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HB 634/96 - CGM

1997 Regular Session  
7r1648

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**By: Delegates Howard and Rosapepe**

Introduced and read first time: January 23, 1997

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Mail-in Ballots - Removal of Eligibility Requirements**

3 FOR the purpose of changing the term "absentee ballot" to "mail-in ballot"; removing  
4 certain eligibility requirements for voting by mail-in ballot; removing the  
5 requirement that an affidavit be completed stating that the applicant meets certain  
6 eligibility requirements; making stylistic changes; requiring certain changes be made  
7 consistent with this Act; and generally relating to broadening the eligibility for  
8 voting by mail-in ballot.

9 BY repealing and reenacting, with amendments,  
10 Article 33 - Election Code  
11 Section 3-21A(a), 27-1, 27-2, 27-4, 27-5, and 27-6  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 1996 Supplement)

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

16 **Article 33 - Election Code**

17 3-21A.

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

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

22 (ii) [Notwithstanding other provisions of law regarding eligibility for  
23 an absentee ballot, issue] ISSUE the voter [an absentee] A MAIL-IN ballot in accordance  
24 with the procedures established under this article.

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

28 (3) An elderly or handicapped voter who is assigned to another polling place  
29 under this subsection shall be provided with the same ballot as that used at the voter's  
30 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] MAIL-IN ballot under this  
8 subtitle if the voter 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] MAIL-IN ballot [if the voter is within the  
28 provisions of § 27-1 of this article or eligible for an absentee ballot under § 3-21A of this  
29 article].

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

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

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

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1 the 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] MAIL-IN ballot received by the board shall  
4 be 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] A MAIL-IN voter shall make application  
14 in writing to the Board for [an absentee] A MAIL-IN ballot, which application must be  
15 received not later than the Tuesday preceding the election. The application shall contain  
16 such information as may be required by the State Administrative Board of Election Laws.  
17 Upon receipt of the application the Board shall issue, to the voter or a duly authorized  
18 agent, [an absentee] A MAIL-IN ballot.

19 27-5.

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

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

28 27-6.

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

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

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1 SENT in such time as will allow for the sending and return of the ballots by regular mail,  
2 or airmail, depending on the mailing address and including at least one secular day for  
3 marking the ballots and completing the affidavit that is required to be returned with the  
4 ballots. All investigations shall be concluded and any determinations made as to all  
5 [absentee] MAIL-IN ballot applications not later than five days before election day.

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That the revision of the  
24 Election Code mandated by Chapter 431, Acts of 1996, shall change all statutory  
25 references in Article 33 from the term "absentee ballot" to "mail-in ballot" in a manner  
26 consistent with this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 1997.