

LAWS OF MARYLAND

Extraordinary Session of 1944

MARYLAND, *Set.*:

At an Extraordinary Session of the General Assembly of Maryland, begun and held in the City of Annapolis, on the Sixth day of March, 1944, and ending on the Tenth day of March, 1944, the Honorable Herbert R. O'Connor being Governor of the State, the following laws were enacted, to wit:

CHAPTER 1.

(Senate Bill No. 1)

AN ACT to repeal, with certain limitations, Section 304 to 315, both inclusive, of Article 33 of the Annotated Code of Maryland (1939 Edition), as amended, title "Elections", sub-title "Voting by Mail", and to add twenty-five new sections to said sub-title, said new sections to follow immediately after Section 303 of said Article, to be under the sub-title "Voting by Mail" and to be known as Sections 304 to 314, both inclusive, and Sections 314A to 314L, both inclusive, of Article 33; validating the Proclamation issued May 21, 1942, pursuant to Section 304 of Article 33 of the Annotated Code of Maryland (1939 Edition) and all acts and things done under said Proclamation in accordance with the provisions of Sections 305 to 315, both inclusive, of said Article and of any other election laws of this State; declaring the policy of the General Assembly in enacting this Act; making certain definitions; providing, under certain conditions, means of voting by mail at certain elections held prior to June 1, 1945, by certain residents of the State of Maryland absent and engaged in the military or naval service of the United States, as in this Act defined, by reason of a state of war; providing, under certain conditions, means of registration by said residents; providing for the appointment of temporary Judges of Elections and temporary Board of Registry and of substitute Supervisors of Elections in certain cases, defining their powers and duties and fixing

their compensation; imposing certain duties on the Secretary of State and the several Supervisors of Elections of the counties and of Baltimore City in connection with the carrying out of the provisions of this Act; authorizing the Secretary of State and said Supervisors of Elections to do any and all acts, the performance of which is committed to them by any federal statute or statutes providing for voting by mail by such residents, and to accept any funds made available by Congress to defray the costs and expenses incurred in connection therewith; authorizing and empowering the Secretary of State, the War Ballot Commission, created by this Act, and all election officials of the State of Maryland, to use any and all facilities, that may be furnished by the United States, or any department, commission or agency thereof, for the purpose of enabling such residents to register and vote by mail, as in this Act provided, and generally to cooperate in every way with the military and civil officers of the United States and all departments, commissions and agencies thereof, to enable such persons so to do; creating a War Ballot Commission and defining the powers and authority thereof; making Sections 63 to 68, both inclusive, of Article 33 of said Annotated Code of Maryland (1939 Edition), as amended, and all provisions of law requiring the declaration of intention by such residents inapplicable to such residents; providing that this Act shall be liberally construed to effectuate its purposes; making certain acts criminal offenses and prescribing penalties therefor; suspending all laws inconsistent with this Act to the extent of such inconsistency; providing for the severability of the various provisions of this Act; providing that this Act shall terminate June 1, 1945, or upon the issuance of a proclamation by the Governor as therein provided, whichever the first occurs; and providing that this Act shall take effect June 1, 1944.

SECTION 1. *Be it enacted by the General Assembly of Maryland.* That Sections 304 to 315, both inclusive, of Article 33 of the Annotated Code of Maryland (1939 Edition), as amended, title "Elections", sub-title "Voting by Mail", be and the same are hereby repealed. The repeal of these sections shall not invalidate or in any way affect (a) the nominations of candidates for any office, including Delegates to State Conventions or primary meetings of any political party, (b) the election of such Delegates, (c) any applications for ballots of all persons entitled to apply for the same under said sections and under this Act, or either of them, or (d) any other acts or things,

heretofore done or performed in pursuance of said sections or under any other election laws of this State. The Proclamation of the Governor, issued on May 21, 1942, under the provisions of said Section 304 of said Article 33 and all acts and things done under said Proclamation, in accordance with the provisions of Section 305 of said Article 33, and of Sections 306 to 315, both inclusive, of said Article and of any other election laws of this State, all as they existed prior to the effective date of this Act, are hereby ratified, approved, confirmed and validated.

SEC. 2. *And be it further enacted.* That twenty-five new sections be, and the same are hereby, added to Article 33 of the Annotated Code of Maryland (1939 Edition), title "Elections", sub-title "Voting by Mail", said new sections to follow immediately after Section 303 of said Article, to be under the sub-title "Voting by Mail", to be known as Sections 304 to 313A, both inclusive, and Sections 314, 314A, 314B, 314BB, 314C, 314D, 314E, 314F, 314G, 314H, 314I, 314J, 314K and 314L, and to read as follows:

VOTING BY MAIL.

