

CHAPTER 513

(Senate Bill 1)

AN ACT concerning

Elective Franchise – Early Voting and Polling Places

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

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

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

Article I – Elective Franchise

1.

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

3.

(A) The General Assembly [of Maryland] shall have **THE** power to provide by suitable enactment for voting by qualified voters of the State of Maryland who are

absent at the time of any election in which they are entitled to vote [and], for voting by other qualified voters who are unable to vote personally, **OR FOR VOTING BY QUALIFIED VOTERS WHO MIGHT OTHERWISE CHOOSE TO VOTE BY ABSENTEE BALLOT**, and for the manner in which and the time and place at which such [absent] voters may vote, and for the canvass and return of their votes.

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

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

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

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

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

Approved by the Governor and became Chapter, subject to referendum, May 17, 2007.