
By: **Delegate Kagan**
Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Absentee Voters - Publication**

3 FOR the purpose of providing that an applicant for an absentee ballot may request
4 certain information included on the application be made unavailable for
5 examination by any registered voter; creating an automatic consent to make
6 certain information concerning certain applicants for absentee ballots available
7 for examination by any registered voter; prohibiting the local boards of elections
8 from making certain information concerning certain applicants for absentee
9 ballots available for examination by any registered voter under certain
10 circumstances; and generally relating to information concerning absentee
11 voters.

12 BY repealing and reenacting, with amendments,
13 Article 33 - Election Code
14 Section 9-302 and 9-305
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2000 Supplement)

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

19 **Article 33 - Election Code**

20 9-302.

21 (A) Each local board shall maintain a full record of absentee voting in the
22 county, including, for each absentee voter:

- 23 (1) The date and time of the board's receipt of an application for an
24 absentee ballot;
- 25 (2) The action taken with regard to the application;
- 26 (3) The appropriate ballot style;
- 27 (4) The date of issuance of a ballot;

- 1 (5) If mailed, the address to which the ballot is sent;
- 2 (6) The date and time of the receipt of a voted absentee ballot; and
- 3 (7) Any other information specified by the State Board.

4 (B) EACH LOCAL BOARD SHALL EXCLUDE FROM THE FULL RECORD OF
5 ABSENTEE VOTING ALL INFORMATION CONCERNING THE APPLICATION FOR AN
6 ABSENTEE BALLOT MADE BY ANY APPLICANT WHO, IN ACCORDANCE WITH § 9-305(B)
7 OF THIS SUBTITLE, HAS REQUESTED THAT INFORMATION CONCERNING THE
8 APPLICANT'S APPLICATION REMAIN UNAVAILABLE FOR EXAMINATION BY ANY
9 REGISTERED VOTER.

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;
 - 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) (1) AN APPLICANT MAY INDICATE ON ANY APPLICATION FOR AN
22 ABSENTEE BALLOT WHETHER THE APPLICANT CHOOSES TO HAVE INFORMATION
23 CONCERNING THE APPLICATION AVAILABLE FOR EXAMINATION BY ANY
24 REGISTERED VOTER.

25 (2) IF AN APPLICANT FAILS TO ADDRESS WHETHER INFORMATION
26 CONCERNING THE APPLICANT'S APPLICATION SHALL BE AVAILABLE FOR
27 EXAMINATION BY ANY REGISTERED VOTER, THE APPLICANT SHALL BE DEEMED TO
28 HAVE GRANTED CONSENT.

29 [(b)] (C) Except for a late application under subsection [(c)] (D) of this section,
30 an application for an absentee ballot must be received by a local board not later than
31 the Tuesday preceding the election, at the time specified in the guidelines.

32 [(c)] (D) (1) Beginning on the Wednesday preceding the election, through
33 the closing of the polls on election day, a registered voter or the voter's duly
34 authorized agent may apply in person for an absentee ballot at the office of the local
35 board if the voter is qualified for absentee voting under § 9-304 of this subtitle or §
36 10-102 of this article.

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

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 January 1, 2002.