
By: Delegates Petzold, Griffith, Barkley, Bates, D. Davis, Dumais, Heller, Kaiser, Madaleno, Mandel, Moe, Montgomery, and Taylor Taylor, Bartlett, Boschert, Bozman, Cardin, Cryor, C. Davis, Elmore, Gilleland, Goodwin, Gordon, Healey, Hixson, Howard, King, Marriott, McKee, Myers, Patterson, Ramirez, and Ross

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CHAPTER _____

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;

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

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

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

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

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

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

15 9-305.

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

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

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

20 (3) in a written request that includes:

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

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

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

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

29 (c) (1) Beginning on the Wednesday preceding the election, through the
30 closing of the polls on election day, a registered voter or the voter's duly authorized
31 agent may apply in person for an absentee ballot at the office of the local board [if the
32 voter is qualified for absentee voting under § 9-304 of this subtitle or § 10-102 of this
33 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
5 without a 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 10-102.

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

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

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

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

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

20 (2) issue the voter an absentee ballot in accordance with the procedures
21 established under Title 9, Subtitle 3 of this article[, notwithstanding the voter's lack
22 of eligibility for an absentee ballot under Title 9, Subtitle 3 of this article].

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

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