A BILL ENTITLED

AN ACT concerning

Election Law – Voting Systems – Accessibility for Voters With Disabilities

FOR the purpose of requiring each voter to use a ballot marking device that is accessible to voters with disabilities to vote at early voting centers and election day polling places to ensure that access is provided to voters with disabilities in accordance with a certain provision of law; prohibiting certain ballots from being set apart or distinguishable, in size and form, to ensure that access is provided to voters with disabilities in accordance with a certain provision of law; providing for the application of this Act; and generally relating to voting systems and accessibility for voters with disabilities.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 9–102(f)
Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–102(g)
Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)

Preamble

WHEREAS, Prior to the 2016 election, all Maryland voters used the same method to mark their ballots. During the 2016 and 2018 elections, ballots cast by voters with disabilities were easily distinguished from the hand-marked ballots cast by the majority of voters resulting in a loss of privacy and secrecy; and
WHEREAS, It is the policy of the State to ensure that all voters are able to cast a
secret ballot; now, therefore,

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

Article – Election Law

9–102.

(f) A voting system selected, certified, and implemented under this section shall:

(1) provide access to voters with disabilities that is equivalent to access
afforded voters without disabilities without creating a segregated ballot for voters with
disabilities;

(2) ensure the independent, private casting, inspection, verification, and
 correction of secret ballots by voters with disabilities in an accessible media by both visual
and nonvisual means, including synchronized audio output and enhanced visual display;

and

(3) comply with both the Americans with Disabilities Act, P.L. 101–336,
and the Help America Vote Act, P.L. 107–252, including accessibility standards adopted as
part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

(g) [(1) At least one voting system in each polling place on election day shall
provide access for voters with disabilities in compliance with subsection (f) of this section.]

(1) TO ENSURE THAT ACCESS IS PROVIDED TO VOTERS WITH
DISABILITIES IN ACCORDANCE WITH SUBSECTION (F)(1) OF THIS SECTION:

(I) EACH VOTER SHALL USE A BALLOT MARKING DEVICE THAT
IS ACCESSIBLE TO VOTERS WITH DISABILITIES TO VOTE AT AN EARLY VOTING
CENTER OR AN ELECTION DAY POLLING PLACE; AND

(II) A BALLOT CAST BY A VOTER WITH A DISABILITY MAY NOT BE
SET APART OR DISTINGUISHABLE, IN SIZE AND FORM, FROM A BALLOT CAST BY A
VOTER WITHOUT A DISABILITY.

(2) The State Board shall ensure that adequate backup equipment is
available and contingency plans are established to ensure compliance with paragraph (1)
of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
elections beginning with the statewide primary election held under § 8–201 of the Election
Law Article in 2022.
SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.