

# SENATE BILL 258

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By: **Senators Forehand, Garagiola, King, Kramer, Madaleno, Raskin, and Robey**

Introduced and read first time: January 22, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Special Elections – Voting by Mail**

3 FOR the purpose of authorizing a special election to be conducted by voting by mail;  
4 applying certain provisions of law to ballots used for voting by mail; requiring  
5 the State Board to adopt regulations to govern voting by mail; requiring the  
6 regulations to provide for certain elements regarding voting by mail; altering a  
7 certain definition; and generally relating to special elections and voting by mail.

8 BY repealing and reenacting, with amendments,  
9 Article – Election Law  
10 Section 1–101(d) and 9–204  
11 Annotated Code of Maryland  
12 (2003 Volume and 2009 Supplement)

13 BY adding to  
14 Article – Election Law  
15 Section 9–501 and 9–502 to be under the new subtitle “Subtitle 5. Voting by  
16 Mail”  
17 Annotated Code of Maryland  
18 (2003 Volume and 2009 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 1–101.

23 (d) (1) “Ballot” or “official ballot” includes:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) an absentee ballot;
- 2 (ii) a provisional ballot;
- 3 (iii) a document ballot; [or]
- 4 (iv) a voting machine ballot; OR
- 5 **(V) A BALLOT USED FOR VOTING BY MAIL.**

6 (2) "Ballot" or "official ballot" does not include:

- 7 (i) a sample ballot; or
- 8 (ii) a specimen ballot.

9 9-204.

10 (a) Subject to the other provisions of this subtitle and to different  
11 presentations required or made desirable by different voting systems, all ballots used  
12 in an election shall be as uniform as possible.

13 (b) Except as otherwise specifically provided in this title, or unless a  
14 provision is clearly inappropriate to absentee ballots **AND BALLOTS USED FOR**  
15 **VOTING BY MAIL**, the provisions of this subtitle relating to ballot content and  
16 arrangement shall apply to the arrangement of absentee ballots **AND BALLOTS USED**  
17 **FOR VOTING BY MAIL.**

18 (c) If applicable for the voting system in use, the appropriate components of  
19 the voting system shall be configured for a primary election to permit the voter to vote  
20 only for the candidates for which the voter is entitled to vote.

21 **SUBTITLE 5. VOTING BY MAIL.**

22 **9-501.**

23 **A SPECIAL ELECTION MAY BE CONDUCTED BY VOTING BY MAIL.**

24 **9-502.**

25 **(A) THE STATE BOARD SHALL ADOPT REGULATIONS TO GOVERN**  
26 **VOTING BY MAIL.**

27 **(B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL PROVIDE**  
28 **FOR:**

1           **(1) THE USE OF A VOTING SYSTEM SELECTED AND CERTIFIED**  
2 **UNDER § 9-101 OF THIS TITLE;**

3           **(2) UNIFORMITY OF THE VOTING-BY-MAIL PROCESS;**

4           **(3) THE MAILING OF BALLOTS TO VOTERS;**

5           **(4) REPLACEMENT BALLOT PROCEDURES;**

6           **(5) THE VOTER'S RESPONSIBILITIES REGARDING THE**  
7 **VOTING-BY-MAIL PROCESS;**

8           **(6) THE HANDLING AND COUNTING OF BALLOTS RECEIVED BY**  
9 **THE LOCAL BOARDS;**

10           **(7) REQUIREMENTS AND PROCEDURES THAT ASSURE**  
11 **COMPLIANCE WITH THE HELP AMERICA VOTE ACT OF 2002; AND**

12           **(8) REQUIREMENTS AND CRITERIA FOR THE DESIGNATION OF**  
13 **PLACES OF DEPOSIT FOR THE BALLOTS CAST IN THE SPECIAL ELECTION,**  
14 **INCLUDING THE DATES AND TIMES THE PLACES OF DEPOSIT MUST BE OPEN AND**  
15 **THE SECURITY REQUIREMENTS FOR THE PLACES OF DEPOSIT.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2010.