
By: **Delegate Howard**

Introduced and read first time: February 10, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Absentee Ballots - Removal of Eligibility Requirements**

3 FOR the purpose of removing certain eligibility requirements for voting by absentee
4 ballot; removing the requirement that an affidavit be completed stating that the
5 applicant meets certain eligibility requirements; and generally relating to
6 broadening the eligibility for voting by absentee ballot in elections in the State.

7 BY repealing and reenacting, with amendments,
8 Article 33 - Election Code
9 Section 9-304, 9-305, and 10-102
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1999 Supplement)

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

14 **Article 33 - Election Code**

15 9-304.

16 (a) A registered voter may vote by absentee ballot at an election [if the voter:

17 (1) Will be absent on election day from the county in which the voter is
18 registered;

19 (2) Because of accident, illness, or physical disability, will be unable to go
20 to the polling place on election day;

21 (3) Because of confinement in or restriction to an institution, will be
22 prevented from going to the polling place on election day;

23 (4) Because of a death or serious illness in the voter's immediate family,
24 will be unable to go to the polling place on election day;

1 (5) Is a full-time student at an institution of higher education located
2 outside the voter's precinct but within the county of registration, and academic
3 requirements prevent the voter from going to the polling place on election day; or

4 (6) Because of employment by or service as an official of the State Board
5 or a local board, is required to be absent from the precinct in which the voter is
6 registered to vote on election day] IF THE VOTER SATISFIES THE REQUIREMENTS OF
7 THIS SUBTITLE.

8 (b) An individual may vote by absentee ballot if authorized under an
9 applicable federal law.

10 9-305.

11 (a) An application for an absentee ballot, signed by the voter, may be made:

12 (1) On a form produced by the local board and supplied to the voter on
13 request;

14 (2) On a form provided under federal law; or

15 (3) In a written request that includes:

16 (i) The voter's name and residence address; AND

17 (ii) The address to which the ballot is to be mailed, if different from
18 the residence address[]; and

19 (iii) The reason, as authorized in § 9-304 of this subtitle, for
20 absentee voting].

21 (b) Except for a late application under subsection (c) of this section, an
22 application for an absentee ballot must be received by a local board not later than the
23 Tuesday preceding the election, at the time specified in the guidelines.

24 (c) (1) Beginning on the Wednesday preceding the election, through the
25 closing of the polls on election day, a registered voter or the voter's duly authorized
26 agent may apply in person for an absentee ballot at the office of the local board if the
27 voter is qualified for absentee voting under [§ 9-304 of] this subtitle or § 10-102 of
28 this article.

29 (2) A special application for an absentee ballot issued under this
30 subsection shall be supplied by the staff of the local board to the voter or the voter's
31 duly authorized agent.

32 (3) The application shall be made under penalty of perjury, but without a
33 formal oath[, specifying the reason for absentee voting].

34 (4) After review of the application, if the staff of the local board finds
35 that the voter qualifies for absentee voting, the staff shall issue an absentee ballot to
36 the voter or the voter's duly authorized agent.

1 10-102.

2 (a) If the polling place assigned to an elderly or disabled voter is not
3 structurally barrier free, the voter may request a reassignment by the local board.

4 (b) (1) To qualify for a reassignment by the local board, the voter shall
5 submit a request in writing to the local board not later than the close of registration
6 for the election.

7 (2) The request may be made on a form prescribed by the State Board.

8 (c) On receipt of a request from an elderly or disabled voter under subsection
9 (b) of this section, the local board shall either:

10 (1) Assign the voter to an election district, ward, or precinct in the voter's
11 county that contains a structurally barrier free polling place; or

12 (2) Issue the voter an absentee ballot in accordance with the procedures
13 established under Title 9, Subtitle 3 of this article[, notwithstanding the voter's lack
14 of eligibility for an absentee ballot under Title 9, Subtitle 3 of this article].

15 (d) Any ballot issued to a voter under subsection (c)(2) of this section shall be
16 identical to the ballot used in the polling place originally assigned to the voter.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.