

# HOUSE BILL 1470

G1

3lr3359

---

By: **Delegates Kipke and Beidle**

Introduced and read first time: February 25, 2013

Assigned to: Rules and Executive Nominations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – County Council and County Executive Special**  
3 **Elections – Voting by Mail**

4 FOR the purpose of providing that voting by mail may be utilized in a special election  
5 for a vacancy for the Anne Arundel County Council or the Anne Arundel County  
6 Executive; including vacancies for the Anne Arundel County Council or the  
7 Anne Arundel County Executive under certain provisions of law concerning  
8 voting by mail for special elections; authorizing the Anne Arundel County  
9 Council to direct that voting by mail be utilized in certain special elections for  
10 Anne Arundel County; and generally relating to voting by mail in special  
11 elections to fill vacancies for the Anne Arundel County Council or the Anne  
12 Arundel County Executive.

13 BY repealing and reenacting, with amendments,  
14 Article – Election Law  
15 Section 9–501 and 9–502 to be under the amended subtitle “Subtitle 5. Voting  
16 by Mail”  
17 Annotated Code of Maryland  
18 (2010 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Election Law  
21 Section 9–503 through 9–506  
22 Annotated Code of Maryland  
23 (2010 Replacement Volume and 2012 Supplement)

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

26 **Article – Election Law**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Subtitle 5. [Montgomery County] Voting by Mail.

2 9–501.

3 (a) This subtitle applies only to a special election [for the Montgomery  
4 County Council] that is not held concurrently with a regularly scheduled primary or  
5 general election **FOR:**

6 (1) **THE ANNE ARUNDEL COUNTY COUNCIL OR THE ANNE**  
7 **ARUNDEL COUNTY EXECUTIVE; OR**

8 (2) **THE MONTGOMERY COUNTY COUNCIL.**

9 (b) [Voting] **IN ACCORDANCE WITH THIS SUBTITLE, VOTING** by mail may  
10 be utilized in a special election for **A VACANCY FOR:**

11 (1) **THE ANNE ARUNDEL COUNTY COUNCIL OR THE ANNE**  
12 **ARUNDEL COUNTY EXECUTIVE; OR**

13 (2) the Montgomery County Council [in accordance with this subtitle].

14 (c) A special election to fill a vacancy [in the Montgomery County Council]  
15 **UNDER THIS SUBTITLE** shall be conducted by mail if the resolution of the  
16 [Montgomery County Council] **COUNTY COUNCIL FOR THE AFFECTED**  
17 **JURISDICTION** establishing the date of the special election directs that the election be  
18 conducted by mail.

19 (d) Except as otherwise provided in this subtitle:

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

22 (2) county laws relating to the conduct of a county council special  
23 election **OR A COUNTY EXECUTIVE SPECIAL ELECTION** apply to a special election  
24 conducted under this subtitle.

25 (e) Provisions of this article relating to the conduct of elections apply to a  
26 special election conducted under this subtitle, unless a law specifically relevant to a  
27 special election applies.

28 9–502.

29 (a) (1) Except as provided in paragraph (2) of this subsection, the local  
30 board shall mail by nonforwardable mail a vote-by-mail ballot to each registered voter  
31 who is eligible to vote in a special election for [the Montgomery County Council] **A**

1 COUNTY COUNCIL VACANCY OR A COUNTY EXECUTIVE VACANCY UNDER THIS  
2 SUBTITLE.

3 (2) The local board is not required to mail a vote-by-mail ballot to a  
4 voter if the voter has requested that the ballot be sent by other means.

5 (b) A voter is not required to submit an application to receive a vote-by-mail  
6 ballot.

7 (c) (1) Each vote-by-mail ballot shall be accompanied by a postage-paid  
8 envelope in which a voter may return the voted ballot to the local board.

9 (2) The local board shall pay the cost of postage-paid envelopes  
10 provided under this subsection.

11 (d) The local board shall send a vote-by-mail ballot to each eligible voter at  
12 least 14 days before the day of a special election.

