

HOUSE BILL 546

G1, L1

11r0724

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Special Elections – Voting by Mail**

3 **MC 15–11**

4 FOR the purpose of authorizing a special election in Montgomery County to be
5 conducted by voting by mail; applying certain provisions of law to ballots used
6 for voting by mail in Montgomery County; requiring the State Board to adopt
7 regulations to govern voting by mail; requiring the regulations to provide for
8 certain elements regarding voting by mail; altering a certain definition; and
9 generally relating to special elections and voting by mail in Montgomery
10 County.

11 BY repealing and reenacting, with amendments,
12 Article – Election Law
13 Section 1–101(d) and 9–204
14 Annotated Code of Maryland
15 (2010 Replacement Volume)

16 BY adding to
17 Article – Election Law
18 Section 9–501 through 9–503 to be under the new subtitle “Subtitle 5. Voting by
19 Mail”
20 Annotated Code of Maryland
21 (2010 Replacement Volume)

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

24 **Article – Election Law**

25 1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (d) (1) "Ballot" or "official ballot" includes:
- 2 (i) an absentee ballot;
- 3 (ii) a provisional ballot;
- 4 (iii) a document ballot; [or]
- 5 (iv) a voting machine ballot; OR
- 6 (v) **A BALLOT USED FOR VOTING BY MAIL IN MONTGOMERY**
- 7 **COUNTY.**
- 8 (2) "Ballot" or "official ballot" does not include:
- 9 (i) a sample ballot; or
- 10 (ii) a specimen ballot.

11 9-204.

12 (a) Subject to the other provisions of this subtitle and to different

13 presentations required or made desirable by different voting systems, all ballots used

14 in an election shall be as uniform as possible.

15 (b) Except as otherwise specifically provided in this title, or unless a

16 provision is clearly inappropriate to absentee ballots **AND BALLOTS USED FOR**

17 **VOTING BY MAIL IN MONTGOMERY COUNTY**, the provisions of this subtitle relating

18 to ballot content and arrangement shall apply to the arrangement of absentee ballots

19 **AND BALLOTS USED FOR VOTING BY MAIL IN MONTGOMERY COUNTY.**

20 (c) If applicable for the voting system in use, the appropriate components of

21 the voting system shall be configured for a primary election to permit the voter to vote

22 only for the candidates for which the voter is entitled to vote.

23 **SUBTITLE 5. VOTING BY MAIL.**

24 **9-501.**

25 **THIS SUBTITLE ONLY APPLIES IN MONTGOMERY COUNTY.**

26 **9-502.**

27 **A SPECIAL ELECTION MAY BE CONDUCTED BY VOTING BY MAIL.**

1 **9-503.**

2 (A) THE STATE BOARD SHALL ADOPT REGULATIONS TO GOVERN
3 VOTING BY MAIL.

4 (B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL PROVIDE
5 FOR:

6 (1) THE USE OF A VOTING SYSTEM SELECTED AND CERTIFIED
7 UNDER § 9-101 OF THIS TITLE;

8 (2) UNIFORMITY OF THE VOTING-BY-MAIL PROCESS;

9 (3) THE MAILING OF BALLOTS TO VOTERS;

10 (4) REPLACEMENT BALLOT PROCEDURES;

11 (5) THE VOTER'S RESPONSIBILITIES REGARDING THE
12 VOTING-BY-MAIL PROCESS;

13 (6) THE HANDLING AND COUNTING OF BALLOTS RECEIVED BY
14 THE LOCAL BOARDS;

15 (7) REQUIREMENTS AND PROCEDURES THAT ASSURE
16 COMPLIANCE WITH THE HELP AMERICA VOTE ACT OF 2002; AND

17 (8) REQUIREMENTS AND CRITERIA FOR THE DESIGNATION OF
18 PLACES OF DEPOSIT FOR THE BALLOTS CAST IN THE SPECIAL ELECTION,
19 INCLUDING THE DATES AND TIMES THE PLACES OF DEPOSIT MUST BE OPEN AND
20 THE SECURITY REQUIREMENTS FOR THE PLACES OF DEPOSIT.

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