

# SENATE BILL 1033

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EMERGENCY BILL

9lr3336

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By: **Senators Madaleno and Raskin**

Introduced and read first time: March 6, 2009

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Special Election – Absentee Voting – Late Applications**

3 FOR the purpose of establishing a process to allow a voter in the State to vote in  
4 certain special elections by absentee ballot; requiring local boards of elections to  
5 be open for absentee voting and to receive absentee ballots on certain days and  
6 during certain hours before a special election; making certain provisions of law  
7 applicable to absentee voting for a special election; requiring the State Board of  
8 Elections and local boards of elections to take certain steps to inform voters  
9 about a special election and about absentee voting for a special election;  
10 authorizing the State Board to adopt regulations and guidelines for the conduct  
11 of absentee voting for a special election; making this Act an emergency measure;  
12 providing for the termination of this Act; and generally relating to absentee  
13 voting for a special election.

14 BY repealing and reenacting, without amendments,  
15 Article – Election Law  
16 Section 9–304, 9–305, and 10–102  
17 Annotated Code of Maryland  
18 (2003 Volume and 2008 Supplement)

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

21 **Article – Election Law**

22 9–304.

23 An individual may vote by absentee ballot except to the extent preempted under  
24 an applicable federal law.

25 9–305.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

4 (3) in a written request that includes:

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

6 (ii) the address to which the ballot is to be mailed, if different  
7 from the residence address.

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

11 (c) (1) Beginning on the Wednesday preceding the election, through the  
12 closing of the polls on election day, a registered voter or the voter's duly authorized  
13 agent may apply in person for an absentee ballot at the office of the local board.

14 (2) A special application for an absentee ballot issued under this  
15 subsection shall be supplied by the staff of the local board to the voter or the voter's  
16 duly authorized agent.

17 (3) The application shall be made under penalty of perjury but without  
18 a formal oath.

19 (4) After review of the application, the staff shall issue an absentee  
20 ballot to the voter or the voter's duly authorized agent.

21 10-102.

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

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

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

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

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

1           (2) issue the voter an absentee ballot in accordance with the  
2 procedures established under Title 9, Subtitle 3 of this article.

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

5           SECTION 2. AND BE IT FURTHER ENACTED, That:

6           (a) This section applies to any special election on or before June 30, 2009,  
7 that is required to be conducted in accordance with the Election Law Article.

8           (b) During a special election, a registered voter or the voter's duly authorized  
9 agent may apply in person for an absentee ballot at the office of the local board of  
10 elections in that county.

11           (c) For a special election, the local board in the county shall be open to  
12 receive applications for an absentee ballot and to receive absentee ballots as follows:

13           (1) on the Wednesday through the Friday immediately preceding the  
14 special election, during the hours between 8 a.m. and 8 p.m.;

15           (2) on the Saturday immediately preceding the special election, during  
16 the hours between 10 a.m. and 4:30 p.m.; and

17           (3) on the Sunday immediately preceding the special election, during  
18 the hours between 12 noon and 3 p.m.

19           (d) Except as otherwise expressly provided in this section, any provision of  
20 the Election Law Article that applies to absentee voting also applies to absentee voting  
21 for a special election under this section.

22           (e) Beginning 30 days before a special election, the State Board of Elections  
23 and any affected local board of elections shall undertake steps to inform the public  
24 about the special election and the provisions of this section concerning absentee  
25 voting, including:

26           (1) a series of public service media announcements;

27           (2) mailings to all registered voters in each county; and

28           (3) other measures as appropriate.

29           (f) In accordance with the requirements of this section, the State Board of  
30 Elections may adopt regulations and guidelines for the conduct of absentee voting  
31 before a special election.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health or safety,  
3 has been passed by a yea and nay vote supported by three-fifths of all the members  
4 elected to each of the two Houses of the General Assembly, and shall take effect from  
5 the date it is enacted. It shall remain effective through June 30, 2009, and, at the end  
6 of June 30, 2009, with no further action required by the General Assembly, this Act  
7 shall be abrogated and of no further force and effect.