
By: Delegates Howard and Rosapepe

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Absentee Ballots - Removal of Eligibility Requirements**

3 FOR the purpose of removing certain eligibility requirements for voting by absentee
4 ballot; removing the requirement that an affidavit be completed stating that the
5 applicant meets certain eligibility requirements; making stylistic changes; and
6 generally relating to broadening the eligibility for voting by absentee ballot.

7 BY repealing and reenacting, with amendments,
8 Article 33 - Election Code
9 Section 3-21A(a), 27-1, 27-2, 27-4, 27-5, and 27-6
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1995 Supplement)

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

14 **Article 33 - Election Code**

15 3-21A.

16 (a) (1) Upon the request of an elderly or handicapped voter whose polling place
17 is not structurally barrier free, the board shall either:

18 (i) Assign the voter to an election district, ward, or precinct whose
19 polling place is structurally barrier free; or

20 (ii) [Notwithstanding other provisions of law regarding eligibility for
21 an absentee ballot, issue] ISSUE the voter an absentee ballot in accordance with the
22 procedures established under this article.

23 (2) In order to qualify for assignment to an alternate polling place, the voter
24 shall apply for a change in polling place on a form prescribed by the State Administrative
25 Board of Election Laws no later than the closing of registration for any election.

26 (3) An elderly or handicapped voter who is assigned to another polling place
27 under this subsection shall be provided with the same ballot as that used at the voter's
28 original polling place.

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1 27-1.

2 [(a) Any employee of the State Board or a board of supervisors of elections,
3 including any judge appointed under § 2-7 of this article who, as a condition of his
4 employment on any election day, is required to be absent from the election district, ward,
5 or precinct in which he is registered to vote who chooses to vote shall cast his vote by an
6 absentee ballot provided by the board.]

7 [(b)] A registered voter may vote by absentee ballot under this subtitle if the voter
8 COMPLETES THE NECESSARY APPLICATION [:

9 (1) May be absent for any reason from the county or Baltimore City where
10 the voter is registered to vote on election day;

11 (2) Is a full-time student at a college or university located outside the
12 precinct but within the county in which the student is registered to vote and whose
13 academic requirements preclude the student from being present at the polls on any
14 election day;

15 (3) Has a physical disability or is confined in or restricted to an institution
16 which precludes the voter from being present and personally voting at the polls on any
17 election day;

18 (4) Is unable to be present at the polls on election day because of a death or
19 serious illness in the voter's immediate family; or

20 (5) Is unable to be present at the polls on election day as a result of illness
21 or accident].

22 27-2.

23 (a) (1) After the Tuesday preceding an election and on the day of the election
24 prior to the time the polls close, any person registered and otherwise qualified to vote
25 may apply, in person or through a duly authorized agent, as authorized in paragraph (4)
26 of this subsection, who appears in person, at the office of the board of supervisors of
27 elections for an emergency absentee ballot [if the voter is within the provisions of § 27-1
28 of this article or eligible for an absentee ballot under § 3-21A of this article].

29 (2) The application shall be made under penalty of perjury but without
30 formal oath[, setting forth the reason why the voter is unable to be present at the polls on
31 the day of the election].

32 (3) Upon receipt of the application, the board[, if satisfied that the person
33 cannot, in fact, be present at the polling place on the day of the election,] shall issue to
34 the applicant, or [his] THE APPLICANT'S duly authorized agent, an absentee ballot
35 which shall be marked by the voter, placed in a sealed envelope, and returned to the
36 board.

37 (4) If the applicant does not apply in person, the applicant shall designate a
38 voter registered in the same county or Baltimore City as agent for the purpose of
39 delivering the absentee ballot to the voter, and the agent shall execute an affidavit under
40 penalty of perjury that the ballot was delivered to the voter who submitted the

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1 application, was marked by the voter in the agent's presence, was placed in a sealed
2 envelope in the agent's presence, and returned, under seal, to the board by the agent.

3 (5) Any emergency absentee ballot received by the board shall be
4 considered timely if received in accordance with § 27-9(c).

