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By: **Delegates Taylor, Barve, Bromwell, Carter, G. Clagett, V. Clagett, Cryor, Feldman, Gilleland, Haddaway, Haynes, Jennings, Kaiser, King, Lee, Love, Madaleno, McKee, Moe, Montgomery, Murray, Myers, Oaks, Patterson, Petzold, Simmons, Stull, Trueschler, Vaughn, and Weldon**

Introduced and read first time: January 31, 2005

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Absentee Voting - Disabled or Elderly Registered Voters**

3 FOR the purpose of requiring a local board of elections, before each election, to send  
4 an absentee ballot to each disabled or elderly registered voter who has qualified  
5 to vote by absentee ballot at a previous election; altering the qualifications by  
6 which a registered voter may vote by absentee ballot; and generally relating to  
7 absentee ballot applications for disabled or elderly registered voters.

8 BY repealing and reenacting, without amendments,

9 Article - Election Law

10 Section 1-101(q) and (u)

11 Annotated Code of Maryland

12 (2003 Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article - Election Law

15 Section 9-304 and 9-305

16 Annotated Code of Maryland

17 (2003 Volume and 2004 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Election Law**

21 1-101.

22 (q) "Disabled" means having a temporary or permanent physical disability.

23 (u) "Elderly" means 65 years of age or older.

1 9-304.

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

3 (1) may be absent on election day from the county in which the voter is  
4 registered;

5 (2) because of accident[, illness, or physical disability] OR ILLNESS, will  
6 be unable to go to the polling place on election day;

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

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

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

14 (6) because of employment by or service as an official of the State Board  
15 or a local board, is required to be absent from the precinct in which the voter is  
16 registered to vote on election day; OR

17 (7) IS DISABLED OR ELDERLY.

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

20 9-305.

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

22 (1) on a form produced by the local board and supplied to the voter on  
23 request;

24 (2) on a form provided under federal law; or

25 (3) in a written request that includes:

26 (i) the voter's name and residence address;

27 (ii) the address to which the ballot is to be mailed, if different from  
28 the residence address; and

29 (iii) the reason, as authorized in § 9-304 of this subtitle, for  
30 absentee voting.

31 (B) BEFORE EACH ELECTION, A LOCAL BOARD SHALL SEND AN ABSENTEE  
32 BALLOT TO EACH DISABLED OR ELDERLY REGISTERED VOTER WHO, UNDER

1 SUBSECTION (A) OF THIS SECTION, HAS QUALIFIED TO VOTE BY ABSENTEE BALLOT  
2 AT A PREVIOUS ELECTION.

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2005.