304. DECLARATION OF POLICY. It is hereby declared to be the purpose of the General Assembly of Maryland, in enacting this sub-title, to provide that absentee residents of this State, as herein defined, at the time of any election, as herein defined, shall be given the right and every possible opportunity to register and vote by mail in any such election to the full extent permitted by the Constitution of this State; and, further, to protect such absentee residents in the exercise of those rights, and to correlate in so far as the Constitution of the United States and the Constitution of this State permit, the provisions of this sub-title with all Acts of Congress relating to voting by mail by such absentee residents; and to permit and facilitate the general cooperation of this State and its election officials and commissions with every department, commission or agency of the United States to which the carrying out of the provisions of such Act of Congress may be delegated and committed.

305. DEFINITIONS. For the purposes of this sub-title and unless otherwise required by the context:

(1) An "Absentee Resident" means a resident of Maryland, (a) qualified to vote under its Constitution as to age, citizenship and length of residence and not disfranchised because of crime, and (b) who is absent and engaged in the military or

naval service of the United States as herein defined, and (c) who, because of such absence, is unable to vote in person at any election, as herein defined, in the ward or election district in this State in which he was a resident at the time of his entry or induction into the armed forces of the United States, or into any of the organizations, work or services hereinafter set forth; provided that, at the time his ballot is received, as in this sub-title provided, he is either already registered as a voter according to the Election Laws of this State, exclusive of this sub-title, or becomes so registered by mail under this sub-title.

For the purposes of, and when used in, this sub-title, the phrase "absent and engaged in the military or naval service of the United States", shall be deemed to include and apply to persons in the armed forces of the United States and also to persons engaged in the work or services, or who are members of the organizations, herein specified, as limited in such specifications; and for such purposes and as so used, the term "Absentee Resident" shall include the following:

(a) All such absentee residents who are members of any branch of the armed forces of the United States and of any of their respective components;

(b) All such absentee residents who are members of the Merchant Marine of the United States, and who are hereby defined to be persons who are employed as officers or members of crews of vessels documented under the laws of the United States and persons enrolled for such employment with the War Shipping Administration, exclusive, however, of those in the service or enrolled for service on the Great Lakes or the inland waterways of the United States;

(c) All such absentee residents who are serving with the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots and the United Service Organizations who are attached to or serving with the armed forces of the United States outside of the United States;

(d) All such absentee residents who have been honorably discharged from the armed forces of the United States too late to register or vote as required, except for the provisions of this sub-title.

For all purposes of this sub-title, an Absentee Resident shall be deemed and held to have resided continuously in the ward or election district in which he resided at the time he first left to become absent and engaged in the military or naval service of the United States, as herein defined, for the entire period he has been so absent and engaged.

(2) The term "United States", when used geographically in this sub-title, means only the territorial limits of the several States of the United States and the District of Columbia.

(3) "Election" shall mean any general State-wide or any general or special Congressional Election held in this State during the effective period of this Act.

(4) "Board" or "Supervisors" means the Boards of Supervisors of Elections of the several counties of the State and of Baltimore City.

306. VOTING BY ABSENTEE RESIDENTS. Every Absentee Resident shall be entitled to vote at any election in the manner hereinafter provided in this sub-title.

At any time before any election, any Absentee Resident, who has reason to believe that because of his status as such he will be unable to vote in person at such election, may make application in writing to the Secretary of State of Maryland requesting that he be sent a State Absentee Ballot. Such application shall be signed by the applicant and shall disclose the applicant's full name and last home address in Maryland, the address to which the Absentee Ballot shall be sent, and that he is in the armed forces of the United States or otherwise has a status which entitles him to vote as an Absentee Resident. The Secretary of State shall immediately forward to the appropriate Board each such application received by him. As soon as an application is received by a Board, it shall mail the applicant a State Absentee Ballot as hereinafter provided. The informality of any application, including any made in accordance with Section 307 of this sub-title, or failure to include therein all the data prescribed above shall not invalidate the application and each Board receiving a written or printed request for an Absentee Ballot signed by the applicant shall honor the same if it is possible to ascertain from the request or otherwise the name of the individual seeking the ballot and the address to which the ballot is to be sent.

An Absentee Resident shall be entitled to be sent a State Absentee Ballot as hereinabove provided only if the application therefor is received by the appropriate Board at least five days before the date of an election.

