

---

By: **Delegates Petzold, Griffith, Barkley, Bates, D. Davis, Dumais, Heller,  
Kaiser, Madaleno, Mandel, Moe, Montgomery, and Taylor**

Introduced and read first time: February 4, 2005

Assigned to: Ways and Means

---

A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Absentee Voting on Demand**

3 FOR the purpose of eliminating the circumstances that are required to exist for a  
4 voter to qualify for voting by absentee ballot; altering the methods for receiving  
5 and submitting an application for an absentee ballot; and generally relating to  
6 voting by absentee ballot.

7 BY repealing and reenacting, with amendments,  
8 Article - Election Law  
9 Section 9-304, 9-305, and 10-102  
10 Annotated Code of Maryland  
11 (2003 Volume and 2004 Supplement)

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

14 **Article - Election Law**

15 9-304.

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

17 (1) may 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.

7 (b)] An individual may vote by absentee ballot [if authorized] EXCEPT TO THE  
8 EXTENT PREEMPTED under an applicable federal law.

9 9-305.

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

11 (1) on a form produced by the local board and supplied to the voter [on  
12 request];

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

14 (3) in a written request that includes:

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

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

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

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

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

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

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

33 (4) After review of the application, [if the staff of the local board finds  
34 that the voter qualifies for absentee voting,] the staff shall issue an absentee ballot to  
35 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, 2005.