

HOUSE BILL 804

G1

2lr0508

By: **Prince George's County Delegation**

Introduced and read first time: February 9, 2012

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Special Elections – ~~Reduction of Polling Places~~**
3 **Voting by Mail**

4 **PG 404–12**

5 FOR the purpose of ~~authorizing the Prince George's County Board of Elections to~~
6 ~~direct that a certain minimum number of polling places be open for voting in a~~
7 ~~special election for the Prince George's County Council or the Prince George's~~
8 ~~County Board of Education; requiring the board of elections to mail certain~~
9 ~~information to voters, facilitate absentee voting, and establish polling places~~
10 ~~during a certain period if the board exercises its authority under this Act; and~~
11 ~~generally relating to reducing the number of polling places in a special election~~
12 ~~for the county council or the board of education in Prince George's County~~
13 authorizing the Prince George's County Council to direct that voting by mail be
14 utilized in certain special elections; specifying the application of certain
15 provisions of law to a special election conducted by mail; requiring the local
16 board of elections to mail a vote-by-mail ballot to each registered voter who is
17 eligible to vote in a special election conducted by mail unless the voter has
18 requested that the ballot be transmitted by other means; specifying that a voter
19 is not required to submit an application to receive a vote-by-mail ballot;
20 requiring the local board to send a vote-by-mail ballot to each eligible voter at
21 least a certain number of days before the day of a special election; requiring that
22 vote-by-mail ballots be mailed to the address on file in the statewide voter
23 registration list for each eligible voter except in certain circumstances; requiring
24 the local board to issue a replacement vote-by-mail ballot to a voter under

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 certain circumstances; requiring the local board to establish a certain number of
 2 voting centers for the use of any eligible voter who chooses to cast a ballot in
 3 person in a special election; specifying certain requirements for a voting center
 4 established by the local board; authorizing the local board to establish a voting
 5 center during a certain time period; providing that a certain process for
 6 applying in person for an absentee ballot at the office of the local board does not
 7 apply to a special election conducted by mail; providing that certain provisions
 8 of law relating to voting at a polling place on election day also apply to voting at
 9 a voting center established under this Act; requiring a voter to return a
 10 vote-by-mail ballot by certain methods; authorizing a voter to designate an
 11 agent to return a vote-by-mail ballot to the local board; requiring that a
 12 vote-by-mail ballot be returned to the local board by certain deadlines and
 13 meet certain requirements to be considered timely and be counted; authorizing
 14 the State Board of Elections to adopt regulations as necessary to implement this
 15 Act; and generally relating to voting by mail in certain special elections in
 16 Prince George's County.

17 BY adding to

18 Article – Election Law

19 Section ~~8-402~~ 9-501 through 9-506 to be under the new subtitle “Subtitle 5.

20 Prince George's County Voting by Mail”

21 Annotated Code of Maryland

22 (2010 Replacement Volume and 2011 Supplement)

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

25 **Article – Election Law**

26 ~~§ 402.~~

27 ~~(A) THIS SECTION APPLIES ONLY TO A SPECIAL ELECTION FOR THE~~
 28 ~~PRINCE GEORGE'S COUNTY COUNCIL OR THE PRINCE GEORGE'S COUNTY~~
 29 ~~BOARD OF EDUCATION THAT IS HELD IN A SINGLE COUNTY COUNCIL OR BOARD~~
 30 ~~OF EDUCATION DISTRICT.~~

31 ~~(B) NOTWITHSTANDING ANY OTHER LAW, THE PRINCE GEORGE'S~~
 32 ~~COUNTY BOARD OF ELECTIONS MAY DIRECT THAT A MINIMUM OF FIVE~~
 33 ~~POLLING PLACES BE OPEN FOR VOTING IN A SPECIAL ELECTION.~~

34 ~~(C) IF THE LOCAL BOARD EXERCISES THE AUTHORITY GRANTED IN~~
 35 ~~SUBSECTION (B) OF THIS SECTION, THE LOCAL BOARD SHALL:~~

36 ~~(1) MAIL THE FOLLOWING INFORMATION TO EACH ACTIVE~~
 37 ~~REGISTERED VOTER WHO IS ELIGIBLE TO VOTE IN THE SPECIAL ELECTION:~~

~~(I) THE LOCATION OF EACH POLLING PLACE THAT WILL BE OPEN FOR VOTING IN THE SPECIAL ELECTION; AND~~

~~(H) INSTRUCTIONS ON APPLYING TO VOTE BY ABSENTEE BALLOT;~~

~~(2) TAKE ANY OTHER APPROPRIATE ACTIONS TO FACILITATE ABSENTEE VOTING IN THE SPECIAL ELECTION; AND~~

~~(3) IF NECESSARY TO EXPEDITE THE CONDUCT OF A SPECIAL ELECTION AND SUBJECT TO THE APPROVAL OF THE STATE BOARD, ESTABLISH A POLLING PLACE DURING A PERIOD WHEN A CHANGE IN POLLING PLACES IS PROHIBITED UNDER § 2-303 OF THIS ARTICLE.~~

SUBTITLE 5. PRINCE GEORGE'S COUNTY VOTING BY MAIL.