Notwithstanding any other provisions of this sub-title, any form of application for the right or means to vote as an Absentee Resident or to secure an Absentee Ballot or Official War Ballot executed in accordance with any Act of Congress providing for absentee voting, if signed by any Absentee Resident, shall be treated by the Secretary of State and the appropriate Board upon its receipt by them as an application for a State

Absentee Ballot, which shall be forwarded as in this sub-title provided.

307. APPLICATION FOR STATE ABSENTEE BALLOTS. Upon the request of any relative or friend of an Absentee Resident, it shall be the duty of the several Boards to furnish said relative or friend an application to be forwarded to such Absentee Resident and on which such Absentee Resident may apply for a State Absentee Ballot, which said application shall be in the following form:

“..... Date

Secretary of State of Maryland.

I,, hereby apply for a Maryland (Print Name)

State Absentee Ballot for the General Election to be held on November 7, 1944.

My home address is, in the (No. and Street or R. F. D.)

city, town or village of, in the County of, Maryland, and my voting district (or ward) and precinct to the best of my knowledge is

I will be 21 years old or older on November 7, 1944.

I desire that the ballot be sent to me at the following address

..... (Sign Name)

..... (Military Rank or other status)

Signature Certified by:

..... (To be signed by any commissioned officer, non-commissioned officer, not below the rank of sergeant, or petty officer.)

..... (Rank)”

The foregoing shall be printed on one side of a card, and on the opposite side of the card shall be printed “Secretary of State of Maryland, Annapolis, Maryland.”

(The foregoing shall be used for the election of November 7, 1944, and for any other election the date of said election shall be inserted in lieu of the date November 7, 1944.)

It shall be the duty of the Secretary of State to disseminate information regarding the securing and mailing of State Absentee Ballots as much as possible among the Absentee Residents of Maryland, and, to this end, he is authorized to seek the cooperation both of the publishers of newspapers and other publications, radio stations and other agencies customarily used in the dissemination of news or information, and also of the War and Navy Departments and the Office of War Information.

308. VERIFICATION AND RECORDING OF APPLICATIONS. Upon receipt of each application for an Absentee Ballot, it shall be the duty of the respective Boards to enter the fact that such application has been made, the name and address of the applicant, the date the application was received and any other relevant information in books to be kept especially for that purpose. The Boards shall verify from the registration books whether such applicant is registered, and, if he is, the record of such application and the precinct and ward or district in which he is registered shall be entered in a book or books marked “Applications of Registered Absentee Residents”. If the applicant is not registered, or if the Board cannot determine whether or not the applicant is registered, such record and the precinct and ward or district in which his home residence is located shall be entered in a book or books marked “Applications of Unregistered Absentee Residents”. Such books shall also show the date on which an Absentee Ballot was mailed to the applicant. Upon receipt of an Absentee Ballot from an unregistered Absentee Resident, said Boards shall determine from the oath on said Ballot Envelope whether said applicant is entitled to be registered under the provisions of this sub-title, and, if such applicant is entitled to be registered, he shall at once be registered and the letters “A. R.” placed after his name in or on the appropriate registration book or card. His registration and the date thereof shall also be noted in the book marked “Applications of Unregistered Absentee Residents”. The books herein provided for shall be open to the inspection of any candidate or his duly authorized representative and to the War Ballot Commission or its representatives.

309. MAILING OF ABSENTEE BALLOTS BY BOARDS. It shall be the duty of the several Boards to meet as frequently as may be necessary to examine promptly applications for Absentee Ballots, and unless a Board, in any case, shall be unable to ascertain from an application the identity of the applicant or the address to which the Ballot requested is to be sent, or

unless the Board determines to its satisfaction that the applicant is not an Absentee Resident, it shall, as soon as possible after receipt of the application, mail each Absentee Resident a State Absentee Ballot, Ballot Envelope, Return Envelope and the Instructions. Beginning September 1, 1944, each Board shall meet not less than once each week, up to and including the week of October 15, 1944, and at least three times during the week beginning October 22, 1944, including Saturday, October 28, 1944, for the aforesaid purposes. Prior to September 1, 1944, each Board shall mail, postage prepaid, if postage is required, an Absentee Ballot, Ballot Envelope, Return Envelope and the Instructions to each Absentee Resident from whom a proper application for such Ballot has been received, within 15 days after receipt thereof. After September 1, 1944, said Ballots and other balloting material shall be mailed, postage prepaid, if postage is required, at least once each week, up to the week beginning October 22, 1944, during which week said Ballots and other balloting material shall be mailed at least three times, including Saturday, October 28, 1944.

Not more than one State Absentee Ballot shall be mailed to any one applicant unless the Board has reasonable grounds to believe that the Absentee Ballot previously mailed has been lost, destroyed or spoiled.

