

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 873  
Ways and Means

(Delegate Smith, *et al.*)

Education, Health, and Environmental Affairs

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Election Law - Special Elections - Absentee Ballots for Absent Uniformed  
Services Voters and Overseas Voters

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This bill modifies and establishes requirements regarding the timing of specified special elections to allow for at least 45 days between the date an absentee ballot is made available to an absent uniformed services voter or an overseas voter and the date of the special election. The State Board of Elections (SBE) must adopt related regulations.

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Fiscal Summary

**State Effect:** The bill does not materially affect State finances.

**Local Effect:** The bill does not materially affect local government finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** A special primary election to fill a vacancy in the office of Representative in Congress must be held on a Tuesday that is at least 65 (in place of the current 36) days after the date of the Governor's proclamation declaring that a special primary election and a special general election must be held to fill the vacancy. The special general election must be held on a Tuesday that is at least 65 (in place of the current 36) days after the date of the special primary election. The State Administrator of Elections must direct the local boards of elections to make the absentee ballot for the special primary election or special general election available to an absent uniformed services voter or overseas voter at least 45 days before the date of the special election.

The date set for a special election to fill a vacancy in a county council or in the office of chief executive officer or county executive must allow at least 45 days between the date a local board of elections makes an absentee ballot available to an absent uniformed services voter or overseas voter and the date of the special election.

SBE must adopt regulations to establish requirements concerning notice to absent uniformed services voters and overseas voters concerning a special election and the process for absent uniformed services voters and overseas voters to (1) request an absentee ballot for a special election and (2) return an absentee ballot by mail in a timely manner.

**Current Law:** A special primary election and a special general election may be held at a time other than the date of a regular primary election and a regular general election to fill a vacancy in the office of Representative in Congress or to fill a vacancy in the county council or in the office of chief executive officer or county executive if the charter of that county provides for special elections.

Subject to exceptions, if there is a vacancy in the office of Representative in Congress, the Governor must issue a proclamation declaring that a special primary election and a special general election be held to fill the vacancy, independent of a regular primary or general election. The Governor's proclamation must specify the dates of the special elections. The special primary election must be held on a Tuesday that is at least 36 days after the date of the proclamation, and the special general election must be held on a Tuesday that is at least 36 days after the date of the special primary election.

Special elections to fill vacancies in a county council or in the office of the chief executive officer or county executive must be held as provided in the county charter.

**Background:** The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires states to, among other things, allow absent uniformed services voters (and their spouses and dependents) and overseas voters to use absentee registration procedures and vote by absentee ballot in elections for federal office. "Absent" means those uniformed service members and their spouses or dependents that are absent from their places of residence where they are otherwise qualified to vote by reason of the members being on active duty or on account of the members' service. UOCAVA was amended in 2009, under the Military and Overseas Voter Empowerment Act, to improve access to the voting process for military and overseas voters. Among other things, the amendments required that states send absentee ballots to absent uniformed services and overseas voters no later than 45 days before an election and make voter registration applications, absentee ballot applications, and blank absentee ballots available electronically.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Baltimore, Carroll, Montgomery, Queen Anne's, and St. Mary's counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2016  
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