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By: **Delegate F. Turner**  
Introduced and read first time: February 14, 2003  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voting - Bulk Mailing - Application for an Absentee Ballot**

3 FOR the purpose of prohibiting a person from making a bulk mailing of an  
4 application for an absentee ballot within a certain period before an election;  
5 requiring a person making a bulk mailing of an application for an absentee  
6 ballot to submit the application to the State Board of Elections or to a local  
7 board for approval prior to the mailing to ensure that the application meets  
8 certain standards; specifying that a person's failure to comply with certain bulk  
9 mailing requirements results in the rejection of certain applications and renders  
10 the person liable for certain costs; defining a certain term; requiring the State  
11 Board to issue guidelines to establish standards for an application for an  
12 absentee ballot; and generally relating to the bulk mailing of an application for  
13 an absentee ballot.

14 BY repealing and reenacting, with amendments,  
15 Article - Election Law  
16 Section 9-303 and 9-305  
17 Annotated Code of Maryland  
18 (2003 Volume)

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

21 **Article - Election Law**

22 9-303.

23 (a) The State Board shall establish guidelines for the administration of  
24 absentee voting by the local boards.

25 (b) The guidelines shall provide for:

26 (1) the application process, INCLUDING STANDARDS FOR BULK MAILING  
27 OF AN APPLICATION FOR AN ABSENTEE BALLOT IN ACCORDANCE WITH § 9-305(B) OF  
28 THIS SUBTITLE;

- 1 (2) late application for absentee ballots;
- 2 (3) ballot security, including storage of returned ballots;
- 3 (4) determining timeliness of receipt of applications and ballots,  
4 including applications and ballots for overseas voters;
- 5 (5) the canvass process;
- 6 (6) notice of the canvass to candidates, political parties, campaign  
7 organizations, news media, and the general public;
- 8 (7) observers of the process;
- 9 (8) review of voted ballots and envelopes for compliance with the law and  
10 for machine tabulation acceptability;
- 11 (9) standards for disallowance of ballots during the canvass; and
- 12 (10) storage and retention of ballots following canvass and certification.
- 13 (c) The State Board shall:
  - 14 (1) in consultation with the local boards, assess the guidelines before  
15 each primary election; and
  - 16 (2) revise the guidelines if indicated.
- 17 9-305.
  - 18 (a) An application for an absentee ballot, signed by the voter, may be made:
    - 19 (1) on a form produced by the local board and supplied to the voter on  
20 request;
    - 21 (2) on a form provided under federal law; or
    - 22 (3) in a written request that includes:
      - 23 (i) the voter's name and residence address;
      - 24 (ii) the address to which the ballot is to be mailed, if different from  
25 the residence address; and
      - 26 (iii) the reason, as authorized in § 9-304 of this subtitle, for  
27 absentee voting.
  - 28 (B) (1) IN THIS SUBSECTION, "BULK MAILING" MEANS ONE OR MORE  
29 MAILINGS OF AT LEAST 500 ITEMS.
  - 30 (2) A PERSON:

1 (I) MAY NOT MAKE A BULK MAILING OF AN APPLICATION FOR AN  
2 ABSENTEE BALLOT TO REGISTERED VOTERS WITHIN 30 DAYS OF AN ELECTION; AND

3 (II) SHALL SUBMIT TO THE STATE BOARD OR A LOCAL BOARD, FOR  
4 APPROVAL PRIOR TO THE BULK MAILING, A SAMPLE OF THE APPLICATION FOR AN  
5 ABSENTEE BALLOT THAT IS PROPOSED FOR USE IN A BULK MAILING TO ENSURE  
6 THAT THE APPLICATION'S FORMAT COMPLIES WITH THE REGULATIONS ADOPTED BY  
7 THE STATE BOARD.

8 (3) IF A PERSON FAILS TO COMPLY WITH THE REQUIREMENTS UNDER  
9 THIS SECTION FOR A BULK MAILING OF AN APPLICATION FOR AN ABSENTEE BALLOT:

10 (I) THE LOCAL BOARD MAY REJECT ANY APPLICATION  
11 ASSOCIATED WITH THE BULK MAILING THAT IS SUBMITTED BY A VOTER; AND

12 (II) THE PERSON RESPONSIBLE FOR THE BULK MAILING IS LIABLE  
13 FOR THE COSTS INCURRED BY A LOCAL BOARD TO ADVISE THE VOTER THAT THE  
14 VOTER'S APPLICATION IS REJECTED AND TO PROVIDE THE VOTER WITH A  
15 REPLACEMENT APPLICATION.

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

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2003.