13 (e) (1) Except as provided in paragraph (2) of this subsection, a  
14 vote-by-mail ballot shall be mailed to the address that is on file in the statewide voter  
15 registration list for each eligible voter.

16 (2) A registered voter may request to receive a vote-by-mail ballot at  
17 an address other than the address that is on file in the statewide voter registration list  
18 by:

19 (i) submitting an absentee ballot application in accordance with  
20 § 9-305(a) of this title not later than the Tuesday preceding the day of a special  
21 election, if the voter is temporarily absent from the address that is on file in the  
22 statewide voter registration list; or

23 (ii) notifying a local board of a change of address not later than  
24 the Tuesday preceding the day of a special election, if the voter's residence has  
25 changed from the address that is on file in the statewide voter registration list to  
26 another location within the State.

27 (f) The local board shall issue a replacement vote-by-mail ballot to a voter if  
28 the election director of the local board has reasonable grounds to believe that the  
29 vote-by-mail ballot previously issued to the voter has been lost, destroyed, or spoiled.

30 9-503.

31 (a) The local board shall establish voting centers for the use of any eligible  
32 voter who chooses to cast a ballot in person in a special election in accordance with  
33 this section.

1           (b)   (1)   In a special election held in a single county council district, at least  
2 one voting center shall be established in the county council district where the special  
3 election is being held.

4           (2)   In a countywide special election, at least one voting center shall be  
5 established in each county council district.

6           (c)   A voting center established under this section shall:

7           (1)   provide access to a voting system that is accessible to voters with  
8 disabilities in accordance with the federal Americans with Disabilities Act and the  
9 federal Help America Vote Act;

10          (2)   provide for provisional voting in accordance with Subtitle 4 of this  
11 title;

12          (3)   satisfy the requirements of § 10–101 of this article; and

13          (4)   be open for voting during the days and for the hours that the  
14 county council directs in the resolution under § 9–501(c) of this subtitle.

15          (d)   If necessary to expedite the conduct of a special election and subject to  
16 the approval of the State Board, the local board may establish a polling place under  
17 this section during a period when a change in polling places is prohibited under §  
18 2–303 of this article.

19          (e)   The process for applying in person for an absentee ballot at the office of a  
20 local board under § 9–305(c) of this title does not apply to a special election conducted  
21 by mail.

22          (f)   Except as otherwise provided in this section, any provision of this article  
23 that applies to voting at a polling place on election day also applies to voting at a  
24 voting center established under this section.

25 9–504.

26          (a)   A voter may return a vote-by-mail ballot to the local board:

27           (1)   by mail;

28           (2)   in person during regular office hours; or

29           (3)   through a duly authorized agent in accordance with subsection (b)  
30 of this section.

1 (b) (1) A voter may designate a duly authorized agent in accordance with  
2 § 9–307 of this title to return a vote-by-mail ballot to the local board during regular  
3 office hours.

4 (2) Notwithstanding § 9–307(b)(4)(i) of this title, an agent is required  
5 only to:

6 (i) witness the voter mark the ballot and place it in an  
7 envelope; and

8 (ii) return the ballot to the local board.

9 9–505.

10 (a) A vote-by-mail ballot is considered timely and may be counted if the  
11 ballot:

12 (1) is returned in person to the office of the local board by the voter or  
13 the voter's duly authorized agent no later than 8 p.m. on the day of a special election;  
14 or

15 (2) (i) is received by mail by the local board no later than 10 a.m.  
16 on the second Friday after a special election; and

17 (ii) was mailed on or before election day, as verified:

18 1. by a postmark; or

19 2. if the return envelope does not contain a postmark or  
20 the postmark is illegible, by the voter's affidavit that the ballot was mailed on or  
21 before election day.

22 (b) A vote-by-mail ballot that does not meet the requirements of subsection  
23 (a) of this section is not timely and may not be counted.

24 9–506.

25 The State Board may adopt regulations as necessary to implement this subtitle.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2013.