

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 169

(Senator Kagan)

Education, Health, and Environmental Affairs

Ways and Means

---

**Special Elections - Voting by Mail - Canvass of Votes**

---

This bill authorizes a local board of elections to commence the canvass of vote-by-mail ballots at 2 p.m. on the day of a special election and the State Board of Elections (SBE) may adopt regulations authorizing a local board to commence the canvass earlier than that time. SBE must adopt regulations that provide for specified public observation of the canvass and procedures for maintaining the secrecy of the election results until after 12 a.m. on the day after a special election. For votes cast in a special election conducted by mail, the “canvass” includes (1) the opening of any envelope accompanying a vote-by-mail ballot and the assembly and review of vote-by-mail ballots in preparation for vote tabulation and (2) the tabulation of vote-by-mail ballots.

---

**Fiscal Summary**

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

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

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** Except as otherwise provided in provisions governing special elections conducted by mail, State election law provisions relating to absentee voting apply to voting by mail in special elections conducted by mail. Under State election law provisions relating to absentee voting, a local board of elections may not open any envelope of an absentee ballot prior to 8 a.m. on the Wednesday following Election Day.

**Background:** Chapter 677 of 2012 authorized county council special elections in Montgomery County to be conducted by mail, and Chapters 197 and 198 of 2013 expanded those provisions to apply to special elections to fill a vacancy in the office of representative in Congress, special elections to fill a vacancy in a county council, and other specified local special elections statewide. Pursuant to a constitutional amendment (Chapter 261 of 2014) adopted by the voters at the November 2014 general election, special elections for a county executive vacancy may also be conducted by mail.

In a special election conducted by mail, a vote-by-mail ballot is mailed to each registered voter who is eligible to vote in the special election. The completed ballot must be mailed by the voter on or before the day of the special election or returned to the local board of elections office in person by 8 p.m. on the day of the special election. At least one voting center is also made available, in a special election conducted by mail, for those who choose to vote in person.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Baltimore, Charles, and Frederick counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2016  
me1/hlb Revised - Senate Third Reader - March 21, 2016

---

Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510