9-501.

(A) THIS SUBTITLE APPLIES ONLY TO A SPECIAL ELECTION THAT IS NOT HELD CONCURRENTLY WITH A REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION.

(B) VOTING BY MAIL MAY BE UTILIZED IN A SPECIAL ELECTION IN PRINCE GEORGE'S COUNTY IN ACCORDANCE WITH THIS SUBTITLE.

(C) A SPECIAL ELECTION TO FILL A VACANCY IN THE PRINCE GEORGE'S COUNTY COUNCIL OR PRINCE GEORGE'S COUNTY BOARD OF EDUCATION SHALL BE CONDUCTED BY MAIL IF THE RESOLUTION OF THE COUNTY COUNCIL ESTABLISHING THE DATE OF THE SPECIAL ELECTION DIRECTS THAT THE ELECTION BE CONDUCTED BY MAIL.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

(1) PROVISIONS OF THIS ARTICLE RELATING TO ABSENTEE VOTING APPLY TO VOTING BY MAIL; AND

(2) LOCAL LAWS RELATING TO THE CONDUCT OF A SPECIAL ELECTION APPLY TO A SPECIAL ELECTION CONDUCTED UNDER THIS SUBTITLE.

(E) PROVISIONS OF THIS ARTICLE RELATING TO THE CONDUCT OF ELECTIONS APPLY TO A SPECIAL ELECTION CONDUCTED UNDER THIS SUBTITLE UNLESS A LAW SPECIFICALLY RELEVANT TO A SPECIAL ELECTION APPLIES.

9-502.

1 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
2 SUBSECTION, THE LOCAL BOARD SHALL MAIL BY NONFORWARDABLE MAIL A
3 VOTE-BY-MAIL BALLOT TO EACH REGISTERED VOTER WHO IS ELIGIBLE TO
4 VOTE IN A SPECIAL ELECTION.

5 (2) A LOCAL BOARD IS NOT REQUIRED TO MAIL A VOTE-BY-MAIL
6 BALLOT TO A VOTER IF THE VOTER HAS REQUESTED THAT THE BALLOT BE
7 TRANSMITTED BY OTHER MEANS.

8 (B) A VOTER IS NOT REQUIRED TO SUBMIT AN APPLICATION TO
9 RECEIVE A VOTE-BY-MAIL BALLOT.

10 (C) A LOCAL BOARD SHALL SEND A VOTE-BY-MAIL BALLOT TO EACH
11 ELIGIBLE VOTER AT LEAST 14 DAYS BEFORE THE DAY OF A SPECIAL ELECTION.

12 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
13 SUBSECTION, A VOTE-BY-MAIL BALLOT SHALL BE MAILED TO THE ADDRESS
14 THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST FOR EACH
15 ELIGIBLE VOTER.

16 (2) A REGISTERED VOTER MAY REQUEST TO RECEIVE A
17 VOTE-BY-MAIL BALLOT AT AN ADDRESS OTHER THAN THE ADDRESS THAT IS ON
18 FILE IN THE STATEWIDE VOTER REGISTRATION LIST BY:

19 (I) SUBMITTING AN ABSENTEE BALLOT APPLICATION IN
20 ACCORDANCE WITH § 9-305(A) OF THIS TITLE NOT LATER THAN THE TUESDAY
21 PRECEDING THE DAY OF A SPECIAL ELECTION, IF THE VOTER IS TEMPORARILY
22 ABSENT FROM THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER
23 REGISTRATION LIST; OR

24 (II) NOTIFYING A LOCAL BOARD OF A CHANGE OF ADDRESS
25 NOT LATER THAN THE TUESDAY PRECEDING THE DAY OF A SPECIAL ELECTION,
26 IF THE VOTER'S RESIDENCE HAS CHANGED FROM THE ADDRESS THAT IS ON
27 FILE IN THE STATEWIDE VOTER REGISTRATION LIST TO ANOTHER LOCATION
28 WITHIN THE STATE.

29 (E) THE LOCAL BOARD SHALL ISSUE A REPLACEMENT VOTE-BY-MAIL
30 BALLOT TO A VOTER IF THE LOCAL BOARD HAS REASONABLE GROUNDS TO
31 BELIEVE THAT A VOTE-BY-MAIL BALLOT PREVIOUSLY ISSUED TO THE VOTER
32 HAS BEEN LOST, DESTROYED, SPOILED, OR NOT RECEIVED.

33 9-503.

1 (A) THE LOCAL BOARD SHALL ESTABLISH AT LEAST THREE VOTING
2 CENTERS FOR THE USE OF ANY ELIGIBLE VOTER WHO CHOOSES TO CAST A
3 BALLOT IN PERSON IN A SPECIAL ELECTION.