310. STATE ABSENTEE BALLOTS. The several Boards shall cause to be printed an adequate number of State Absentee Ballots, of the three kinds of envelopes hereinafter described and of instructions. The words "Absentee Ballot" shall be printed in large letters in a clear space at the top of each of said ballots. The designation of the polling place shall be left blank on the back and outside of said ballots and shall be filled in by the appropriate Board before being sent to any registered Absentee Resident, and, if the Absentee Resident is not registered, said blanks shall be filled in by said Board when said Absentee Resident is registered, as in this sub-title provided. One envelope shall be known as the "Return Envelope" and shall be sufficiently larger than the other envelope, which shall be known as the "Ballot Envelope" and which is hereinafter described, to conveniently enclose and contain the Ballot Envelope. There shall be printed or written across the left-hand face of the "Return Envelope" the words "Return Envelope for the Election of", the blank space being filled in with the date of said election, after which there shall be added the words, "Supervisors of Elections of Baltimore City", or "Supervisors of Elections of County", as the case may be, and the address of their office, and below this last phrase shall be

printed in bold type the phrase, "Official Election War Ballot, State of Maryland". The third envelope shall be a covering envelope in which all the balloting material shall be sent to Absentee Residents; and there shall be printed on the covering envelopes the return address of the Board from which they are sent, and in bold type the phrase "Official Election War Ballot, State of Maryland".

The several Boards, before sending the return envelope to the Absentee Resident, shall cause it to be addressed to the Secretary of State, Annapolis, Maryland.

The ballot envelope shall be of sufficient size to contain the State Absentee Ballot. Printed on the face of the Ballot Envelope shall be the following oath:

"OATH OF ABSENTEE RESIDENT.

"I, do hereby swear (or affirm)
(Print name above)

that the date of my birth was day of
(Month)

.; that for at least one year immediately preceding
(Year)

November 7, 1944, my home residence was in Maryland; that for at least six months immediately preceding November 7, 1944, my home residence was
(No. and street or rural route)

. (In figuring the one year
(Town or City) (County)

of residence and six months of residence referred to above, include time spent in the army, navy or other service since you left your home); that I am (check appropriate blank):

(a) in the armed forces of the United States serving as
. ();
(Indicate rank)

or
(b) ();
(If serving outside United States in Merchant Marine, American Red Cross, Society of Friends, Women's Auxiliary Service Pilots or United Service Organizations or as civilian working with the armed forces of the United States, or, if honorably discharged from such armed forces too late to register or vote at home, state in which you are, or were, serving and rank or position.)
that the within ballot was by me marked, folded and enclosed

and sealed in this Ballot Envelope; that I am not now disfranchised from voting by reason of any offense committed against the laws of Maryland. I desire to be registered as (If not now registered, indicate party affiliation desired. If no party is indicated, you will be registered without any party affiliation.)

.....
(Absentee Resident must SIGN his name)

Subscribed and sworn to before me this day of, 19.....

.....
(Commissioned officer, non-commissioned officer, not below the rank of sergeant, or petty officer.)

.....
(Rank)"

(The foregoing oath shall be used for the national election of 1944. For any prior or subsequent election, either general or special, the same oath shall be used except that the date of such election shall be inserted in lieu of November 7, 1944.)

Said oath shall be printed on the Ballot Envelope herein provided for; provided, however, that any oath printed on any Ballot Envelope pursuant to any Act of Congress disclosing the age, citizenship, length and place of residence, and status, either in the armed forces of the United States, or otherwise, entitling the affiant, if otherwise qualified, to vote under this sub-title, shall have the same effect for all purposes under this sub-title as has the oath above directed to be printed on the State Ballot Envelope.

The printed instructions shall be as follows:

INSTRUCTIONS TO VOTER.

Enclosed herewith are a State Absentee Ballot, Ballot Envelope and a Return Envelope for use in returning the ballot. You are entitled to vote if you are a member of the armed forces of the United States. You are also entitled to vote if you are a member of the Merchant Marine, not in service or enrolled for service on the Great Lakes or Inland Waterways of the United States, with the American Red Cross, or other organization covered by the Absentee Voting Law, serving with the armed forces of the United States outside of the United States.

