
By: Delegates Leopold and Clagett

Introduced and read first time: January 13, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 Election Law - Absentee Ballot Application - Confidential Information

3 FOR the purpose of prohibiting the disclosure of certain information regarding the
4 whereabouts of a voter on election day that is contained in the voter's application
5 for an absentee ballot; and generally relating to the confidentiality of certain
6 information in a voter's application for an absentee ballot.

7 BY repealing and reenacting, with amendments,
8 Article 33 - Election Code
9 Section 27-6
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1996 Supplement)

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

14 Article 33 - Election Code

15 27-6.

16 (a) Upon receipt of an application, the Board shall reject the application only
17 upon the unanimous vote of the entire Board and when rejected shall notify the applicant
18 of the reason therefor if it determines upon inquiry that the applicant is not legally
19 qualified to vote at the election as an absentee voter.

20 (b) If the applicant is a qualified voter, the Board shall, as soon as practicable
21 thereafter, deliver to him at the office of the Board, or mail to him at an address
22 designated by him, an absentee voter's ballot and an envelope therefor. If the applicant is
23 one with respect to whom free postage privileges are provided for by the federal
24 Uniformed and Overseas Citizens Absentee Voting Act, or any other federal law, rule, or
25 regulation, the Board shall take full advantage of these privileges; in all other instances,
26 postage for transmitting ballot material to voters shall be paid by the Board, and postage
27 for the return of ballots shall be paid by the voters. If the ballots are to be sent by mail,
28 the determinations required in subsection (a) of this section shall be made in such time as
29 will allow for the sending and return of the ballots by regular mail, or airmail, depending
30 on the mailing address and including at least one secular day for marking the ballots and
31 completing the affidavit that is required to be returned with the ballots. All investigations

2

1 shall be concluded and any determinations made as to all absentee ballot applications not
2 later than five days before election day.

3 (c) (1) The Board shall keep a record of applications for absentee voters'
4 ballots as they are received, showing the date and time received[,] AND the names and
5 residences of the applicants[, and such]. EXCEPT FOR THE PART OF AN APPLICATION
6 FOR AN ABSENTEE BALLOT THAT DISCLOSES THAT THE VOTER WILL OR MAY BE
7 AWAY FROM THE VOTER'S RESIDENCE ON ELECTION DAY, THE record shall be
8 available for examination by any registered voter on written application to the Board.

9 (2) After approval of an application for an absentee ballot and the mailing
10 to the applicant of an absentee ballot, then, unless an electronically reproduced precinct
11 register is used, the voter's record card in the precinct binder shall be removed and placed
12 in a separate binder marked "Registered Absentee Voters" and retained in the office of
13 the Board. A marker shall be placed in the regular precinct binder with the voter's name
14 and recording the fact that an absentee ballot has been mailed, which shall show the date
15 on which the ballot was sent. If an electronically reproduced precinct register is used, a
16 distinctive line shall be drawn through the voter's name on the list and marked "Absentee
17 Voter". No such voter shall vote or be allowed to vote in person at any polling place.

18 (d) Not more than one absentee ballot shall be mailed to any one applicant unless
19 the Board has reasonable grounds to believe that the absentee ballot previously mailed
20 has been lost, destroyed or spoiled.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1997.