

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 365

(Delegate F. Turner, *et al.*)

Ways and Means

Education, Health, and Environmental
Affairs

Election Law - Absentee Ballots - Timely Receipt

This bill sets forth requirements for timely receipt of absentee ballots and provides that absentee ballots received in the mail are timely if received by the local board by specified dates and are mailed *on or before* election day (verified by postmark or affidavit), rather than before election day as State Board of Elections (SBE) regulations currently require.

Fiscal Summary

State Effect: None. The bill would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The bill generally codifies provisions of SBE regulations regarding the timely receipt of absentee ballots, yet changes the deadline for mailing absentee ballots to include election day. The current regulations provide, in part, that an absentee ballot is deemed timely received if the ballot is received by the local board office before the polls close on election day or the ballot is received from the U.S. Postal Service or a private mail carrier • by 10 a.m. on the second Wednesday after a primary election preceding a gubernatorial election; or • by 10 a.m. on the second Friday after a general or special election or in a primary election preceding a presidential election; and

- was mailed *before* election day, as verified by a postmark or affidavit if the return envelope does not contain a postmark or the postmark is illegible.

Background: An unusually large number of absentee ballot applications were received by Maryland local election boards prior to the 2006 general election, putting a strain on local boards to meet the demand for absentee ballots. As a result, some voters did not receive absentee ballots in time to meet the November 6 (“before election day”) mailing deadline. A registered voter who was not able to meet the deadline filed a suit in circuit court seeking to have all ballots postmarked on election day accepted or, in the alternative, preserved for a later hearing. The voter’s request was denied, however, and the circuit court’s order was later affirmed by the Court of Appeals.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Somerset County, Prince George’s County, Charles County, State Board of Elections, Frederick County, Department of Legislative Services

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ncs/jr

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