(a) Examine the ballot before marking. When once marked, DO NOT ERASE, as an erasure will invalidate the ballot. Mark the ballot with either pencil or ink by placing an X in

the block after each candidate for whom you wish to vote and in the appropriate block after each constitutional amendment, referendum or any other question (if any appear on the ballot), for or against which you wish to vote. Be sure not to vote for any number of candidates for any office greater than the number specified over the names of candidates for that office. The ballot should be marked secretly. DO NOT SIGN YOUR NAME or put on the ballot any mark of identification or any other mark except the X mark or marks used to vote or the name of a written-in candidate. Fold the ballot in the same creases as before opening.

(b) Then enclose the ballot in the "Ballot Envelope" and seal the same.

(c) After sealing the Ballot Envelope, you MUST, in the presence of a witness, fill in the blanks in the "Oath of Absentee Resident" on the Ballot Envelope and sign (DO NOT PRINT) your name on the line indicated. You MUST then swear to the Oath before the witness who MUST fill in the date, sign his name and indicate his rank or official position in the space provided. The witness must be a commissioned officer, non-commissioned officer, not below the rank of sergeant, or petty officer.

(d) It is absolutely necessary that the "Ballot Envelope" contain nothing but one ballot marked by you.

(e) Enclose the "Ballot Envelope" in the "Return Envelope", seal the "Return Envelope" and mail at once.

(f) The ballot may be marked and mailed at any time after you receive it but it must be received by the Secretary of State in time to be delivered by him to the appropriate Supervisors of Elections not later than the closing of the polls on election day. If it is not received prior to such closing, it will not be counted.

(g) If you desire not to vote for any of the candidates named for any office on the Ballot, you may write in, in the appropriate blank space on the Ballot, the name of the person of your choice for such office.

(h) The Absentee Voting Law provides that anyone who wilfully signs any false application or oath, or who wilfully does any act contrary to the terms and provisions of the Absentee Voting Law with intent to cast an illegal vote or to aid another in so doing, or who wilfully violates any of the provisions of that Law or who applies for a ballot under any

other name than his own, shall, upon conviction, be subject to a fine of \$1,000 or to imprisonment for not more than two years, or to both, in the discretion of the Court.

311. TIME OF CERTIFICATION OF CANDIDATES AND PRINTING OF BALLOTS. The several Boards shall have printed Absentee Ballots, in the form provided for in this sub-title, not less than 90 days prior to the election of November 7, 1944, and the names of the candidates who have been nominated prior to August 6, 1944, for the various offices to be voted on at said election shall be the only candidates' names placed upon said Ballots. Said Supervisors shall also have the Envelopes and instructions printed in time to be sent out with the said Ballots and shall begin mailing the Ballots, Envelopes and Instructions to Absentee Residents immediately after the same have been printed. In cases of any other election that may be held under this sub-title, said Ballots shall be printed not less than 50 days prior to the date of said election and shall contain only the names of those candidates nominated and certified to the Secretary of State or other appropriate officials at least sixty days prior to the date of such election. In the event that any candidate whose name is printed on any Absentee Ballot shall die or shall decline to be, or continue as, a candidate, or if a vacancy occurs from any other cause, the War Ballot Commission provided for in this sub-title shall have authority to determine whether to reprint said Ballots with the name of any new candidate; provided, however, that said Ballots shall not be reprinted if said new candidate is not certified to the Secretary of State at least 50 days prior to the date of such election. If no new Ballots are printed, as herein provided, the War Ballot Commission shall, to the greatest possible extent, give to the Absentee Residents concerned information as to the name of any such new candidate, his party affiliation, the office which he seeks, and the name of the candidate in whose place he is nominated. In any such case, the Absentee Resident desiring to vote for such new candidate may do so by writing in the name of such candidate in the blank space to be provided in the Absentee Ballot. Any Absentee Ballot voted for the person who has ceased to be a candidate shall not be counted for any candidate for that office but such vote shall not invalidate the remainder of such Ballot.

312. DISPOSITION OF RETURN ENVELOPES AND BALLOT ENVELOPES BY THE SECRETARY OF STATE. The Secretary of State shall open all Return Envelopes, State and Federal, as soon as received by him, shall withdraw therefrom the Ballot Envelopes and shall immediately transmit such Ballot Envelopes

unopened, unmarked and unchanged in any way, in packages sealed by him, to the Board named on the outside of said State Return Envelopes and to the appropriate Board disclosed by the address of the Absentee Resident on the Federal Ballot Envelope. The Secretary of State shall require each Board receiving from him Ballot Envelopes to give him receipts showing the date of such delivery and the number of Ballot Envelopes delivered.

If a State or Federal Ballot Envelope is delivered to the wrong Board, such Board shall immediately send said Ballot Envelope unopened, unmarked and unchanged in any way to the proper Board.

