

HOUSE BILL 574

Unofficial Copy  
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HB 430/97 - CGM

1998 Regular Session  
8r1353

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By: **Delegate Crumlin**

Introduced and read first time: February 6, 1998

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Election By Mail**

3 FOR the purpose of authorizing each local election board to conduct an election by  
4 mail; prohibiting a local board from providing for voting at precincts if an  
5 election by mail is conducted; providing certain guidelines for ballot  
6 distribution; requiring the State Administrative Board of Election Laws to adopt  
7 regulations, based on certain established procedures, for election by mail;  
8 prohibiting the State Administrative Board of Election Laws from approving for  
9 certification or purchase a voting system that is not compatible with conducting  
10 elections by mail; requiring the State Board to decertify systems that are not  
11 compatible with elections by mail; and generally 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 (1997 Replacement Volume and 1997 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  
20 subtitle "Election By Mail"  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1997 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

1 standards in subsection (a)(1), (2), and (3) of this section are no longer met, shall  
2 decertify that system. The State Board shall determine when, or upon what  
3 conditions, the decertification becomes effective. In no event may the decertification  
4 (or an amendment to the rules and regulations having the effect of decertification)  
5 become effective for a subdivision whose local board has acted in reliance upon the  
6 certification of the system involved, and upon whom decertification would have a  
7 significant and adverse impact, unless the local board and the governing body of that  
8 subdivision consent thereto or the State Board determines, with respect to that  
9 subdivision, that the system no longer meets all of the standards set forth in  
10 subsection (a)(1), (2), and (3) of this section.

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

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

17 ELECTION BY MAIL

18 28-1.

19 (A) A BOARD MAY CONDUCT ANY ELECTION BY MAIL.

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

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

25 28-2.

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

30 (B) BALLOTS SHALL BE MAILED:

31 (1) NOT EARLIER THAN THE 20TH DAY BEFORE THE DAY OF THE  
32 ELECTION; AND

33 (2) NOT LATER THAN THE 14TH DAY BEFORE THE DAY OF THE  
34 ELECTION.

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

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

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

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

11           (2)     IF A VOTER DOES NOT RECEIVE A BALLOT FOR ANY OTHER REASON,  
12 THE VOTER MAY REQUEST A BALLOT FROM THE BOARD WHO SHALL PROVIDE THE  
13 VOTER WITH A BALLOT IF THE BOARD IS SATISFIED THAT THE VOTER IS ELIGIBLE TO  
14 RECEIVE A BALLOT.

15    (E)    THE RETURN ENVELOPE SHALL BE PREPARED IN SUCH A WAY THAT THE  
16 VOTER HAS THE OPTION OF RETURNING THE VOTED BALLOT:

17           (1)     WITH POSTAGE PAID BY THE BOARD;

18           (2)     WITH POSTAGE PAID BY THE VOTER; OR

19           (3)     BY DELIVERING THE BALLOT TO THE OFFICE OF THE BOARD.

20 28-3.

21    (A)    THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL ADOPT  
22 REGULATIONS FOR THE ADMINISTRATION OF ELECTIONS BY MAIL, SIMILAR TO AND  
23 CONSISTENT WITH PROCEDURES FOR THE ADMINISTRATION OF ABSENTEE BALLOTS  
24 AS ESTABLISHED IN SUBTITLE 27 OF THIS ARTICLE AND IN REGULATIONS.

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

27           (1)     PROVISIONS FOR THE FORMAT AND TYPE OF BALLOTS, ENVELOPES,  
28 AND INSTRUCTIONS;

29           (2)     ANY PROVISIONS NECESSARY TO ENSURE THE SECRECY AND  
30 ACCURACY OF THE BALLOTS;

31           (3)     A SCHEDULE FOR PRINTING BALLOTS;

32           (4)     INSTRUCTIONS FOR CANVASSING BALLOTS THAT PROVIDE THAT  
33 BALLOTS MAY NOT BE OPENED BEFORE 8 P.M. ON ELECTION DAY;

34           (5)     GUIDELINES FOR DETERMINING WHEN A BALLOT IS CONSIDERED  
35 TIMELY RECEIVED; AND

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

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 1998.