

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 427
Ways and Means

(Delegate Impallaria, *et al.*)

Education, Health, and Environmental Affairs

Election Law - Absentee Ballots - Timeliness

This bill requires that an absentee ballot returned to a local board of elections by an absent uniformed services voter or an overseas voter, as those terms are defined in the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), be considered timely if the absentee ballot is (1) mailed on or before election day and (2) received by the local board at any time before the certification of the election results by the board of canvassers.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: None. The bill does not directly affect State finances.

Local Effect: Local government finances are not materially affected.

Small Business Effect: None.

Analysis

Current Law: Under the Election Law Article, an absentee ballot is deemed timely received if it is received in accordance with regulations and guidelines established by the State Board of Elections (SBE). An absentee ballot received after the deadline specified by the regulations and guidelines is not counted.

Under SBE regulations, an absentee ballot sent through the mail is considered to have been timely received generally if it was mailed on or before election day and is received by the local board office on or before 10 a.m. on the second Friday after an election.

Background: The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires states to, among other things, allow absent uniformed services voters (and their spouses and dependents) and overseas voters to use absentee registration procedures and vote by absentee ballot in elections for federal office. “Absent” means those uniformed service members and their spouses or dependents that are absent from their places of residence where they are otherwise qualified to vote by reason of the members being on active duty or on account of the members’ service. UOCAVA was amended in 2009, under the Military and Overseas Voter Empowerment (MOVE) Act, to improve access to the voting process for military and overseas voters. Among other things, the amendments required that states send absentee ballots to absent uniformed services and overseas voters no later than 45 days before an election and make voter registration applications, absentee ballot applications, and blank absentee ballots available electronically.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Anne Arundel, Baltimore, Dorchester, Garrett, and Howard counties; Department of Legislative Services

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ncs/hlb

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