

# HOUSE BILL 974

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HB 657/12 – W&M

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By: **Delegates Kramer, Arora, Barkley, Carr, Frick, Guzzone, Kaiser, Luedtke,  
Rudolph, and Simmons**

Introduced and read first time: February 8, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Subsequent Election Absentee Ballot List**

3 FOR the purpose of requiring a court to report certain information to the State Board  
4 of Elections when the court makes a certain finding that an individual under  
5 guardianship for mental disability cannot communicate a desire to participate  
6 in the voting process; requiring the State Board to establish guidelines for a  
7 subsequent election absentee ballot list; requiring certain forms for making an  
8 application for an absentee ballot to include certain information and require the  
9 voter to make a certain acknowledgement; requiring that a voter who receives  
10 an absentee ballot be provided the opportunity to request an absentee ballot for  
11 the next subsequent election in certain materials accompanying the absentee  
12 ballot; requiring that a voter who requests an absentee ballot for the next  
13 subsequent election be placed on the subsequent election absentee ballot list;  
14 requiring that an absentee ballot be sent to a voter on the subsequent election  
15 absentee ballot list for certain elections; requiring that a voter be removed from  
16 the subsequent election absentee ballot list under certain circumstances;  
17 requiring a voter who requests an absentee ballot for the next subsequent  
18 election to notify the local board with certain information under certain  
19 circumstances; and generally relating to the subsequent election absentee ballot  
20 list.

21 BY repealing and reenacting, without amendments,  
22 Article – Election Law  
23 Section 3–102(b), 3–501, and 9–304  
24 Annotated Code of Maryland  
25 (2010 Replacement Volume and 2012 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – Election Law  
28 Section 3–504(a), 9–303, and 9–305

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2010 Replacement Volume and 2012 Supplement)

3 BY adding to  
4 Article – Election Law  
5 Section 9–305.1  
6 Annotated Code of Maryland  
7 (2010 Replacement Volume and 2012 Supplement)

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

10 **Article – Election Law**

11 3–102.

12 (b) An individual is not qualified to be a registered voter if the individual:

13 (1) has been convicted of a felony and is actually serving a  
14 court–ordered sentence of imprisonment, including any term of parole or probation, for  
15 the conviction;

16 (2) is under guardianship for mental disability and a court of  
17 competent jurisdiction has specifically found by clear and convincing evidence that the  
18 individual cannot communicate, with or without accommodations, a desire to  
19 participate in the voting process; or

20 (3) has been convicted of buying or selling votes.

21 3–501.

22 An election director may remove a voter from the statewide voter registration  
23 list only:

24 (1) at the request of the voter, provided the request is:

25 (i) signed by the voter;

26 (ii) authenticated by the election director; and

27 (iii) in a format acceptable to the State Board or on a  
28 cancellation notice provided by the voter on a voter registration application;

29 (2) upon determining, based on information provided pursuant to §  
30 3–504 of this subtitle, that the voter is no longer eligible because:

1 (i) the voter is not qualified to be a registered voter as provided  
2 in § 3-102(b) of this title; or

3 (ii) the voter is deceased;

4 (3) if the voter has moved outside the State, as determined by  
5 conducting the procedures established in § 3-502 of this subtitle; or

6 (4) if, in accordance with the administrative complaint process under §  
7 3-602 of this title, the State Administrator or the State Administrator's designee has  
8 determined that the voter is not qualified to be registered to vote.

9 3-504.

10 (a) (1) (i) Information from the agencies specified in this paragraph  
11 shall be reported to the State Administrator in a format and at times prescribed by the  
12 State Board.

13 (ii) The Department of Health and Mental Hygiene shall report  
14 the names and residence addresses (if known) of all individuals at least 16 years of age  
15 reported deceased within the State since the date of the last report.

16 (iii) The clerk of the circuit court for each county and the  
17 administrative clerk for each District Court shall report the names and addresses of  
18 all individuals convicted, in the respective court, of a felony since the date of the last  
19 report.

20 (iv) The clerk of the circuit court for each county shall report the  
21 former and present names and residence addresses (if known) of all individuals whose  
22 names have been changed by decree or order of the court since the date of the last  
23 report.

24 **(V) A COURT SHALL REPORT THE NAME AND RESIDENCE**  
25 **ADDRESS OF AN INDIVIDUAL UNDER GUARDIANSHIP FOR MENTAL DISABILITY IF**  
26 **THE COURT FINDS THAT THE INDIVIDUAL CANNOT COMMUNICATE A DESIRE TO**  
27 **PARTICIPATE IN THE VOTING PROCESS IN ACCORDANCE WITH § 3-102(B) OF**  
28 **THIS TITLE.**

29 (2) The State Administrator shall make arrangements with the clerk  
30 of the United States District Court for the District of Maryland to receive reports of  
31 names and addresses, if available, of individuals convicted of a felony in that court.

