
By: **Prince George's County Delegation**
Introduced and read first time: February 9, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Elections - Absentee Ballots - Removal of**
3 **Eligibility Requirements**
4 **PG 404-98**

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

11 BY repealing and reenacting, without amendments,
12 Article 33 - Election Code
13 Section 3-21A(a) and 27-4
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 33 - Election Code
18 Section 27-1, 27-2, 27-5, and 27-6
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1997 Supplement)

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

23 **Article 33 - Election Code**

24 3-21A.

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

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

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

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

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

13 27-1.

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

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

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

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

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

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

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

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

1 27-2.

2 (a) (1) After the Tuesday preceding an election and on the day of the election
3 prior to the time the polls close, any person registered and otherwise qualified to vote
4 may apply, in person or through a duly authorized agent, as authorized in paragraph
5 (4) of this subsection, who appears in person, at the office of the board of supervisors
6 of elections for an emergency absentee ballot if the voter is within the provisions of §
7 27-1 of this article or eligible for an absentee ballot under § 3-21A of this article.

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

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

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

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

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

32 27-4.

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

1 27-5.

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

6 (b) The State Administrative Board of Election Laws shall prescribe all forms
7 of applications for absentee ballots including "Application for Absentee Registration
8 and Ballot", "Application for Absentee Ballot by Registered Voter", "Application for
9 Emergency Absentee Ballot by Registered Voter", and ANY related affidavits and
10 statements.

11 27-6.

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

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

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

35 (2) After approval of an application for an absentee ballot and the
36 mailing to the applicant of an absentee ballot, then, unless an electronically
37 reproduced precinct register is used, the voter's record card in the precinct binder
38 shall be removed and placed in a separate binder marked "Registered Absentee
39 Voters" and retained in the office of the Board. A marker shall be placed in the regular
40 precinct binder with the voter's name and recording the fact that an absentee ballot
41 has been mailed, which shall show the date on which the ballot was sent. If an
42 electronically reproduced precinct register is used, a distinctive line shall be drawn

1 through the voter's name on the list and marked "Absentee Voter". No such voter
2 shall vote or be allowed to vote in person at any polling place.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1998.