

By: Senator Blount (Task Force to Review the State's Election Law)

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 30, 1996

CHAPTER ____

1 AN ACT concerning

2 **Election Law - Application for Absentee Ballot**

3 FOR the purpose of repealing the requirement that an application for an absentee ballot
4 contain a certain affidavit and be under penalty of perjury; ~~and~~ making this Act an
5 emergency measure; and generally relating to the repeal of provisions relating to an
6 affidavit accompanying an application for an absentee ballot.

7 BY repealing and reenacting, with amendments,
8 Article 33 - Election Code
9 Section 27-4 and 27-6(a) and (b)
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 27-4.

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

2

1 27-6.

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

6 (b) If the applicant is a qualified voter [as stated in his affidavit], the board shall,
7 as soon as practicable thereafter, deliver to him at the office of the board, or mail to him
8 at an address designated by him, an absentee voter's ballot and an envelope therefor. If
9 the applicant is one with respect to whom free postage privileges are provided for by the
10 federal Uniformed and Overseas Citizens Absentee Voting Act, or any other federal law,
11 rule, or regulation, the board shall take full advantage of these privileges; in all other
12 instances, postage for transmitting ballot material to voters shall be paid by the board,
13 and postage for the return of ballots shall be paid by the voters. If the ballots are to be
14 sent by mail, the determinations required in subsection (a) of this section shall be made
15 in such time as will allow for the sending and return of the ballots by regular mail, or
16 airmail, depending on the mailing address and including at least one secular day for
17 marking the ballots and completing the affidavit THAT IS REQUIRED TO BE RETURNED
18 WITH THE BALLOTS. All investigations shall be concluded and any determinations made
19 as to all absentee ballot applications not later than five days before election day.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
21 measure, is necessary for the immediate preservation of the public health and safety, has
22 been passed by a ye and nay vote supported by three-fifths of all the members elected to
23 each of the two Houses of the General Assembly, and shall take effect from the date it is
24 enacted.