
By: Senator Miller

Introduced and read first time: January 9, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Election By Mail**

3 FOR the purpose of authorizing each local board to conduct an election by mail;
4 prohibiting a local board from providing for voting at precincts if an election by mail
5 is conducted; providing certain guidelines for ballot distribution; requiring the State
6 Administrative Board of Election Laws to adopt regulations, based on certain
7 established procedures, for election by mail; prohibiting the State Administrative
8 Board of Election Laws from approving for certification or purchase a voting system
9 that is not compatible with conducting elections by mail; requiring the State Board
10 to decertify systems that are not compatible with elections by mail; and generally
11 relating to elections by mail.

12 BY repealing and reenacting, without amendments,
13 Article 33 - Election Code
14 Section 16B-2(d)
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1996 Supplement)

17 BY adding to
18 Article 33 - Election Code
19 Section 16B-2(e); and 28-1 through 28-3, inclusive, to be under the new subtitle
20 "Election By Mail"
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1996 Supplement)

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

25 **Article 33 - Election Code**

26 16B-2.

27 (d) If the State Board determines that a system it has previously certified no
28 longer merits certification, it may decertify that system and, if one or more of the
29 standards in subsection (a)(1), (2), and (3) of this section are no longer met, shall
30 decertify that system. The State Board shall determine when, or upon what conditions,
31 the decertification becomes effective. In no event may the decertification (or an

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1 amendment to the rules and regulations having the effect of decertification) become
2 effective for a subdivision whose local board has acted in reliance upon the certification
3 of the system involved, and upon whom decertification would have a significant and
4 adverse impact, unless the local board and the governing body of that subdivision consent
5 thereto or the State Board determines, with respect to that subdivision, that the system no
6 longer meets all of the standards set forth in subsection (a)(1), (2), and (3) of this section.

7 (E) (1) THE STATE BOARD MAY NOT APPROVE FOR CERTIFICATION OR
8 PURCHASE ANY SYSTEM THAT IS NOT COMPATIBLE WITH CONDUCTING ELECTIONS
9 BY MAIL.

10 (2) THE STATE BOARD SHALL DECERTIFY SYSTEMS, IN A MANNER
11 CONSISTENT WITH SUBSECTION (D) OF THIS SECTION, SO THAT ALL SYSTEMS THAT
12 ARE NOT COMPATIBLE WITH CONDUCTING ELECTIONS BY MAIL ARE PHASED OUT
13 OF USE.

14 ELECTION BY MAIL

15 28-1.

16 (A) EACH BOARD MAY CONDUCT ANY ELECTION BY MAIL.

17 (B) (1) IF A BOARD CONDUCTS AN ELECTION BY MAIL, THE BOARD MAY
18 NOT PROVIDE FOR VOTING AT PRECINCTS.

19 (2) AN ELECTION BY MAIL SHALL BE CONDUCTED IN ACCORDANCE
20 WITH THIS SUBTITLE AND RULES ADOPTED BY THE STATE ADMINISTRATIVE BOARD
21 OF ELECTION LAWS.

22 28-2.

23 (A) EACH BOARD CONDUCTING AN ELECTION BY MAIL SHALL SEND, BY
24 NONFORWARDABLE MAIL, AN OFFICIAL BALLOT TO EACH INDIVIDUAL IN THE
25 COUNTY WHO IS REGISTERED TO VOTE AS OF THE CLOSE OF REGISTRATION
26 PURSUANT TO § 3-8 OF THIS ARTICLE.

27 (B) BALLOTS SHALL BE MAILED:

28 (1) NOT EARLIER THAN THE 20TH DAY BEFORE THE DAY OF THE
29 ELECTION; AND

30 (2) NOT LATER THAN THE 14TH DAY BEFORE THE DAY OF THE
31 ELECTION.

32 (C) (1) AT THE REQUEST OF A REGISTERED VOTER, A REPLACEMENT
33 BALLOT MAY BE OBTAINED FROM THE BOARD AS PROVIDED IN PARAGRAPH (2) OF
34 THIS SUBSECTION.

35 (2) (I) A REPLACEMENT BALLOT MAY BE MAILED BY THE BOARD NOT
36 LATER THE 5TH DAY BEFORE THE DAY OF THE ELECTION.

37 (II) A REPLACEMENT BALLOT MAY BE OBTAINED IN PERSON BY
38 THE VOTER UNTIL 7:30 P.M. ON THE DAY OF THE ELECTION.

1 (D) (1) IF A REGISTERED VOTER DOES NOT RECEIVE A BALLOT BECAUSE
2 THE VOTER HAS MOVED TO ANOTHER ADDRESS WITHIN THE LOCAL BOARD'S
3 JURISDICTION, THE VOTER SHALL BE PROVIDED WITH A BALLOT FOR THE
4 APPROPRIATE PRECINCT, IF THE BOARD DETERMINES, IN ACCORDANCE WITH
5 REGULATIONS ADOPTED BY THE STATE ADMINISTRATIVE BOARD OF ELECTION
6 LAWS, THAT THE VOTER IS ELIGIBLE TO RECEIVE THE BALLOT.

7 (2) IF A VOTER DOES NOT RECEIVE A BALLOT FOR ANY OTHER
8 REASON, THE VOTER MAY REQUEST A BALLOT FROM THE BOARD WHO SHALL
9 PROVIDE THE VOTER WITH A BALLOT IF THE BOARD IS SATISFIED THAT THE VOTER
10 IS ELIGIBLE TO RECEIVE A BALLOT.

11 28-3.

12 (A) THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL ADOPT
13 REGULATIONS FOR THE ADMINISTRATION OF ELECTIONS BY MAIL THAT ARE
14 CONSISTENT WITH PROCEDURES FOR THE ADMINISTRATION OF ABSENTEE BALLOTS
15 AS ESTABLISHED IN SUBTITLE 27 OF THIS ARTICLE AND IN REGULATIONS.

16 (B) THE REGULATIONS ADOPTED IN ACCORDANCE WITH SUBSECTION (A) OF
17 THIS SECTION SHALL INCLUDE:

18 (1) THE FORMAT AND TYPE OF BALLOTS, ENVELOPES, AND
19 INSTRUCTIONS;

20 (2) ANY PROVISIONS NECESSARY TO INSURE THE SECRECY AND
21 ACCURACY OF THE BALLOTS;

22 (3) A SCHEDULE FOR PRINTING BALLOTS;

23 (4) INSTRUCTIONS FOR CANVASSING BALLOTS, PROVIDED THAT
24 BALLOTS MAY NOT BE OPENED BEFORE 8 P.M. ON ELECTION DAY;

25 (5) GUIDELINES FOR DETERMINING WHEN A BALLOT IS CONSIDERED
26 TIMELY RECEIVED; AND

27 (6) GUIDELINES FOR RESOLVING OTHER DISPUTES CONCERNING
28 VOTING OR THE VALIDITY OF ANY BALLOT.

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