

9 **Article – Election Law**

10 **SUBTITLE 6. VOTING BY MAIL IN SPECIAL ELECTIONS.**

11 **9–601.**

12 (A) THIS SUBTITLE APPLIES ONLY TO A SPECIAL ELECTION THAT IS NOT
13 HELD CONCURRENTLY WITH A REGULARLY SCHEDULED PRIMARY OR GENERAL
14 ELECTION.

15 (B) THIS SUBTITLE DOES NOT APPLY TO A SPECIAL ELECTION FOR THE
16 MONTGOMERY COUNTY COUNCIL.

17 (C) VOTING BY MAIL MAY BE UTILIZED IN A SPECIAL ELECTION IN
18 ACCORDANCE WITH THIS SUBTITLE.

19 (D) A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF
20 REPRESENTATIVE IN CONGRESS SHALL BE CONDUCTED BY MAIL IF THE
21 GOVERNOR’S PROCLAMATION ISSUED UNDER § 8–710 OF THIS ARTICLE
22 DIRECTS THAT THE ELECTION BE CONDUCTED BY MAIL.

23 (E) (1) IN THIS SUBSECTION, “LOCAL SPECIAL ELECTION” MEANS A
24 SPECIAL ELECTION TO:

25 (I) FILL A VACANCY IN THE COUNTY COUNCIL OF A
26 CHARTER COUNTY IF THE CHARTER OF THAT COUNTY PROVIDES FOR SPECIAL
27 ELECTIONS;

28 (II) FILL A VACANCY IN THE BOARD OF COUNTY
29 COMMISSIONERS OF A CODE HOME RULE COUNTY IF A LOCAL LAW ENACTED BY
30 THAT COUNTY PROVIDES FOR SPECIAL ELECTIONS;

31 (III) FILL A VACANCY IN A LOCAL BOARD OF EDUCATION IF
32 STATE LAW PROVIDES FOR SPECIAL ELECTIONS;

1 (IV) ELECT MEMBERS OF A CHARTER BOARD OR SUBMIT A
2 PROPOSED CHARTER TO THE VOTERS FOR ADOPTION OR REJECTION IN
3 ACCORDANCE WITH ARTICLE XI-A, § 1A OF THE MARYLAND CONSTITUTION;
4 OR

5 (V) SUBMIT A LOCAL LAW ENACTED BY A CODE HOME RULE
6 COUNTY TO THE VOTERS FOR ADOPTION OR REJECTION IN ACCORDANCE WITH
7 ARTICLE 25B, § 10(H) OF THE CODE.

8 (2) A LOCAL SPECIAL ELECTION SHALL BE CONDUCTED BY MAIL
9 IF THE RESOLUTION OF THE COUNTY COUNCIL OR BOARD OF COUNTY
10 COMMISSIONERS ESTABLISHING THE DATE OF THE SPECIAL ELECTION DIRECTS
11 THAT THE ELECTION BE CONDUCTED BY MAIL.

12 (F) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

13 (1) PROVISIONS OF THIS ARTICLE RELATING TO ABSENTEE
14 VOTING APPLY TO VOTING BY MAIL; AND

15 (2) LOCAL LAWS RELATING TO THE CONDUCT OF A SPECIAL
16 ELECTION APPLY TO A SPECIAL ELECTION CONDUCTED UNDER THIS SUBTITLE.

17 (G) PROVISIONS OF THIS ARTICLE RELATING TO THE CONDUCT OF
18 ELECTIONS APPLY TO A SPECIAL ELECTION CONDUCTED UNDER THIS SUBTITLE
19 UNLESS A LAW SPECIFICALLY RELEVANT TO A SPECIAL ELECTION APPLIES.

20 **9-602.**

21 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
22 SUBSECTION, A LOCAL BOARD SHALL MAIL BY NONFORWARDABLE MAIL A
23 VOTE-BY-MAIL BALLOT TO EACH REGISTERED VOTER WHO IS ELIGIBLE TO
24 VOTE IN A SPECIAL ELECTION.