All Return Envelopes, both State and Federal, received by the Secretary of State after the date of any election shall be preserved by him for six months and then destroyed, unless prior to that time he be ordered by a court of competent jurisdiction to keep the same for any longer period. The receipts given the Secretary of State by the several Boards shall be also kept by him for the same period.

313. REGISTRATION OF ABSENTEE RESIDENTS. Upon receipt by a Board at any time prior to the closing of the polls on election day of a State or Federal Ballot Envelope from an Absentee Resident, said Board shall forthwith determine whether such Absentee Resident is already registered as a voter. If such Absentee Resident is registered, his Absentee Ballot shall be safely kept by the Board and counted and canvassed at the proper time as in this sub-title provided. If the Board shall determine that such Absentee is not registered or if the Board is unable to determine whether such Absentee Resident is or is not registered, said Board shall accept the information, set forth in his duly executed oath on the said Ballot Envelope, as prima facie accurate and correct, and if such information discloses that said Absentee Resident is (a) a citizen of the United States, (b) will be twenty-one years or older on the day of the election for which said ballot is offered, (c) has been a resident of Maryland for a year preceding said election, (d) has been a resident for 6 months preceding the day of said election of the election district or ward in which his residence in Maryland is located, and (e) is not disqualified to vote by the commission of crime, said Board shall register such Absentee Resident, and shall then safely keep said absentee ballot and count and canvass the same as provided in this sub-title.

The signature of such Absentee Resident in subscribing said oath shall be accepted in lieu of the customary signature of voters in the registration books or cards; provided, however,

that such Absentee Resident shall not be entitled to be registered if said Board shall determine upon proof or investigation that any of the material information contained in said oath is not true. The names of all persons whom the appropriate Boards determine are entitled to be registered under this sub-title shall be written on the appropriate registration books or cards by the Clerks of the respective Boards, or by election officials designated by said Boards, and after each name shall be placed the letters "A. R.". In addition, the other information usually placed on the registration books or cards shall be entered to the extent the same is contained in said oath. Each Board shall retain for a period of three years all oaths of Absentee Residents registered by them, and such oaths shall be considered the best evidence of the facts recited therein in any contest involving the validity of any registration hereunder.

When properly registered under this sub-title, an Absentee Resident shall continue as a registered voter to the same extent and for the same period he would be registered had he appeared in person and been registered under the provisions of the election laws of Maryland, exclusive of this sub-title.

313A. No honorably discharged Absentee Resident, referred to in sub-section (d) of Section 305 of this sub-title, who has been discharged more than one month before the last registration day prior to an election, shall be entitled to register under this sub-title. Any honorably discharged Absentee Resident, referred to in said sub-section (d), who has been discharged later than one month before the last registration day prior to an election, shall be entitled to register and vote, if otherwise entitled to do so under this sub-title, and if on or before election day, he delivers in person a written application to the Board of his county or Baltimore City, as the case may be, for a ballot, ballot envelope and instructions, and marks the ballot, executes the oath on the ballot envelope before any member of the Board, who shall take the oath and witness the same, and leaves said ballot envelope, with the ballot enclosed and sealed therein, with the Board at its regular office. Thereafter the Board shall follow the same procedure as to ballot envelope and ballots cast by any such honorably discharged Absentee Resident, as is set forth in the other provisions of this sub-title for ballot envelopes and ballots cast by other Absentee Residents.

314. FURTHER REGISTRATION OF ABSENTEE RESIDENTS: CASTING, COUNTING, CERTIFYING AND CANVASSING OF ABSENTEE BALLOTS. Immediately after the completion of the canvass of the

votes cast at the regular voting places in this State at any election, the several Boards shall meet at the usual place for holding the Circuit Court for the County or in Baltimore City at the usual place for holding the Superior Court and shall there first register all Absentee Residents entitled thereto and not previously registered, and such registration shall be deemed to have been made on the day of said election and prior to the casting of their votes by such Absentee Residents. Immediately after completing such registration, said several Boards shall proceed to count, certify and canvass the ballots contained in the Ballot Envelopes, received by them from the Secretary of State as hereinbefore provided, at any time prior to the closing of the polls on election day. Whenever any Board shall determine from proof or investigation that any person who has marked and transmitted an Absentee Ballot, whether under Act of Congress or the provisions of this sub-title, has died before election day, said Board shall not count the ballot of said deceased voter, but it shall be preserved by said Board for six months and may then be destroyed, unless prior to that time the Board be ordered by a court of competent jurisdiction to keep the same for any longer period. Unless at or prior to the time of such counting and canvassing the Board shall have determined that the Absentee Resident who marked a ballot had died before election day, said ballot shall be counted, and the fact that said Absentee Resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election. If said Board determines that said Absentee Resident voted in person at said election, his Absentee Ballot shall not be counted.

