

HOUSE BILL 119

G1

9lr0881

By: **Delegates Washington and Palakovich Carr**

Introduced and read first time: January 21, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring certain guidelines for absentee voting established by the
4 State Board of Elections to provide for a permanent absentee ballot list; providing
5 that all voters are eligible for permanent absentee ballot status; authorizing a voter
6 to apply for permanent absentee ballot status in a certain manner; authorizing a
7 voter to apply for permanent absentee ballot status at any time; prohibiting a voter
8 who has applied for permanent absentee ballot status from receiving an absentee
9 ballot for the next election if the application is made after a certain deadline;
10 requiring a voter to specify in the permanent absentee ballot application one of
11 certain methods by which the voter chooses to receive an absentee ballot; requiring
12 a voter who uses the online permanent absentee ballot application or who uses any
13 method to request to receive a blank absentee ballot through the Internet to provide
14 certain information; requiring that a voter who submits a proper application for
15 permanent absentee ballot status be placed on the permanent absentee ballot list;
16 requiring a local board of elections to send an absentee ballot to each voter on the
17 permanent absentee ballot list each time there is an election; requiring that a voter
18 who has permanent absentee ballot status be removed from the permanent absentee
19 ballot list under certain circumstances; requiring a voter who has permanent
20 absentee ballot status to provide certain notice to the local board under certain
21 circumstances; and generally relating to a permanent absentee ballot list.

22 BY repealing and reenacting, with amendments,
23 Article – Election Law
24 Section 9–303
25 Annotated Code of Maryland
26 (2017 Replacement Volume and 2018 Supplement)

27 BY adding to
28 Article – Election Law
29 Section 9–311.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2017 Replacement Volume and 2018 Supplement)

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

5 **Article – Election Law**

6 9–303.

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

9 (b) The guidelines shall provide for:

10 (1) the application process;

11 (2) late application for absentee ballots;

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

13 (4) determining timeliness of receipt of applications and ballots, including
14 applications and ballots for overseas voters;

15 (5) the canvass process;

16 (6) notice of the canvass to candidates, political parties, campaign
17 organizations, news media, and the general public;

18 (7) observers of the process;

19 (8) review of voted ballots and envelopes for compliance with the law and
20 for machine tabulation acceptability;

21 (9) standards for disallowance of ballots during the canvass; [and]

22 (10) storage and retention of ballots following canvass and certification;

23 **AND**

24 **(11) THE PERMANENT ABSENTEE BALLOT LIST.**

25 (c) The State Board shall:

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

28 (2) revise the guidelines if indicated.

1 **9-311.1.**

2 (A) ALL VOTERS ARE ELIGIBLE FOR PERMANENT ABSENTEE BALLOT
3 STATUS.

4 (B) A VOTER MAY APPLY FOR PERMANENT ABSENTEE BALLOT STATUS BY
5 COMPLETING AND SUBMITTING:

6 (1) THE STATE BOARD APPROVED PERMANENT ABSENTEE BALLOT
7 APPLICATION;

8 (2) A WRITTEN REQUEST THAT INCLUDES THE VOTER'S NAME,
9 RESIDENCE ADDRESS, AND SIGNATURE; OR

10 (3) THE ONLINE PERMANENT ABSENTEE BALLOT APPLICATION
11 PROVIDED BY THE STATE BOARD.

12 (C) (1) A VOTER MAY APPLY FOR PERMANENT ABSENTEE BALLOT STATUS
13 AT ANY TIME.

14 (2) A VOTER WHO HAS APPLIED FOR PERMANENT ABSENTEE BALLOT
15 STATUS MAY NOT RECEIVE AN ABSENTEE BALLOT FOR THE NEXT ELECTION IF THE
16 APPLICATION IS MADE AFTER THE APPLICABLE DEADLINE SPECIFIED IN § 9-305(C)
17 OF THIS SUBTITLE.

18 (D) A VOTER SHALL SPECIFY IN THE PERMANENT ABSENTEE BALLOT
19 APPLICATION ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER CHOOSES
20 TO RECEIVE AN ABSENTEE BALLOT:

21 (1) MAIL;

22 (2) FACSIMILE TRANSMISSION; OR

23 (3) THE INTERNET.

24 (E) A VOTER WHO USES THE ONLINE PERMANENT ABSENTEE BALLOT
25 APPLICATION TO REQUEST THAT AN ABSENTEE BALLOT BE SENT BY ANY METHOD
26 OR WHO USES ANY METHOD TO REQUEST TO RECEIVE A BLANK ABSENTEE BALLOT
27 THROUGH THE INTERNET SHALL PROVIDE THE INFORMATION REQUIRED UNDER §
28 9-305(B) OF THIS SUBTITLE.

29 (F) A VOTER WHO SUBMITS A PROPER APPLICATION FOR PERMANENT

1 ABSENTEE BALLOT STATUS SHALL BE PLACED ON THE PERMANENT ABSENTEE
2 BALLOT LIST.

3 (G) A LOCAL BOARD SHALL SEND AN ABSENTEE BALLOT TO EACH VOTER ON
4 THE PERMANENT ABSENTEE BALLOT LIST EACH TIME THERE IS AN ELECTION.

5 (H) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL BE
6 REMOVED FROM THE PERMANENT ABSENTEE BALLOT LIST IF:

7 (1) THE VOTER REQUESTS TO BE REMOVED FROM THE LIST;

8 (2) THE VOTER IS REMOVED FROM THE STATEWIDE VOTER
9 REGISTRATION LIST UNDER TITLE 3, SUBTITLE 5 OF THIS ARTICLE;

10 (3) THE VOTER FAILS TO RETURN AN ABSENTEE BALLOT FOR TWO
11 CONSECUTIVE STATEWIDE GENERAL ELECTIONS; OR

12 (4) ANY MAIL SENT TO THE VOTER BY THE STATE BOARD OR A LOCAL
13 BOARD OF ELECTIONS IS RETURNED UNDELIVERABLE.

14 (I) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL
15 NOTIFY THE LOCAL BOARD IF:

16 (1) AN ABSENTEE BALLOT IS TO BE SENT TO AN ADDRESS THAT IS
17 DIFFERENT THAN THE ADDRESS PREVIOUSLY PROVIDED BY THE VOTER; OR

18 (2) THE VOTER WISHES TO RECEIVE AN ABSENTEE BALLOT BY A
19 DIFFERENT METHOD THAN THE METHOD PREVIOUSLY INDICATED BY THE VOTER.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.