25 (2) A LOCAL BOARD IS NOT REQUIRED TO MAIL A VOTE-BY-MAIL
26 BALLOT TO A VOTER IF THE VOTER HAS REQUESTED THAT THE BALLOT BE
27 TRANSMITTED BY OTHER MEANS.

28 (B) A VOTER IS NOT REQUIRED TO SUBMIT AN APPLICATION TO
29 RECEIVE A VOTE-BY-MAIL BALLOT.

30 (C) A LOCAL BOARD SHALL SEND A VOTE-BY-MAIL BALLOT TO EACH
31 ELIGIBLE VOTER AT LEAST 14 DAYS BEFORE THE DAY OF A SPECIAL ELECTION.

1 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
2 SUBSECTION, A VOTE-BY-MAIL BALLOT SHALL BE MAILED TO THE ADDRESS
3 THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST FOR EACH
4 ELIGIBLE VOTER.

5 (2) A REGISTERED VOTER MAY REQUEST TO RECEIVE A
6 VOTE-BY-MAIL BALLOT AT AN ADDRESS OTHER THAN THE ADDRESS THAT IS ON
7 FILE IN THE STATEWIDE VOTER REGISTRATION LIST BY:

8 (I) SUBMITTING AN ABSENTEE BALLOT APPLICATION IN
9 ACCORDANCE WITH § 9-305(A) OF THIS TITLE NOT LATER THAN THE TUESDAY
10 PRECEDING THE DAY OF A SPECIAL ELECTION, IF THE VOTER IS TEMPORARILY
11 ABSENT FROM THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER
12 REGISTRATION LIST; OR

13 (II) NOTIFYING A LOCAL BOARD OF A CHANGE OF ADDRESS
14 NOT LATER THAN THE TUESDAY PRECEDING THE DAY OF A SPECIAL ELECTION,
15 IF THE VOTER'S RESIDENCE HAS CHANGED FROM THE ADDRESS THAT IS ON
16 FILE IN THE STATEWIDE VOTER REGISTRATION LIST TO ANOTHER LOCATION
17 WITHIN THE STATE.

18 (E) A LOCAL BOARD SHALL ISSUE A REPLACEMENT VOTE-BY-MAIL
19 BALLOT TO A VOTER IF THE LOCAL BOARD HAS REASONABLE GROUNDS TO
20 BELIEVE THAT A VOTE-BY-MAIL BALLOT PREVIOUSLY ISSUED TO THE VOTER
21 HAS BEEN LOST, DESTROYED, SPOILED, OR NOT RECEIVED.

22 **9-603.**

23 (A) EACH LOCAL BOARD SHALL ESTABLISH AT LEAST ONE VOTING
24 CENTER FOR THE USE OF ANY ELIGIBLE VOTER WHO CHOOSES TO CAST A
25 BALLOT IN PERSON IN A SPECIAL ELECTION.

26 (B) A VOTING CENTER ESTABLISHED UNDER THIS SECTION SHALL:

27 (1) BE LOCATED AT A LOCAL BOARD OFFICE OR ANOTHER
28 LOCATION WITHIN THE CONSTITUENCY WHERE THE SPECIAL ELECTION IS
29 BEING HELD;

30 (2) PROVIDE ACCESS TO A VOTING SYSTEM THAT IS ACCESSIBLE
31 TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH THE FEDERAL
32 AMERICANS WITH DISABILITIES ACT AND THE FEDERAL HELP AMERICA VOTE
33 ACT;

1 **(3) PROVIDE FOR PROVISIONAL VOTING IN ACCORDANCE WITH**
2 **SUBTITLE 4 OF THIS TITLE;**

3 **(4) SATISFY THE REQUIREMENTS OF § 10–101 OF THIS ARTICLE;**
4 **AND**

5 **(5) BE OPEN FOR VOTING EACH DAY BEGINNING 6 DAYS BEFORE**
6 **THE DAY OF A SPECIAL ELECTION THROUGH THE DAY OF A SPECIAL ELECTION**
7 **DURING THE HOURS BETWEEN:**