If said Boards determine that the provisions for filling out and signing the oath on the outside of the Ballot Envelope have been substantially complied with and that the person signing the voter's oath is entitled to vote under this sub-title in any precinct or election district or ward of their respective County or City, as the case may be, and has not already voted therein on election day, they shall open the Ballot Envelope and remove the ballot therefrom and place it in a ballot box or ballot boxes prepared for that purpose. The Board shall not open or unfold any Absentee Ballot at any time prior to counting the same. When any Ballot Envelope is opened, the Board shall enter in the appropriate register the fact that the voter whose name appears thereon has voted, using the initials "V. M." to indicate that the vote has been by mail. If there be more than one ballot in the Ballot Envelope, all shall be rejected. State or Federal "Absentee Ballots" may be marked by any kind of pencil or ink. All Absentee Ballots shall be

kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time, the Board shall be ordered by a Court of competent jurisdiction, to keep the same for any longer period.

314A. VALIDITY AND COUNTING, CANVASSING AND CERTIFYING OF FEDERAL ABSENTEE BALLOTS. Every Absentee Resident, who complies with the provisions of any Act of Congress providing for voting by them, may vote at any election herein provided for and every ballot marked and executed by any such person in accordance with the provisions of any such Act of Congress and received by any Board prior to the closing of the polls on election day for which the same may be voted, shall, to all intents and purposes, be as valid and effective as State Absentee Ballots received and cast under the provisions of this sub-title, and all such Federal War Ballots shall be received, counted, certified and canvassed in the same manner and at the same time as said State Absentee Ballots are counted, certified and canvassed; provided, however, that if any such Board receives from the same person prior to the closing of the polls on election day one or more State Absentee Ballots and one or more Federal Absentee Ballots, it shall count, certify and canvass only that State Absentee Ballot contained in the Ballot Envelope on which the voter's oath was first executed, and if the oath on two or more of the Ballot Envelopes containing State Absentee Ballots are dated the same or if both are undated, none of the Ballots received from such person shall be counted; and if only Federal Ballots have been voted by such person, the same rule shall prevail.

314B. CONTESTS ABOUT REGISTRATION, VOTING OR BALLOT OF ABSENTEE RESIDENT; APPEALS IN SUCH CONTESTS. Contests concerning registration, voting or the validity of any ballot under this sub-title shall be decided by the Board having jurisdiction of the matter. No registration shall be denied and no ballot rejected except by the unanimous vote of said Board. Any candidate or Absentee Resident aggrieved by any decision or action of such Board shall have the right of appeal to the Circuit Court of the County or to the Superior Court of Baltimore City, as the case may be, to review such decision or action, and jurisdiction to hear and determine such appeals is hereby conferred upon said Courts. Such appeals shall be taken by way of petition filed with the appropriate Court within ten days from the date of the completion of the official canvass by any Board of all the votes cast at any election and shall be

heard de novo and without a jury by said Court as soon as possible. There shall be a further right of appeal to the Court of Appeals, provided such appeal shall be taken within five days from the date of the decision of the lower Court complained of, and all such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals as soon as possible after the same have been transmitted to said Court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within ten (10) days from the taking of the appeal.

314BB. The Governor shall appoint, immediately after the effective date of this sub-title, to each Board two substitutes, one of whom shall be of the same political party as that of the majority of the supervisors regularly constituting said Board, and the other of whom shall be of the same political party as that of the minority member of said regularly constituted Board. Before appointing such substitutes it shall be the Governor's duty to request the State Central Committee representing such political party in the county or Baltimore City, as the case may be, to designate candidates for such substitutes in the same manner as is provided in Section 1 of this Article; and, if the Governor shall see fit not to appoint any one of the persons so designated, he shall file his reasons for not doing so, and shall appoint from another list of names submitted to him, as provided in said Section 1. In the event of the temporary or permanent incapacity from any cause of one of the regular members of said Boards, the substitute, who is of the same political party as the one so incapacitated, shall serve in his place until such incapacity shall have terminated, and while so serving shall have all the powers and authority, and be subject to all the duties imposed upon a Supervisor of Elections by the other provisions of this sub-title. In the event that any substitute, while serving, becomes incapacitated, the Governor shall appoint another person in his place as herein provided for the original substitute. In the event of a vacancy by death, resignation, or otherwise, the Governor shall fill such vacancy as provided in Section 5 of this Article and pending the filling of said vacancy, the substitute herein provided for shall serve. Each substitute shall be paid by the county in which he serves, or by Baltimore City if he actually serves there, not less than Ten Dollars (\$10.00) a day for each day he serves, as in this section and sub-title provided, but no such substitute shall be entitled to the regular pay provided by law for a Supervisor of Elections.

