

SENATE BILL 169

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6lr1787

By: **Senator Kagan**

Introduced and read first time: January 18, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~Election Law – Local Vote by Mail Special Elections – Start of Canvassing~~
3 Special Elections – Voting by Mail – Canvass of Votes

4 FOR the purpose of authorizing a local board of elections, ~~under certain circumstances,~~ to
5 commence the canvass of vote-by-mail ballots cast in a special election conducted
6 by mail at a certain time on the day of a special election; authorizing the State Board
7 of Elections to adopt regulations authorizing a local board to commence the canvass
8 of vote-by-mail ballots before a certain time on the day of a special election;
9 requiring the State Board to adopt regulations that provide for public observation of
10 the canvass of vote-by-mail ballots and maintaining the secrecy of the election
11 results until after a certain time on the day after a special election; altering the
12 definition of “canvass” to include the canvass of vote-by-mail ballots; and generally
13 relating to the canvassing of vote-by-mail ballots.

14 BY repealing and reenacting, without amendments,
15 Article – Election Law
16 Section ~~9–501(b) and (c)~~ 9–501 and 11–301(a–1)
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2015 Supplement)

19 BY adding to
20 Article – Election Law
21 Section 9–506
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Election Law
3 Section ~~11-302(b)~~ 9-506 and 11-101(c)
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2015 Supplement)

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

8 **Article – Election Law**

9 9-501.

10 (a) This subtitle applies only to a special election that is not held concurrently
11 with a regularly scheduled primary or general election.

12 (b) Voting by mail may be utilized in a special election in accordance with this
13 subtitle.

14 (c) A special election to fill a vacancy in the Office of Representative in Congress
15 shall be conducted by mail if the Governor’s proclamation issued under § 8-710 of this
16 article directs that the election be conducted by mail.

17 (d) (1) In this subsection, “local special election” means a special election to:

18 (i) fill a vacancy in the offices of county council member, chief
19 executive officer, or county executive of a charter county if the charter of that county
20 provides for special elections;

21 (ii) fill a vacancy in the board of county commissioners of a code
22 home rule county if a local law enacted by that county provides for special elections;

23 (iii) fill a vacancy in the board of county commissioners of a
24 commission county if a law provides for special elections;

25 (iv) fill a vacancy in a local board of education if State law provides
26 for special elections;

27 (v) elect members of a charter board or submit a proposed charter to
28 the voters for adoption or rejection in accordance with Article XI-A, § 1A of the Maryland
29 Constitution; or

30 (vi) submit a local law enacted by a code home rule county to the
31 voters for adoption or rejection in accordance with § 9-313 of the Local Government Article.

1 (2) A local special election shall be conducted by mail if the resolution of
2 the county council or board of county commissioners establishing the date of the special
3 election directs that the election be conducted by mail.

4 (e) Except as otherwise provided in this subtitle:

5 (1) provisions of this article relating to absentee voting apply to voting by
6 mail; and

7 (2) all pertinent State or local laws relating to the conduct of a special
8 election apply to a special election conducted under this subtitle.

9 (f) Provisions of this article relating to the conduct of elections apply to a special
10 election conducted under this subtitle, unless a law specifically relevant to a special election
11 applies.

12 ~~11-302.~~

13 ~~(b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
14 ~~SUBSECTION, A local board may not open any envelope of an absentee ballot prior to 8 a.m.~~
15 ~~on the Wednesday following election day.~~

16 ~~(2) A local board may not delay the commencement of the canvass to await~~
17 ~~the receipt of late arriving, timely absentee ballots.~~

18 ~~(3) IF A LOCAL SPECIAL ELECTION IS CONDUCTED BY MAIL UNDER~~
19 ~~TITLE 9, SUBTITLE 5 OF THIS ARTICLE, THE LOCAL BOARD MAY COMMENCE THE~~
20 ~~CANVASS OF VOTE BY MAIL BALLOTS AT 2 P.M. ON THE DAY OF THE SPECIAL~~
21 ~~ELECTION.~~

22 9-506.

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL
24 BOARD MAY COMMENCE THE CANVASS OF VOTE-BY-MAIL BALLOTS AT 2 P.M. ON THE
25 DAY OF A SPECIAL ELECTION.

26 (B) THE STATE BOARD MAY ADOPT REGULATIONS AUTHORIZING A LOCAL
27 BOARD TO COMMENCE THE CANVASS OF VOTE-BY-MAIL BALLOTS BEFORE THE TIME
28 SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

29 (C) THE STATE BOARD SHALL ADOPT REGULATIONS THAT PROVIDE FOR:

30 (1) PUBLIC OBSERVATION OF THE CANVASS OF VOTE-BY-MAIL
31 BALLOTS IN ACCORDANCE WITH § 11-301(A-1) OF THIS ARTICLE; AND

1 (iii) any other group of voters supporting or opposing a candidate,
2 principle, or proposition on the ballot.

3 (3) The State Board may adopt regulations prohibiting public observation
4 of a part of the canvass only if prohibiting public observation is necessary to ensure:

5 (i) the integrity or accuracy of the canvass; or

6 (ii) that the canvass process is not impeded.

7 (4) The State Board shall ensure that the requirements of this subsection
8 are implemented uniformly and consistently by each local board.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.