

SENATE BILL 266

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SB 129/97 - EEA

1998 Regular Session
8r1129

By: **Senator Miller**

Introduced and read first time: February 2, 1998
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
5 mail is conducted; providing certain guidelines for ballot distribution; requiring
6 the State Administrative Board of Election Laws to adopt regulations, based on
7 certain established procedures, for election by mail; prohibiting the State
8 Administrative Board of Election Laws from approving for certification or
9 purchase a voting system that is not compatible with conducting elections by
10 mail; requiring the State Board to decertify systems that are not compatible
11 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 subtitle
20 "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 ALL SYSTEMS THAT
16 ARE NOT COMPATIBLE WITH CONDUCTING ELECTIONS BY MAIL ARE PHASED OUT OF
17 USE.

18 ELECTION BY MAIL

19 28-1.

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

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

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

26 28-2.

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

31 (B) BALLOTS SHALL BE MAILED:

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

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

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

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

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

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

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

18 28-3.

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

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

25 (1) THE FORMAT AND TYPE OF BALLOTS, ENVELOPES, AND
26 INSTRUCTIONS;

27 (2) ANY PROVISIONS NECESSARY TO INSURE THE SECRECY AND
28 ACCURACY OF THE BALLOTS;

29 (3) A SCHEDULE FOR PRINTING BALLOTS;

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

32 (5) GUIDELINES FOR DETERMINING WHEN A BALLOT IS CONSIDERED
33 TIMELY RECEIVED; AND

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

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