

# HOUSE BILL 787

G1  
SB 293/10 – EHE

11r1193  
CF SB 409

By: **Delegates Kramer, Arora, Barkley, Dumais, Frick, Hixson, Hucker,  
Luedtke, Reznik, Simmons, Valderrama, and Wilson**

Introduced and read first time: February 10, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2011

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~**Elections – Permanent Absentee Ballot List**~~  
3 **Election Law – Subsequent Election Absentee Ballot List**

4 FOR the purpose of ~~requiring the State Board of Elections to establish guidelines for a~~  
5 ~~permanent absentee ballot list; authorizing an individual to apply for~~  
6 ~~permanent absentee ballot status; authorizing an application for permanent~~  
7 ~~absentee ballot status to be made by certain methods; requiring a written~~  
8 ~~request for permanent absentee ballot status to include certain information;~~  
9 ~~requiring that a voter be placed on the permanent absentee ballot list under~~  
10 ~~certain circumstances; requiring that an absentee ballot be sent to a voter on~~  
11 ~~the permanent absentee ballot list for certain elections; requiring that a voter~~  
12 ~~be removed from the permanent absentee ballot list under certain~~  
13 ~~circumstances; requiring a voter who has permanent absentee ballot status to~~  
14 ~~notify the local board with certain information under certain circumstances; and~~  
15 ~~generally relating to permanent absentee ballot lists~~ requiring the State Board  
16 of Elections to establish guidelines for a subsequent election absentee ballot list;  
17 requiring that a voter who receives an absentee ballot be provided the  
18 opportunity to request an absentee ballot for the next subsequent election in  
19 certain materials accompanying the absentee ballot; requiring that a voter who  
20 requests an absentee ballot for the next subsequent election be placed on the  
21 subsequent election absentee ballot list; requiring that an absentee ballot be  
22 sent to a voter on the subsequent election absentee ballot list for certain  
23 elections; requiring that a voter be removed from the subsequent election  
24 absentee ballot list under certain circumstances; requiring a voter who requests

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 an absentee ballot for the next subsequent election to notify the local board with  
 2 certain information under certain circumstances; and generally relating to the  
 3 subsequent election absentee ballot list.

4 BY repealing and reenacting, with amendments,  
 5 Article – Election Law  
 6 Section 9–303, ~~9–304~~, and ~~9–305(a)~~  
 7 Annotated Code of Maryland  
 8 (2010 Replacement Volume)

9 BY repealing and reenacting, without amendments,  
 10 Article – Election Law  
 11 Section 9–304  
 12 Annotated Code of Maryland  
 13 (2010 Replacement Volume)

14 BY adding to  
 15 Article – Election Law  
 16 Section 9–305.1  
 17 Annotated Code of Maryland  
 18 (2010 Replacement Volume)

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 9–303.

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

25 (b) The guidelines shall provide for:

26 (1) the application process;

27 (2) late application for absentee ballots;

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

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

31 (5) the canvass process;

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

- 1 (7) observers of the process;
- 2 (8) review of voted ballots and envelopes for compliance with the law  
3 and for machine tabulation acceptability;
- 4 (9) standards for disallowance of ballots during the canvass; [and]
- 5 (10) storage and retention of ballots following canvass and certification;

6 AND

7 **(11) THE ~~PERMANENT~~ SUBSEQUENT ELECTION ABSENTEE BALLOT**  
8 **LIST ESTABLISHED UNDER § 9-305.1 OF THIS SUBTITLE.**

9 (c) The State Board shall:

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

12 (2) revise the guidelines if indicated.

13 9-304.

14 ~~(A)~~ An individual may vote by absentee ballot except to the extent preempted  
15 under an applicable federal law.

16 ~~(B) AN INDIVIDUAL MAY APPLY FOR PERMANENT ABSENTEE BALLOT~~  
17 ~~STATUS.~~

18 ~~9-305.~~

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

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

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

23 ~~(3) in a written request that includes:~~

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

25 ~~(ii) the address to which the ballot is to be mailed, if different~~  
26 ~~from the residence address.~~

27 **9-305.1.**

1       ~~(A) ALL VOTERS ARE ELIGIBLE FOR PERMANENT ABSENTEE BALLOT~~  
2 ~~STATUS.~~

3       ~~(B) (1) A VOTER WHO APPLIES FOR PERMANENT ABSENTEE BALLOT~~  
4 ~~STATUS SHALL BE PLACED ON THE PERMANENT ABSENTEE BALLOT LIST.~~

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

7       ~~(C) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL~~  
8 ~~BE REMOVED FROM THE PERMANENT ABSENTEE BALLOT LIST IF THE VOTER:~~

9             ~~(1) IS REMOVED FROM THE STATEWIDE VOTER REGISTRY IN~~  
10 ~~ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE; OR~~

11            ~~(2) FAILS TO RETURN AN ABSENTEE BALLOT FOR TWO~~  
12 ~~CONSECUTIVE STATEWIDE GENERAL ELECTIONS.~~

13       ~~(D) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL~~  
14 ~~NOTIFY THE LOCAL BOARD IF THE ABSENTEE BALLOT IS TO BE SENT TO AN~~  
15 ~~ADDRESS THAT IS DIFFERENT THAN THE PREVIOUS ADDRESS TO WHICH THE~~  
16 ~~ABSENTEE BALLOT WAS SENT.~~

17       (A) A VOTER WHO RECEIVES AN ABSENTEE BALLOT SHALL BE  
18 PROVIDED THE OPPORTUNITY TO REQUEST AN ABSENTEE BALLOT FOR THE  
19 NEXT SUBSEQUENT ELECTION IN THE WRITTEN MATERIALS ACCOMPANYING  
20 THE ABSENTEE BALLOT.

21       (B) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT  
22 SUBSEQUENT ELECTION SHALL BE PLACED ON THE SUBSEQUENT ELECTION  
23 ABSENTEE BALLOT LIST.

24       (C) AN ABSENTEE BALLOT SHALL BE SENT TO EACH VOTER ON THE  
25 SUBSEQUENT ELECTION ABSENTEE BALLOT LIST FOR:

26             (1) THE REGULARLY SCHEDULED PRIMARY AND GENERAL  
27 ELECTION IMMEDIATELY FOLLOWING THE REQUEST; AND

28             (2) ANY INTERVENING SPECIAL ELECTIONS.

29       (D) A VOTER SHALL BE REMOVED FROM THE SUBSEQUENT ELECTION  
30 ABSENTEE BALLOT LIST IF THE VOTER IS REMOVED FROM THE STATEWIDE  
31 VOTER REGISTRY IN ACCORDANCE WITH TITLE 3, SUBTITLE 5 OF THIS ARTICLE.

1           **(E) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT**  
2 **SUBSEQUENT ELECTION SHALL NOTIFY THE LOCAL BOARD IF THE ABSENTEE**  
3 **BALLOT IS TO BE SENT TO AN ADDRESS THAT IS DIFFERENT THAN THE ADDRESS**  
4 **TO WHICH THE VOTER'S PREVIOUS ABSENTEE BALLOT WAS SENT.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 July 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.