

# HOUSE BILL 828

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6lr1251  
CF 6lr2107

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By: **Delegates Ebersole, Hixson, and Turner**  
Introduced and read first time: February 8, 2016  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Special Elections – Voting by Mail – Canvass of Votes**

3 FOR the purpose of authorizing a local board of elections to commence the canvass of  
4 vote-by-mail ballots cast in a special election conducted by mail at a certain time on  
5 the day of a special election; authorizing the State Board of Elections to adopt  
6 regulations authorizing a local board to commence the canvass of vote-by-mail  
7 ballots before a certain time on the day of a special election; requiring the State  
8 Board to adopt regulations that provide for public observation of the canvass of  
9 vote-by-mail ballots and maintaining the secrecy of the election results until after  
10 a certain time on the day after a special election; altering the definition of “canvass”  
11 to include the canvass of vote-by-mail ballots; and generally relating to the canvass  
12 of vote-by-mail ballots cast in a special election conducted by mail.

13 BY repealing and reenacting, without amendments,  
14 Article – Election Law  
15 Section 9–501 and 11–301(a–1)  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2015 Supplement)

18 BY adding to  
19 Article – Election Law  
20 Section 9–506  
21 Annotated Code of Maryland  
22 (2010 Replacement Volume and 2015 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Election Law  
25 Section 9–506 and 11–101(c)  
26 Annotated Code of Maryland  
27 (2010 Replacement Volume and 2015 Supplement)

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



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

3 **Article – Election Law**

4 9–501.

5 (a) This subtitle applies only to a special election that is not held concurrently  
6 with a regularly scheduled primary or general election.

7 (b) Voting by mail may be utilized in a special election in accordance with this  
8 subtitle.

9 (c) A special election to fill a vacancy in the Office of Representative in Congress  
10 shall be conducted by mail if the Governor’s proclamation issued under § 8–710 of this  
11 article directs that the election be conducted by mail.

12 (d) (1) In this subsection, “local special election” means a special election to:

13 (i) fill a vacancy in the offices of county council member, chief  
14 executive officer, or county executive of a charter county if the charter of that county  
15 provides for special elections;

16 (ii) fill a vacancy in the board of county commissioners of a code  
17 home rule county if a local law enacted by that county provides for special elections;

18 (iii) fill a vacancy in the board of county commissioners of a  
19 commission county if a law provides for special elections;

20 (iv) fill a vacancy in a local board of education if State law provides  
21 for special elections;

22 (v) elect members of a charter board or submit a proposed charter to  
23 the voters for adoption or rejection in accordance with Article XI–A, § 1A of the Maryland  
24 Constitution; or

25 (vi) submit a local law enacted by a code home rule county to the  
26 voters for adoption or rejection in accordance with § 9–313 of the Local Government Article.

27 (2) A local special election shall be conducted by mail if the resolution of  
28 the county council or board of county commissioners establishing the date of the special  
29 election directs that the election be conducted by mail.

30 (e) Except as otherwise provided in this subtitle:

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

1 (2) all pertinent State or local laws relating to the conduct of a special  
2 election apply to a special election conducted under this subtitle.

3 (f) Provisions of this article relating to the conduct of elections apply to a special  
4 election conducted under this subtitle, unless a law specifically relevant to a special election  
5 applies.

6 **9-506.**

7 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL  
8 BOARD MAY COMMENCE THE CANVASS OF VOTE-BY-MAIL BALLOTS AT 2 P.M. ON THE  
9 DAY OF A SPECIAL ELECTION.

10 (B) THE STATE BOARD MAY ADOPT REGULATIONS AUTHORIZING A LOCAL  
11 BOARD TO COMMENCE THE CANVASS OF VOTE-BY-MAIL BALLOTS BEFORE THE TIME  
12 SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

13 (C) THE STATE BOARD SHALL ADOPT REGULATIONS THAT PROVIDE FOR:

14 (1) PUBLIC OBSERVATION OF THE CANVASS OF VOTE-BY-MAIL  
15 BALLOTS IN ACCORDANCE WITH § 11-301(A-1) OF THIS ARTICLE; AND

16 (2) PROCEDURES FOR MAINTAINING THE SECRECY OF THE ELECTION  
17 RESULTS UNTIL AFTER 12 A.M. ON THE DAY AFTER A SPECIAL ELECTION.

18 **[9-506.] 9-507.**

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

20 11-101.

21 (c) (1) “Canvass” means the entire process of vote tallying, vote tabulation,  
22 and vote verification or audit, culminating in the production and certification of the official  
23 election results.

24 (2) For absentee ballots, the “canvass” includes the opening of any envelope  
25 accompanying an absentee ballot and the assembly and review of absentee ballots in  
26 preparation for vote tallying.

27 (3) For provisional ballots, the “canvass” includes the review of the  
28 provisional ballot applications described in § 11-303 of this title and the assembly and  
29 review of provisional ballots in preparation for vote tallying.

1 (4) For votes cast during early voting, the “canvass” includes the tabulation  
2 of votes cast during early voting.

3 (5) **FOR VOTES CAST IN A SPECIAL ELECTION CONDUCTED BY MAIL**  
4 **UNDER TITLE 9, SUBTITLE 5 OF THIS ARTICLE, THE “CANVASS” INCLUDES:**

5 (I) **THE OPENING OF ANY ENVELOPE ACCOMPANYING A**  
6 **VOTE-BY-MAIL BALLOT AND THE ASSEMBLY AND REVIEW OF VOTE-BY-MAIL**  
7 **BALLOTS IN PREPARATION FOR VOTE TABULATION; AND**

8 (II) **THE TABULATION OF VOTE-BY-MAIL BALLOTS.**

9 11-301.

10 (a-1) (1) Subject to paragraph (3) of this subsection, a board of canvassers and  
11 the staff of a local board may be observed as they complete each part of the canvass by  
12 authorized observers designated under paragraph (2) of this subsection and any other  
13 individuals who wish to be present.

14 (2) The following individuals or entities have the right to designate a  
15 registered voter as an observer at each counting center:

16 (i) a candidate;

17 (ii) a political party; and

18 (iii) any other group of voters supporting or opposing a candidate,  
19 principle, or proposition on the ballot.

20 (3) The State Board may adopt regulations prohibiting public observation  
21 of a part of the canvass only if prohibiting public observation is necessary to ensure:

22 (i) the integrity or accuracy of the canvass; or

23 (ii) that the canvass process is not impeded.

24 (4) The State Board shall ensure that the requirements of this subsection  
25 are implemented uniformly and consistently by each local board.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2016.