

# SENATE BILL 733

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By: **Senators Raskin, Lenett, Peters, and Pugh**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Permanent Absentee Ballot List**

3 FOR the purpose of requiring the State Board of Elections to establish guidelines for a  
4 permanent absentee ballot list; authorizing an individual to apply for  
5 permanent absentee ballot status; authorizing an application for permanent  
6 absentee ballot status to be made by certain methods; requiring a written  
7 request for permanent absentee ballot status to include certain information;  
8 specifying that a voter is eligible for permanent absentee ballot status under  
9 certain circumstances; requiring that a voter be placed on the permanent  
10 absentee ballot list under certain circumstances; requiring that an absentee  
11 ballot be sent to a voter on the permanent absentee ballot list for certain  
12 elections; requiring that a voter be removed from the permanent absentee ballot  
13 list under certain circumstances; requiring a voter that has permanent absentee  
14 ballot status to notify the local board of elections with certain information under  
15 certain circumstances; and generally relating to permanent absentee ballot  
16 lists.

17 BY repealing and reenacting, with amendments,  
18 Article – Election Law  
19 Section 9–303, 9–304, and 9–305(a)  
20 Annotated Code of Maryland  
21 (2003 Volume and 2008 Supplement)

22 BY adding to  
23 Article – Election Law  
24 Section 9–305.1  
25 Annotated Code of Maryland  
26 (2003 Volume and 2008 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Election Law**

2 9–303.

3 (a) The State Board shall establish guidelines for the administration of  
4 absentee voting by the local boards.

5 (b) The guidelines shall provide for:

6 (1) the application process;

7 (2) late application for absentee ballots;

8 (3) ballot security, including storage of returned ballots;

9 (4) determining timeliness of receipt of applications and ballots,  
10 including applications and ballots for overseas voters;

11 (5) the canvass process;

12 (6) notice of the canvass to candidates, political parties, campaign  
13 organizations, news media, and the general public;

14 (7) observers of the process;

15 (8) review of voted ballots and envelopes for compliance with the law  
16 and for machine tabulation acceptability;

17 (9) standards for disallowance of ballots during the canvass; [and]

18 (10) storage and retention of ballots following canvass and certification;

19 **AND**20 **(11) THE PERMANENT ABSENTEE BALLOT LIST.**

21 (c) The State Board shall:

22 (1) in consultation with the local boards, assess the guidelines before  
23 each primary election; and

24 (2) revise the guidelines if indicated.

25 9–304.

26 **(A)** An individual may vote by absentee ballot except to the extent preempted  
27 under an applicable federal law.

1           **(B) AN INDIVIDUAL MAY APPLY FOR PERMANENT ABSENTEE BALLOT**  
2 **STATUS.**

3 9–305.

4           (a) An application for an absentee ballot **OR FOR PERMANENT ABSENTEE**  
5 **BALLOT STATUS**, signed by the voter, may be made:

6           (1) on a form produced by the local board and supplied to the voter;

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

8           (3) in a written request that includes:

9                   (i) the voter’s name and residence address; [and]

10                   (ii) the address to which the ballot is to be mailed, if different  
11 from the residence address; **AND**

12                               **(III) IF THE VOTER IS APPLYING FOR PERMANENT ABSENTEE**  
13 **BALLOT STATUS, WHY THE VOTER IS ELIGIBLE FOR PERMANENT ABSENTEE**  
14 **BALLOT STATUS ACCORDING TO § 9–305.1 OF THIS SUBTITLE.**

15 **9–305.1.**

16           **(A) A VOTER IS ELIGIBLE FOR PERMANENT ABSENTEE BALLOT STATUS**  
17 **IF THE VOTER IS:**

18           (1) **A MEMBER OF THE ARMED FORCES OF THE UNITED STATES;**

19           (2) **A MEMBER OF THE FOREIGN SERVICE OF THE UNITED**  
20 **STATES;**

21           (3) **LIVING OUTSIDE THE UNITED STATES;**

22           (4) **ELDERLY; OR**

23           (5) **DISABLED.**

24           **(B) (1) A VOTER WHO APPLIES AND IS ELIGIBLE FOR PERMANENT**  
25 **ABSENTEE BALLOT STATUS SHALL BE PLACED ON THE PERMANENT ABSENTEE**  
26 **BALLOT LIST.**

1           **(2) AN ABSENTEE BALLOT SHALL BE SENT TO EACH VOTER ON**  
2 **THE PERMANENT ABSENTEE BALLOT LIST EACH TIME THERE IS AN ELECTION.**

3           **(C) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL**  
4 **BE REMOVED FROM THE PERMANENT ABSENTEE BALLOT LIST IF THE VOTER:**

5                   **(1) IS REMOVED FROM THE STATEWIDE VOTER REGISTRY IN**  
6 **ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE;**

7                   **(2) IS NO LONGER ELIGIBLE FOR PERMANENT ABSENTEE BALLOT**  
8 **STATUS; OR**

9                   **(3) FAILS TO RETURN AN ABSENTEE BALLOT FOR TWO**  
10 **CONSECUTIVE STATEWIDE GENERAL ELECTIONS.**

11           **(D) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL**  
12 **NOTIFY THE LOCAL BOARD IF:**

13                   **(1) THE VOTER IS NO LONGER ELIGIBLE FOR PERMANENT**  
14 **ABSENTEE BALLOT STATUS; OR**

15                   **(2) THE ABSENTEE BALLOT IS TO BE SENT TO AN ADDRESS THAT**  
16 **IS DIFFERENT THAN THE PREVIOUS ADDRESS TO WHICH THE ABSENTEE BALLOT**  
17 **WAS SENT.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2009.