4 (B) A VOTING CENTER ESTABLISHED UNDER THIS SECTION SHALL:

5 (1) BE LOCATED WITHIN THE COUNTY COUNCIL DISTRICT OR
6 BOARD OF EDUCATION DISTRICT WHERE THE SPECIAL ELECTION IS BEING
7 HELD;

8 (2) PROVIDE ACCESS TO A VOTING SYSTEM THAT IS ACCESSIBLE
9 TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH THE FEDERAL
10 AMERICANS WITH DISABILITIES ACT AND THE FEDERAL HELP AMERICA VOTE
11 ACT;

12 (3) PROVIDE FOR PROVISIONAL VOTING IN ACCORDANCE WITH
13 SUBTITLE 4 OF THIS TITLE;

14 (4) SATISFY THE REQUIREMENTS OF § 10-101 OF THIS ARTICLE;
15 AND

16 (5) BE OPEN FOR VOTING DURING THE DAYS AND FOR THE HOURS
17 THAT THE COUNTY COUNCIL DIRECTS IN THE RESOLUTION UNDER § 9-501(C)
18 OF THIS SUBTITLE.

19 (C) IF NECESSARY TO EXPEDITE THE CONDUCT OF A SPECIAL ELECTION
20 AND SUBJECT TO THE APPROVAL OF THE STATE BOARD, THE LOCAL BOARD
21 MAY ESTABLISH A VOTING CENTER UNDER THIS SECTION DURING A PERIOD
22 WHEN A CHANGE IN POLLING PLACES IS PROHIBITED UNDER § 2-303 OF THIS
23 ARTICLE.

24 (D) THE PROCESS FOR APPLYING IN PERSON FOR AN ABSENTEE BALLOT
25 AT THE OFFICE OF THE LOCAL BOARD UNDER § 9-305(C) OF THIS TITLE DOES
26 NOT APPLY TO A SPECIAL ELECTION CONDUCTED BY MAIL.

27 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY
28 PROVISION OF THIS ARTICLE THAT APPLIES TO VOTING AT A POLLING PLACE ON
29 ELECTION DAY ALSO APPLIES TO VOTING AT A VOTING CENTER ESTABLISHED
30 UNDER THIS SECTION.

31 9-504.

32 (A) A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT TO A LOCAL
33 BOARD:

1 **(1) BY MAIL;**

2 **(2) IN PERSON DURING REGULAR OFFICE HOURS; OR**

3 **(3) THROUGH A DULY AUTHORIZED AGENT IN ACCORDANCE WITH**
4 **SUBSECTION (B) OF THIS SECTION.**

5 **(B) (1) A VOTER MAY DESIGNATE A DULY AUTHORIZED AGENT IN**
6 **ACCORDANCE WITH § 9-307 OF THIS TITLE TO RETURN A VOTE-BY-MAIL**
7 **BALLOT TO A LOCAL BOARD DURING REGULAR OFFICE HOURS.**

8 **(2) NOTWITHSTANDING § 9-307(B)(4)(I) OF THIS TITLE, AN**
9 **AGENT IS REQUIRED ONLY TO:**

10 **(I) WITNESS THE VOTER MARK THE BALLOT AND PLACE IT**
11 **IN AN ENVELOPE; AND**

12 **(II) RETURN THE BALLOT TO A LOCAL BOARD.**

13 **9-505.**

14 **(A) A VOTE-BY-MAIL BALLOT IS CONSIDERED TIMELY AND MAY BE**
15 **COUNTED IF THE BALLOT:**

16 **(1) IS RETURNED IN PERSON TO THE OFFICE OF THE LOCAL**
17 **BOARD BY THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT NO LATER**
18 **THAN 8 P.M. ON THE DAY OF A SPECIAL ELECTION; OR**

19 **(2) (I) IS RECEIVED BY MAIL BY THE LOCAL BOARD NO LATER**
20 **THAN 10 A.M. ON THE SECOND FRIDAY AFTER A SPECIAL ELECTION; AND**

21 **(II) WAS MAILED ON OR BEFORE ELECTION DAY, AS**
22 **VERIFIED:**

23 **1. BY A POSTMARK; OR**

24 **2. IF THE RETURN ENVELOPE DOES NOT CONTAIN A**
25 **POSTMARK OR THE POSTMARK IS ILLEGIBLE, BY THE VOTER'S AFFIDAVIT THAT**
26 **THE BALLOT WAS MAILED ON OR BEFORE ELECTION DAY.**

27 **(B) A VOTE-BY-MAIL BALLOT THAT DOES NOT MEET THE**
28 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IS NOT TIMELY AND MAY**
29 **NOT BE COUNTED.**

1 9-506.

2 THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO
3 IMPLEMENT THIS SUBTITLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 June 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.