SENATE BILL 1

By: **Senators Miller, Conway, Dyson, McFadden, Kasemeyer, Middleton, Currie, Frosh, Britt, DeGrange, Exum, Forehand, Garagiola, Gladden, Hogan, Jones, Kelley, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, ~~and Stone~~ Stone, Astle, Klausmeier, and Kramer**

Requested: September 12, 2006
Introduced and read first time: January 11, 2007
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: February 15, 2007

CHAPTER _____

1   AN ACT concerning

2   **Elective Franchise – Early Voting and Polling Places**

3   FOR the purpose of authorizing the General Assembly to provide by suitable
4   enactment a process to allow voters to vote at certain polling places in certain
5   locations and on certain days prior to certain election dates; providing that the
6   provisions of certain Acts of the General Assembly may not take effect;
7   repealing certain provisions of law; making stylistic changes; and submitting
8   this amendment to the qualified voters of the State of Maryland for their
9   adoption or rejection.

10   BY proposing an amendment to the Maryland Constitution
11   Article I – Elective Franchise
12   Section 1 and 3

13   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14   MARYLAND, (Three–fifths of all the members elected to each of the two Houses
15   concurring), That it be proposed that the Maryland Constitution read as follows:

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**.
    [Brackets] indicate matter deleted from existing law.
    Underlining indicates amendments to bill.
    ~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by
    amendment.

1   **Article I – Elective Franchise**

2   1.

3   All elections shall be by ballot. [Every] **EXCEPT AS PROVIDED IN SECTION 3**
4   **OF THIS ARTICLE, EVERY** citizen of the United States, of the age of 18 years or
5   upwards, who is a resident of the State as of the time for the closing of registration
6   next preceding the election, shall be entitled to vote in the ward or election district in
7   which [he] **THE CITIZEN** resides at all elections to be held in this State. A person once
8   entitled to vote in any election district, shall be entitled to vote there until [he] **THE**
9   **PERSON** shall have acquired a residence in another election district or ward in this
10   State.

11   3.

12   **(A)**   The General Assembly [of Maryland] shall have **THE** power to provide by
13   suitable enactment for voting by qualified voters of the State of Maryland who are
14   absent at the time of any election in which they are entitled to vote [and]**,** for voting
15   by other qualified voters who are unable to vote personally**, OR FOR VOTING BY**
16   **QUALIFIED VOTERS WHO MIGHT OTHERWISE CHOOSE TO VOTE BY ABSENTEE**
17   **BALLOT,** and for the manner in which and the time and place at which such [absent]
18   voters may vote, and for the canvass and return of their votes.

19   **(B)   THE GENERAL ASSEMBLY SHALL HAVE THE POWER TO PROVIDE BY**
20   **SUITABLE ENACTMENT A PROCESS TO ALLOW QUALIFIED VOTERS TO VOTE AT**
21   **POLLING PLACES IN OR OUTSIDE THEIR ELECTION DISTRICTS OR** ~~WARDS, AND~~
22   ~~ON~~ **WARDS OR, DURING THE TWO WEEKS IMMEDIATELY PRECEDING AN**
23   **ELECTION, ON NO MORE THAN 10 OTHER DAYS PRIOR TO THE DATES SPECIFIED**
24   **IN THIS CONSTITUTION.**

25   SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of Chapter
26   5 and Chapter 61 of the Acts of the General Assembly of 2006, as they relate to voting
27   on days before the dates specified in the Maryland Constitution, which were struck
28   down by the Maryland Court of Appeals (Lamone v. Capozzi, per curiam order issued
29   August 2006), may not take effect even if this Act becomes effective.

30   SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 10–301.1 and
31   10–302(b)(2) of Article – Election Law of the Annotated Code of Maryland be repealed.

1   SECTION 2̶. 4. AND BE IT FURTHER ENACTED, That the General Assembly
2 determines that the amendment to the Maryland Constitution proposed by this Act
3 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
4 Maryland Constitution concerning local approval of constitutional amendments do not
5 apply.

6   SECTION 3̶. 5. AND BE IT FURTHER ENACTED, That the aforegoing section
7 proposed as an amendment to the Maryland Constitution shall be submitted to the
8 legal and qualified voters of this State at the next general election to be held in
9 November, 2008 for their adoption or rejection pursuant to Article XIV of the
10 Maryland Constitution. At that general election, the vote on this proposed amendment
11 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
12 words "For the Constitutional Amendment" and "Against the Constitutional
13 Amendment," as now provided by law. Immediately after the election, all returns shall
14 be made to the Governor of the vote for and against the proposed amendment, as
15 directed by Article XIV of the Maryland Constitution, and further proceedings had in
16 accordance with Article XIV.

Approved:

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                                            Governor.

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                                 President of the Senate.

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                           Speaker of the House of Delegates.