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By: **Delegates Leopold, McIntosh, and Sophocleus**  
Introduced and read first time: January 22, 2001  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Absentee Voting**

3 FOR the purpose of altering the circumstances that are required to exist for a voter to  
4 qualify for voting by absentee ballot; and generally relating to voting by  
5 absentee ballot.

6 BY repealing and reenacting, with amendments,  
7 Article 33 - Election Code  
8 Section 9-304, 9-305, and 10-102  
9 Annotated Code of Maryland  
10 (1997 Replacement Volume and 2000 Supplement)

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

13 **Article 33 - Election Code**

14 9-304.

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

16 (1) [Will] MAY be absent on election day from the county in which the  
17 voter is registered;

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

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

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

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

1 (6) Because of employment by or service as an official of the State Board  
2 or a local board, is required to be absent from the precinct in which the voter is  
3 registered to vote on election day.

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

6 9-305.

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

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

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

11 (3) In a written request that includes:

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

13 (ii) The address to which the ballot is to be mailed, if different from  
14 the residence address; and

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

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

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

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

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

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

33 10-102.

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

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

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

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2001.