

Election Statute Navigator: Maryland

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/maryland/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration) **§ 3-306**
- Voters (other than above) register prior to Election Day **§ 3-302**
 - Deadlines: Twenty-one days before election
- Online registration available **§ 3-201**
- Registration via mail available **§ 3-201**
- In-Person registration available **§ 3-201**
 - Locations: local board office, State board office, registration site administered by a local board
- Automatic Voter Registration **§ 3-203**
 - Participating Agencies: The Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office in the Maryland Transit Administration
- Preregistration allowed **§ 3-102**
 - Can register at 16 years old.
 - An individual under the age of 18 years:
 - (i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and
 - (ii) may not vote in any other election.
- Residency requirement **§ 3-102**
 - Resident of the State as of the day the individual seeks to register
- Prior conviction ineligibility – See state code for specifics: **§ 3-102(b)(1)**
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote **§ 3-102(b)(2)**
- Voter list maintenance guidelines **§2–106**



State Absentee, Early, and Mail Voting

- Early voting allowed **§ 10-301.1**
 - Second Thursday before a primary or general election until Thursday before election
- No-excuse absentee voting **§ 9-304**
- Online absentee ballot application available **§ 9-305**
- Absentee ballot application is verified **§ 9-306**
- Absentee ballot verification details **§ 9-310**
 - When absentee ballots are received, a team of election officials verify that the oath is signed and the return envelope sealed
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 9-307**
- Deadline by which election official must receive absentee/mailed ballots **§ 9-505**
 - Postmarked on or before Election Day.
- State accepts postmarked ballots that arrive after election day **§ 9-505**
- Absentee/Mail ballot processing and counting procedures **§ 11-302**
- Absentee ballots are reported separately from precinct totals **§ 11-302**
- Spoiling/Replacement/Correction ballot restrictions **§ 9-502(f)**

In-Person Voter ID

- No document required to vote

Provisional Voting

- Provisional ballot availability **§ 9-404**
 - An individual is eligible to cast a provisional ballot if:
 - the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the State and is eligible to vote in that election; and
 - (i) the individual's name does not appear on the election register;
 - (ii) an election official asserts that the individual is not eligible to vote;
 - or
 - (iii) the individual does not have the necessary identification.
- Time allotted to determine the status of provisional ballot **§ 11-308**



- Within 10 days of election
- Provisional ballot rejection reasons: **§ 11-303**
 - Voter is determined not to be qualified
 - The voter failed to sign the oath on the provisional ballot application
 - The individual cast more than one ballot for the same election
 - The local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot; or
 - If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest

Polling Place

- Polling Place availability and requirements **§ 10-101**
- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place **§ 16-206**
- Rules governing poll observers **§ 10-311**
- Poll watcher qualifications **§ 10-311**
 - A state or local board of elections, a candidate, political party, or any other group of voters supporting a candidate or issue can appoint an accredited poll challenger or watcher. Must be a registered voter. Election judges may allow non-accredited challengers or watchers to enter the polling place to challenge a person's vote.
- Police presence **§ 10-304**
 - A police officer making an arrest under an order of an election judge is fully protected in so doing as if the police officer received a valid warrant to make the arrest

State Emergency Rules and How Elections are Affected

- Governor has authority to set rules and procedures (after declaring "election emergency") **§ 8-103**
- Listed triggers for Emergency Rules **§ 8-103**
 - Declared state of emergency
- Explicit remedies in election statute **§ 8-103**



Counting Rules

- Voting system requirements **§ 9-102**

Contest/Protest, Recount Rules

- Candidate protesting **§ 12-101**
 - Must be filed within 3 days after the results of the election have been certified
- Challenging a voter **§ 10-312**

