

HOUSE BILL 427

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3lr1250

By: **Delegates Impallaria, Boteler, Bromwell, Dwyer, Frank, McComas,
McDonough, W. Miller, Myers, Stocksdale, and Szeliga**

Introduced and read first time: January 28, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Timeliness**

3 FOR the purpose of requiring that an absentee ballot returned by an absent uniformed
4 services voter or an overseas voter be considered timely if the ballot is mailed by
5 the voter and received by a local board by certain times; and generally relating
6 to the timeliness of absentee ballots.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 9–303 and 11–302(c)
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2012 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 11–302(a)
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2012 Supplement)

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

19 **Article – Election Law**

20 9–303.

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

23 (b) The guidelines shall provide for:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) the application process;
- 2 (2) late application for absentee ballots;
- 3 (3) ballot security, including storage of returned ballots;
- 4 (4) **SUBJECT TO § 11-302(C)(3) OF THIS ARTICLE**, determining
5 timeliness of receipt of applications and ballots, including applications and ballots for
6 overseas voters;
- 7 (5) the canvass process;
- 8 (6) notice of the canvass to candidates, political parties, campaign
9 organizations, news media, and the general public;
- 10 (7) observers of the process;
- 11 (8) review of voted ballots and envelopes for compliance with the law
12 and for machine tabulation acceptability;
- 13 (9) standards for disallowance of ballots during the canvass; and
- 14 (10) storage and retention of ballots following canvass and certification.

15 (c) The State Board shall:

- 16 (1) in consultation with the local boards, assess the guidelines before
17 each primary election; and
- 18 (2) revise the guidelines if indicated.

19 11-302.

20 (a) Following an election, each local board shall meet at its designated
21 counting center to canvass the absentee ballots cast in that election in accordance with
22 the regulations and guidelines established by the State Board.

23 (c) (1) **[An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN**
24 absentee ballot shall be deemed timely received if it is received in accordance with the
25 regulations and guidelines established by the State Board.

26 (2) **[An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN**
27 absentee ballot that is received after the deadline specified by the regulations and
28 guidelines may not be counted.

1 **(3) AN ABSENTEE BALLOT THAT IS RETURNED TO A LOCAL BOARD**
2 **BY AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, AS**
3 **THOSE TERMS ARE DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS**
4 **CITIZENS ABSENTEE VOTING ACT, SHALL BE CONSIDERED TIMELY IF THE**
5 **ABSENTEE BALLOT IS:**

6 **(I) MAILED ON OR BEFORE ELECTION DAY; AND**

7 **(II) RECEIVED BY THE LOCAL BOARD AT ANY TIME BEFORE**
8 **THE CERTIFICATION OF THE ELECTION RESULTS BY THE BOARD OF**
9 **CANVASSERS.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2013.