8 **(I) 10 A.M. AND 8 P.M. MONDAY THROUGH SATURDAY; AND**

9 **(II) 12 NOON AND 6 P.M. ON SUNDAY.**

10 **(C) IF NECESSARY TO EXPEDITE THE CONDUCT OF A SPECIAL ELECTION**
11 **AND SUBJECT TO THE APPROVAL OF THE STATE BOARD, A LOCAL BOARD MAY**
12 **ESTABLISH A VOTING CENTER UNDER THIS SECTION DURING A PERIOD WHEN A**
13 **CHANGE IN POLLING PLACES IS PROHIBITED UNDER § 2–303 OF THIS ARTICLE.**

14 **(D) THE PROCESS FOR APPLYING IN PERSON FOR AN ABSENTEE BALLOT**
15 **AT THE OFFICE OF A LOCAL BOARD UNDER § 9–305(C) OF THIS TITLE DOES NOT**
16 **APPLY TO A SPECIAL ELECTION CONDUCTED BY MAIL.**

17 **(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY**
18 **PROVISION OF THIS ARTICLE THAT APPLIES TO VOTING AT A POLLING PLACE ON**
19 **ELECTION DAY ALSO APPLIES TO VOTING AT A VOTING CENTER ESTABLISHED**
20 **UNDER THIS SECTION.**

21 **9–604.**

22 **(A) A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT TO A LOCAL**
23 **BOARD:**

24 **(1) BY MAIL;**

25 **(2) IN PERSON DURING REGULAR OFFICE HOURS; OR**

26 **(3) THROUGH A DULY AUTHORIZED AGENT IN ACCORDANCE WITH**
27 **SUBSECTION (B) OF THIS SECTION.**

1 **(B) (1) A VOTER MAY DESIGNATE A DULY AUTHORIZED AGENT IN**
2 **ACCORDANCE WITH § 9-307 OF THIS TITLE TO RETURN A VOTE-BY-MAIL**
3 **BALLOT TO A LOCAL BOARD DURING REGULAR OFFICE HOURS.**

4 **(2) NOTWITHSTANDING § 9-307(B)(4)(I) OF THIS TITLE, AN**
5 **AGENT IS REQUIRED ONLY TO:**

6 **(I) WITNESS THE VOTER MARK THE BALLOT AND PLACE IT**
7 **IN AN ENVELOPE; AND**

8 **(II) RETURN THE BALLOT TO A LOCAL BOARD.**

9 **9-605.**

10 **(A) A VOTE-BY-MAIL BALLOT IS CONSIDERED TIMELY AND MAY BE**
11 **COUNTED IF THE BALLOT:**

12 **(1) IS RETURNED IN PERSON TO THE OFFICE OF A LOCAL BOARD**
13 **BY THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT NO LATER THAN 8**
14 **P.M. ON THE DAY OF A SPECIAL ELECTION; OR**

15 **(2) (I) IS RECEIVED BY MAIL BY A LOCAL BOARD NO LATER**
16 **THAN 10 A.M. ON THE SECOND FRIDAY AFTER A SPECIAL ELECTION; AND**

17 **(II) WAS MAILED ON OR BEFORE ELECTION DAY, AS**
18 **VERIFIED:**

19 **1. BY A POSTMARK; OR**

20 **2. IF THE RETURN ENVELOPE DOES NOT CONTAIN A**
21 **POSTMARK OR THE POSTMARK IS ILLEGIBLE, BY THE VOTER'S AFFIDAVIT THAT**
22 **THE BALLOT WAS MAILED ON OR BEFORE ELECTION DAY.**

23 **(B) A VOTE-BY-MAIL BALLOT THAT DOES NOT MEET THE**
24 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IS NOT TIMELY AND MAY**
25 **NOT BE COUNTED.**

26 **9-606.**

27 **THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO**
28 **IMPLEMENT THIS SUBTITLE.**

29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
30 **June 1, 2013.**