32 9-303.

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

1 (b) The guidelines shall provide for:

2 (1) the application process;

3 (2) late application for absentee ballots;

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

5 (4) determining timeliness of receipt of applications and ballots,  
6 including applications and ballots for 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 **AND**

16 **(11) THE SUBSEQUENT ELECTION ABSENTEE BALLOT LIST**  
17 **ESTABLISHED UNDER § 9-305.1 OF THIS SUBTITLE.**

18 (c) The State Board shall:

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

21 (2) revise the guidelines if indicated.

22 9-304.

23 An individual may vote by absentee ballot except to the extent preempted under  
24 an applicable federal law.

25 9-305.

26 (a) An application for an absentee ballot, signed by the voter, may be made:

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

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

2 (3) in a written request that includes:

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

4 (ii) the address to which the ballot is to be mailed, if different  
5 from the residence address.

6 (b) Except for a late application under subsection (c) of this section, an  
7 application for an absentee ballot must be received by a local board not later than the  
8 Tuesday preceding the election, at the time specified in the guidelines.

9 (c) (1) Beginning on the Wednesday preceding the election, through the  
10 closing of the polls on election day, a registered voter or the voter's duly authorized  
11 agent may apply in person for an absentee ballot at the office of the local board.

12 (2) A special application for an absentee ballot issued under this  
13 subsection shall be supplied by the staff of the local board to the voter or the voter's  
14 duly authorized agent.

15 (3) The application shall be made under penalty of perjury but without  
16 a formal oath.

17 (4) After review of the application, the staff shall issue an absentee  
18 ballot to the voter or the voter's duly authorized agent.

19 **(D) A WRITTEN FORM PRODUCED BY THE LOCAL BOARD AND SUPPLIED**  
20 **TO A VOTER FOR MAKING AN APPLICATION FOR AN ABSENTEE BALLOT SHALL:**

21 **(1) INCLUDE INFORMATION CONCERNING:**

22 **(I) THE CRITERIA FOR DETERMINING A VOTER'S**  
23 **QUALIFICATIONS TO VOTE AND A VOTER'S ELIGIBILITY TO VOTE IN AN**  
24 **ELECTION; AND**

25 **(II) THE PENALTIES PROVIDED UNDER STATE AND FEDERAL**  
26 **LAW FOR REGISTERING TO VOTE OR VOTING IN VIOLATION OF APPLICABLE LAW;**  
27 **AND**

28 **(2) REQUIRE THAT THE VOTER REQUESTING THE ABSENTEE**  
29 **BALLOT ACKNOWLEDGE RECEIPT OF THE INFORMATION PROVIDED UNDER ITEM**  
30 **(1) OF THIS SUBSECTION.**

31 **9-305.1.**

1           **(A) A VOTER WHO RECEIVES AN ABSENTEE BALLOT SHALL BE**  
2 **PROVIDED THE OPPORTUNITY TO REQUEST AN ABSENTEE BALLOT FOR THE**  
3 **NEXT SUBSEQUENT ELECTION IN THE WRITTEN MATERIALS ACCOMPANYING**  
4 **THE ABSENTEE BALLOT.**

5           **(B) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT**  
6 **SUBSEQUENT ELECTION SHALL BE PLACED ON THE SUBSEQUENT ELECTION**  
7 **ABSENTEE BALLOT LIST.**

8           **(C) AN ABSENTEE BALLOT SHALL BE SENT TO EACH VOTER ON THE**  
9 **SUBSEQUENT ELECTION ABSENTEE BALLOT LIST FOR:**

10                   **(1) THE REGULARLY SCHEDULED PRIMARY AND GENERAL**  
11 **ELECTION IMMEDIATELY FOLLOWING THE REQUEST; AND**

12                   **(2) ANY INTERVENING SPECIAL ELECTIONS.**

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

16           **(E) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT**  
17 **SUBSEQUENT ELECTION SHALL NOTIFY THE LOCAL BOARD IF THE ABSENTEE**  
18 **BALLOT IS TO BE SENT TO AN ADDRESS THAT IS DIFFERENT FROM THE ADDRESS**  
19 **TO WHICH THE VOTER'S PREVIOUS ABSENTEE BALLOT WAS SENT.**

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