

SENATE BILL 409

G1
SB 293/10 – EHE

11r0335
CF 11r1193

By: **Senators Raskin, Ferguson, Forehand, Frosh, King, Madaleno, Manno, and Rosapepe**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

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 requiring that a voter be placed on the permanent absentee ballot list under
9 certain circumstances; requiring that an absentee ballot be sent to a voter on
10 the permanent absentee ballot list for certain elections; requiring that a voter
11 be removed from the permanent absentee ballot list under certain
12 circumstances; requiring a voter who has permanent absentee ballot status to
13 notify the local board with certain information under certain circumstances; and
14 generally relating to permanent absentee ballot lists.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 9–303, 9–304, and 9–305(a)
18 Annotated Code of Maryland
19 (2010 Replacement Volume)

20 BY adding to
21 Article – Election Law
22 Section 9–305.1
23 Annotated Code of Maryland
24 (2010 Replacement Volume)

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

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.

12 **9–305.1.**

13 **(A) ALL VOTERS ARE ELIGIBLE FOR PERMANENT ABSENTEE BALLOT**
14 **STATUS.**

15 **(B) (1) A VOTER WHO APPLIES FOR PERMANENT ABSENTEE BALLOT**
16 **STATUS SHALL BE PLACED ON THE PERMANENT ABSENTEE BALLOT LIST.**

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

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

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

23 **(2) FAILS TO RETURN AN ABSENTEE BALLOT FOR TWO**
24 **CONSECUTIVE STATEWIDE GENERAL ELECTIONS.**

25 **(D) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL**
26 **NOTIFY THE LOCAL BOARD IF THE ABSENTEE BALLOT IS TO BE SENT TO AN**
27 **ADDRESS THAT IS DIFFERENT THAN THE PREVIOUS ADDRESS TO WHICH THE**
28 **ABSENTEE BALLOT WAS SENT.**

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