

SENATE BILL 23

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11r0617

By: **Senator Colburn**

Introduced and read first time: January 17, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots**

3 FOR the purpose of authorizing a voter to designate a duly authorized agent to
4 complete certain acts for the voter regarding absentee ballots; requiring a voter
5 to designate a duly authorized agent of the voter if the individual is directed to
6 complete certain acts for the voter regarding absentee ballots; specifying that a
7 voter is not required to designate a duly authorized agent if the individual is
8 only returning the voter's completed absentee ballot; altering the affidavit
9 requirements for a duly authorized agent of a voter; prohibiting certain persons
10 from directly or indirectly collecting a voter's completed absentee ballot;
11 establishing a certain penalty; making a stylistic change; and generally relating
12 to absentee ballots.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 9–307
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

18 BY adding to
19 Article – Election Law
20 Section 16–208
21 Annotated Code of Maryland
22 (2010 Replacement Volume)

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 9–307.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) A [qualified applicant] VOTER may designate a duly authorized
2 agent to [pick up and deliver an absentee ballot under this subtitle];

3 (I) DELIVER THE VOTER'S ABSENTEE BALLOT APPLICATION
4 TO THE LOCAL BOARD;

5 (II) PICK UP THE VOTER'S ABSENTEE BALLOT FROM THE
6 LOCAL BOARD AND DELIVER IT TO THE VOTER; OR

7 (III) RETURN THE VOTER'S COMPLETED ABSENTEE BALLOT
8 TO THE LOCAL BOARD.

9 (2) A VOTER SHALL DESIGNATE A DULY AUTHORIZED AGENT IF
10 THE INDIVIDUAL SIMULTANEOUSLY IS DIRECTED TO:

11 (I) DELIVER THE VOTER'S ABSENTEE BALLOT APPLICATION
12 TO THE LOCAL BOARD; AND

13 (II) PICK UP THE VOTER'S ABSENTEE BALLOT FROM THE
14 LOCAL BOARD AND DELIVER IT TO THE VOTER.

15 (3) A VOTER IS NOT REQUIRED TO DESIGNATE A DULY
16 AUTHORIZED AGENT IF THE INDIVIDUAL ONLY RETURNS THE VOTER'S
17 COMPLETED ABSENTEE BALLOT TO THE LOCAL BOARD.

18 (b) [An] A DULY AUTHORIZED agent of the voter under this section:

19 (1) must be at least 18 years old;

20 (2) may not be a candidate on [that] THE VOTER'S ballot;

21 (3) shall be designated in a writing signed by the voter under penalty
22 of perjury; and

23 (4) shall execute an affidavit under penalty of perjury that the AGENT
24 MEETS THE CRITERIA REQUIRED BY THIS SUBSECTION FOR SERVING AS AN
25 AGENT AND WILL FAITHFULLY PERFORM THE TASKS DESIGNATED BY THE
26 VOTER [ballot was:

27 (i) delivered to the voter who submitted the application;

28 (ii) marked and placed in an envelope by the voter, or with
29 assistance as allowed by regulation, in the agent's presence; and

1 (iii) returned to the local board by the agent].

2 **16-208.**

3 **(A) THE FOLLOWING PERSONS MAY NOT DIRECTLY OR INDIRECTLY**
4 **COLLECT A VOTER'S COMPLETED ABSENTEE BALLOT FOR DELIVERY TO THE**
5 **LOCAL BOARD:**

6 **(1) A CANDIDATE;**

7 **(2) A POLITICAL PARTY;**

8 **(3) A PERSON SUPPORTING OR OPPOSING AN ISSUE ON THE**
9 **BALLOT; OR**

10 **(4) A PERSON DIRECTED BY OR WORKING ON BEHALF OF A**
11 **CANDIDATE, POLITICAL PARTY, OR A PERSON SUPPORTING OR OPPOSING AN**
12 **ISSUE ON THE BALLOT.**

13 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
14 **MISDEMEANOR AND IS SUBJECT TO A FINE OF NOT LESS THAN \$50 NOR MORE**
15 **THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2011.