5 (b) Any registered voter who requires assistance to vote by reason of blindness,
6 disability, or inability to read the English language or write may be given assistance by a
7 person of the voter's choice, not to include the voter's employer or agent of that employer
8 or officer or agent of the voter's union. Any person rendering assistance pursuant to this
9 subsection shall execute a certification to be included in the instructions prescribed by §
10 27-8 of this article.

11 27-4.

12 Except as provided in § 27-2 of this article, a [qualified] REGISTERED voter
13 desiring to vote at any election as an absentee voter shall make application in writing to
14 the board for an absentee ballot, which application must be received not later than the
15 Tuesday preceding the election. The application shall contain [an affidavit, which need
16 not be under oath but which shall set forth] such information[, under penalty of
17 perjury,] as may be required by the State Administrative Board of Election Laws. Upon
18 receipt of the application the board shall issue, to the voter or a duly authorized agent, an
19 absentee ballot.

20 27-5.

21 (a) Printed forms of applications for absentee ballots in accordance with the
22 requirements of this subtitle shall be provided by the boards and shall be available to any
23 [qualified] REGISTERED voter upon request.

24 (b) The State Administrative Board of Election Laws shall prescribe all forms of
25 applications for absentee ballots including "Application for Absentee Registration and
26 Ballot", "Application for Absentee Ballot by Registered Voter", "Application for
27 Emergency Absentee Ballot by Registered Voter"[, and related affidavits and
28 statements].

29 27-6.

30 (a) Upon receipt of an application [containing the affidavit, the board shall reject
31 the application only upon the unanimous vote of the entire board and when rejected shall
32 notify the applicant of the reason therefor if it determines upon inquiry that the applicant
33 is not legally qualified to vote at the election as an absentee voter.

34 (b) If the applicant is a qualified voter as stated in his affidavit, the board shall,
35 as soon as practicable thereafter, deliver to [him] THE APPLICANT at the office of the
36 board, or mail to [him] THE APPLICANT at an address designated by [him] THE
37 APPLICANT, an absentee voter's ballot and an envelope therefor. If the applicant is one
38 with respect to whom free postage privileges are provided for by the federal Uniformed
39 and Overseas Citizens Absentee Voting Act, or any other federal law, rule, or regulation,
40 the board shall take full advantage of these privileges; in all other instances, postage for
41 transmitting ballot material to voters shall be paid by the board, and postage for the
42 return of ballots shall be paid by the voters. If the ballots are to be sent by mail, [the

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1 determinations required in subsection (a) of this section shall be made] THEY SHALL BE
2 SENT in such time as will allow for the sending and return of the ballots by regular mail,
3 or airmail, depending on the mailing address and including at least onesecular day for
4 marking the ballots and completing the affidavit. All investigations shall be concluded and
5 any determinations made as to all absentee ballot applications not later than five days
6 before election day.

7 [(c)] (B) (1) The board shall keep a record of applications for absentee voters'
8 ballots as they are received, showing the date and time received, the names and
9 residences of the applicants, and such record shall be available for examination by any
10 registered voter on written application to the board.

11 (2) After approval of an application for an absentee ballot andthe mailing
12 to the applicant of an absentee ballot, then, unless an electronically reproduced precinct
13 register is used, the voter's record card in the precinct binder shall be removed and placed
14 in a separate binder marked "Registered Absentee Voters" and retained in the office of
15 the board. A marker shall be placed in the regular precinct binder withthe voter's name
16 and recording the fact that an absentee ballot has been mailed, which shall show the date
17 on which the ballot was sent. If an electronically reproduced precinct register is used, a
18 distinctive line shall be drawn through the voter's name on the list and marked "Absentee
19 Voter". No such voter shall vote or be allowed to vote in person at anypolling place.

20 [(d)] (C) Not more than one absentee ballot shall be mailed to any one applicant
21 unless the board has reasonable grounds to believe that the absentee ballot previously
22 mailed has been lost, destroyed or spoiled.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 1996.