

SENATE BILL 1033

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EMERGENCY BILL

9lr3336

By: **Senators Madaleno and ~~Raskin~~, Raskin, and Lenett**

Introduced and read first time: March 6, 2009

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 11, 2009

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2009

CHAPTER _____

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**

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 9–304.

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

4 9–305.

5 (a) An application for an absentee ballot, 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.

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

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

18 (2) A special application for an absentee ballot issued under this
19 subsection shall be supplied by the staff of the local board to the voter or the voter’s
20 duly authorized agent.

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

23 (4) After review of the application, the staff shall issue an absentee
24 ballot to the voter or the voter’s duly authorized agent.

25 10–102.

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

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

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

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

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

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

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

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

10 (a) This section applies to any special election on or before ~~June 30, 2009~~
11 May 19, 2009, that is required to be conducted in accordance with the Election Law
12 Article.

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

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

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

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

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

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

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

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

32 (2) mailings to all registered voters ~~in each county~~ eligible to vote in
33 the special election; and

1 (3) other measures as appropriate.

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
6 measure, is necessary for the immediate preservation of the public health or safety,
7 has been passed by a yea and nay vote supported by three-fifths of all the members
8 elected to each of the two Houses of the General Assembly, and shall take effect from
9 the date it is enacted. It shall remain effective through ~~June 30, 2009~~ May 19, 2009,
10 and, at the end of ~~June 30, 2009~~ May 19, 2009, with no further action required by the
11 General Assembly, this Act shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.