
By: Prince George's County Delegation

Introduced and read first time: January 27, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Elections - Absentee Ballots - Removal of Eligibility**
3 **Requirements**
4 **PG 436-97**

5 FOR the purpose of removing, in Prince George's County, certain eligibility requirements
6 for voting by absentee ballot; removing the requirement that, in Prince George's
7 County, an affidavit be completed stating that the applicant meets certain eligibility
8 requirements; making stylistic changes; and generally relating to broadening the
9 eligibility for voting by absentee ballot in Prince George's County.

10 BY repealing and reenacting, without amendments,
11 Article 33 - Election Code
12 Section 3-21A(a) and 27-4
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 33 - Election Code
17 Section 27-1, 27-2, 27-5, and 27-6
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1996 Supplement)

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

22 **Article 33 - Election Code**

23 3-21A.

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

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

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1 (ii) Notwithstanding other provisions of law regarding eligibility for an
2 absentee ballot, issue the voter an absentee ballot in accordance with the procedures
3 established under this article.

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

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

10 27-1.

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

16 (b) [A] SUBJECT TO SUBSECTION (C) OF THIS SECTION, A registered voter may
17 vote by absentee ballot under this subtitle if the voter:

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

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

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

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

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

31 (C) IN PRINCE GEORGE'S COUNTY, ANY REGISTERED VOTER MAY VOTE BY
32 ABSENTEE BALLOT UNDER THIS SUBTITLE REGARDLESS OF THE REASON THE
33 VOTER CHOOSES TO DO SO IF THE VOTER COMPLETES THE NECESSARY
34 APPLICATION.

35 27-2.

36 (a) (1) After the Tuesday preceding an election and on the day of the election
37 prior to the time the polls close, any person registered and otherwise qualified to vote
38 may apply, in person or through a duly authorized agent, as authorized in paragraph (4)
39 of this subsection, who appears in person, at the office of the board of supervisors of

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1 elections for an emergency absentee ballot if the voter is within the provisions of § 27-1
2 of this article or eligible for an absentee ballot under § 3-21A of this article.

3 (2) The application shall be made under penalty of perjury but without
4 formal oath, setting forth the reason why the voter is unable to be present at the polls on
5 the day of the election, EXCEPT THAT IN PRINCE GEORGE'S COUNTY THE VOTER
6 NEED NOT GIVE A REASON FOR REQUESTING THE EMERGENCY ABSENTEE BALLOT.

7 (3) Upon receipt of the application, the board, if satisfied that the person
8 cannot, in fact, be present at the polling place on the day of the election OR OTHERWISE
9 SATISFIES THE REQUIREMENTS OF THIS SECTION, shall issue to the applicant, or [his]
10 THE APPLICANT'S duly authorized agent, an absentee ballot which shall be marked by the
11 voter, placed in a sealed envelope, and returned to the board.

12 (4) If the applicant does not apply in person, the applicant shall designate a
13 voter registered in the same county or Baltimore City as agent for the purpose of
14 delivering the absentee ballot to the voter, and the agent shall execute an affidavit under
15 penalty of perjury that the ballot was delivered to the voter who submitted the
16 application, was marked by the voter in the agent's presence, was placed in a sealed
17 envelope in the agent's presence, and returned, under seal, to the board by the agent.

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

20 (b) Any registered voter who requires assistance to vote by reason of blindness,
21 disability, or inability to read the English language or write may be given assistance by a
22 person of the voter's choice, not to include the voter's employer or agent of that employer
23 or officer or agent of the voter's union. Any person rendering assistance pursuant to this
24 subsection shall execute a certification to be included in the instructions prescribed by §
25 27-8 of this article.

26 27-4.

27 Except as provided in § 27-2 of this article, a qualified voter desiring to vote at any
28 election as an absentee voter shall make application in writing to the Board for an
29 absentee ballot, which application must be received not later than the Tuesday preceding
30 the election. The application shall contain such information as may be required by the
31 State Administrative Board of Election Laws. Upon receipt of the application the Board
32 shall issue, to the voter or a duly authorized agent, an absentee ballot.

33 27-5.

34 (a) Printed forms of application for absentee ballots in accordance with the
35 requirements of this subtitle shall be provided by the boards and shall be available, UPON
36 REQUEST, to any qualified voter [upon request] ELIGIBLE TO VOTE BY ABSENTEE
37 BALLOT.

38 (b) The State Administrative Board of Election Laws shall prescribe all forms of
39 applications for absentee ballots including "Application for Absentee Registration and
40 Ballot", "Application for Absentee Ballot by Registered Voter", "Application for
41 Emergency Absentee Ballot by Registered Voter", and ANY related affidavits and
42 statements.

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1 27-6.

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

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

21 (c) (1) The Board shall keep a record of applications for absentee voters'
22 ballots as they are received, showing the date and time received, the names and
23 residences of the applicants, and such record shall be available for examination by any
24 registered voter on written application to the Board.

25 (2) After approval of an application for an absentee ballot and the mailing
26 to the applicant of an absentee ballot, then, unless an electronically reproduced precinct
27 register is used, the voter's record card in the precinct binder shall be removed and placed
28 in a separate binder marked "Registered Absentee Voters" and retained in the office of
29 the Board. A marker shall be placed in the regular precinct binder with the voter's name
30 and recording the fact that an absentee ballot has been mailed, which shall show the date
31 on which the ballot was sent. If an electronically reproduced precinct register is used, a
32 distinctive line shall be drawn through the voter's name on the list and marked "Absentee
33 Voter". No such voter shall vote or be allowed to vote in person at any polling place.

34 (d) Not more than one absentee ballot shall be mailed to any one applicant unless
35 the Board has reasonable grounds to believe that the absentee ballot previously mailed
36 has been lost, destroyed or spoiled.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1997.