

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 970
Ways and Means

(Delegate Eckardt, *et al.*)

Election Law - Absentee Ballots

This bill alters existing provisions of State law that authorize a voter to designate a duly authorized agent to pick up and deliver an absentee ballot. The bill also prohibits specified persons from collecting absentee ballots for delivery to a local board of elections.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies that a voter may designate a duly authorized agent to deliver the voter's absentee ballot application to the local board of elections, pick up the voter's absentee ballot from the local board and deliver it to the voter, or return the voter's completed absentee ballot to the local board. A voter must designate a duly authorized agent if the individual is directed to both deliver the voter's absentee ballot application to the local board and pick up the voter's absentee ballot and deliver it to the voter. A voter is not required to designate a duly authorized agent if the individual only returns the voter's completed absentee ballot to the local board, but the bill prohibits specified persons from directly or indirectly collecting a voter's completed absentee ballot for delivery to the local board and establishes sanctions for violations of the prohibition.

The persons prohibited from directly or indirectly collecting a voter's completed absentee ballot for delivery to the local board are (1) a candidate; (2) a political party; (3) a person supporting or opposing an issue on the ballot; or (4) a person directed by or working on behalf of a candidate, political party, or person supporting or opposing an issue on the ballot. A person who violates the prohibition is guilty of a misdemeanor and is subject to a fine of between \$50 and \$500 and/or imprisonment of up to 60 days.

The bill also modifies an existing requirement that an agent execute an affidavit under penalty of perjury, specifying that a duly authorized agent must execute an affidavit under penalty of perjury that the agent meets applicable criteria for serving as an agent and will faithfully perform the tasks designated by the voter.

Current Law: A qualified applicant for an absentee ballot may designate a duly authorized agent to pick up and deliver an absentee ballot. An agent of the voter:

- must be at least 18 years old;
- may not be a candidate on the ballot;
- must be designated in a writing signed by the voter under penalty of perjury; and
- must execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application; marked and placed in an envelope by the voter, or with assistance as allowed by regulation, in the agent's presence; and returned to the local board by the agent.

Additional Information

Prior Introductions: None.

Cross File: SB 23 (Senator Colburn) - Education, Health, and Environmental Affairs.

Information Source(s): Baltimore City; Calvert, Caroline, Howard, and Montgomery counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2011
mc/hlb

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