314C. **AUTHORITY OF SECRETARY OF STATE AND SUPERVISORS TO CARRY OUT ACT OF CONGRESS AND ACCEPT FEDERAL FUNDS AND AID.** The Secretary of State and the Boards are hereby severally authorized and empowered to do any and all acts, the carrying out of which is committed to them by any Act of Congress providing for voting by persons who are Absentee Residents, and to accept and expend any funds made available to him or them or to the State of Maryland by Congress for the purpose of defraying the costs and expenses incurred in connection therewith, including their services. The Secretary of State and the several Boards are hereby severally authorized and empowered to use any and all facilities that may be furnished by the United States or any department, commission or agency thereof, pursuant to any Act of Congress or otherwise, for the purpose of transmitting to and from Absentee Residents applications for absentee ballots, absentee ballots, envelopes, instructions and all other printed matter that may be permitted to be transmitted by any Act of Congress and generally to cooperate in every way with military and civil officers of the United States and with all such departments, commissions and agencies thereof in order to enable such persons to vote.

314D. **STATE WAR BALLOT COMMISSION; ITS POWERS AND AUTHORITY.** There is hereby created a State War Ballot Commission (hereinafter referred to as the "Commission"), which shall be composed of the Governor, the Secretary of State, the Attorney General, the presiding officers of each House of the General Assembly, the minority leader of each House of the General Assembly, all ex officio, and of the Honorable D. Lindley Sloan, of Cumberland, Maryland, and the Honorable W. Frank Roberts, of Baltimore City. Vacancies in the Commission shall be filled by the Governor, and every person appointed to fill a vacancy shall be a member of the same political party as that of the person in whose place he is appointed. The Commission shall meet on call of the Governor and, in the case of his absence or disability, on call of the Secretary of State, or any three members. Five members of the Commission shall constitute a quorum and the vote of a majority of those present at any meeting of the Commission shall be necessary for a decision on any matter before the Commission. The Commission is authorized to appoint and remove at pleasure such employees as may be necessary for the performance of its duties under this sub-title and shall fix their compensation, any law of the State to the contrary notwithstanding. Employment by the Commission hereunder shall

not entitle the person so employed to the benefits of any pension laws of this State.

Members of the Commission shall be paid their necessary expenses incurred in the performance of their duties hereunder. The expenses of the Commission, including the salaries of any employees, may be defrayed from any funds under the control of the Board of Public Works. The Commission may receive assistance, financial or otherwise, from the United States or any departments, commissions or agencies thereof in carrying out the purposes of this sub-title.

The Commission is authorized and empowered to make any and all rules and regulations deemed necessary or useful to effectuate the carrying out of the provisions of this sub-title, including particularly, but, without limitation, rules and regulations governing the form, type, sizes of type, color of absentee ballots, the arrangement of names of candidates on said ballots, the location of Constitutional amendments, referenda or other questions, if any, and all other necessary matters concerning Absentee Ballots, ballot envelopes, return envelopes, instructions and any other necessary forms. Dimensions of the Absentee Ballot Envelopes and any other materials shall be such that all balloting material can be conveniently folded in a covering envelope not larger than $4\frac{1}{8}$ inches by $9\frac{1}{2}$ inches; and the weight of all balloting material, including the ballot, instructions and envelopes, shall not exceed eight tenths of an ounce. If, however, it is impracticable to secure paper, envelopes and other ballot material which will conform to the foregoing dimensions and weight, or if any Act of Congress changes the aforesaid dimensions or weight, the Commission is authorized to vary the same.

The Commission is hereby granted the power, in its discretion to authorize the use by the several Boards of postage, including air mail postage, for the transmittal of all ballot material to Absentee Residents and the return of the return envelope, the ballot envelope and ballot by Absentee Residents, including the power to use different kinds of postage depending on the location of the Absentee Resident and the time or times at which the ballot material is mailed. The cost of any and all postage, so authorized, and used by the several Boards, shall be paid by the State from any funds under the control of the Board of Public Works and the Commission and said Boards are authorized to arrange with County Commissioners of any county and with the Mayor and City Council of Baltimore for the making of payments for such postage in the first instance and said County Commissioners and Mayor and City Council of Baltimore shall thereafter be reimbursed by the Board of Public Works for said expenditure.