

SENATE BILL 233

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(PRE-FILED)

By: **Senator Simonaire**

Requested: September 3, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Envelope Prohibitions, Ballot Status**
3 **Information, and Signature Verification**

4 FOR the purpose of requiring that certain guidelines for absentee voting provide for voter
5 access to information concerning the status of the voter's absentee ballot or absentee
6 ballot application; prohibiting an envelope enclosing an absentee ballot from
7 including certain language or information in a certain manner; prohibiting
8 ballot/return and return envelopes from including certain language or information
9 in a certain manner; prohibiting an envelope template provided by a local board for
10 an absentee ballot sent by Internet or facsimile transmission from containing certain
11 language or information in a certain manner; requiring the State Board of Elections
12 to implement a certain absentee ballot tracking system to allow a voter access to
13 certain information concerning the status of the voter's absentee ballot or absentee
14 ballot application; authorizing a voter to access the information concerning the
15 status of the voter's absentee ballot or absentee ballot application in a certain
16 manner; requiring the State Board to make certain information available; requiring
17 the State Board to provide updated information concerning the status of a voter's
18 absentee ballot or absentee ballot application to the voter in a timely manner;
19 requiring the State Board to ensure the security, confidentiality, and integrity of
20 certain information; requiring that access to information about an individual
21 absentee ballot or absentee ballot application be restricted to the individual who
22 requests the ballot; requiring the State Board, on or before a certain date and in a
23 certain manner, to study and make recommendations concerning the verification of
24 signatures on absentee ballots; requiring the State Board to report to certain
25 committees of the General Assembly on or before a certain date; and generally
26 relating to absentee ballots.

27 BY repealing and reenacting, with amendments,
28 Article – Election Law
29 Section 9–303 and 9–310

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2017 Replacement Volume and 2020 Supplement)

3 BY adding to
4 Article – Election Law
5 Section 9–311.1
6 Annotated Code of Maryland
7 (2017 Replacement Volume and 2020 Supplement)

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

10 **Article – Election Law**

11 9–303.

12 (a) The State Board shall establish guidelines for the administration of absentee
13 voting by the local boards.

14 (b) The guidelines shall provide for:

15 (1) the application process;

16 (2) late application for absentee ballots;

17 (3) ballot security, including storage of returned ballots;

18 (4) determining timeliness of receipt of applications and ballots, including
19 applications and ballots for overseas voters;

20 (5) the canvass process;

21 (6) notice of the canvass to candidates, political parties, campaign
22 organizations, news media, and the general public;

23 (7) observers of the process;

24 (8) review of voted ballots and envelopes for compliance with the law and
25 for machine tabulation acceptability;

26 (9) standards for disallowance of ballots during the canvass; [and]

27 (10) storage and retention of ballots following canvass and certification;

28 **AND**

1 **(11) VOTER ACCESS TO INFORMATION CONCERNING THE STATUS OF**
2 **THE VOTER’S ABSENTEE BALLOT OR ABSENTEE BALLOT APPLICATION.**

3 (c) The State Board shall:

4 (1) in consultation with the local boards, assess the guidelines before each
5 primary election; and

6 (2) revise the guidelines if indicated.

7 9–310.

8 (a) (1) This subsection applies only to an absentee ballot that is sent by mail.

9 (2) **(I)** An absentee ballot shall be enclosed in specially printed
10 envelopes, the form and content of which shall be prescribed by the State Board.

11 **(II) THE FORM AND CONTENT PRESCRIBED UNDER**
12 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT INCLUDE LANGUAGE OR**
13 **INFORMATION THAT VISIBLY IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

14 (3) (i) A local board may use either two envelopes or three envelopes.

15 (ii) If two envelopes are used, the inner envelope shall be designated
16 the “ballot/return envelope”, and, when issued, it shall fit inside the envelope designated
17 the “outgoing envelope”.

18 (iii) If three envelopes are used, the innermost envelope shall be
19 designated the “ballot envelope”, which shall fit inside the envelope designated the “return
20 envelope”, both of which, when issued, shall fit inside the envelope designated the “outgoing
21 envelope”.

22 (iv) The ballot/return envelope described under subparagraph (ii) of
23 this paragraph and the return envelope described under subparagraph (iii) of this
24 paragraph provided to a voter voting by absentee ballot:

25 1. shall include prepaid postage; **AND**

26 2. **MAY NOT INCLUDE ANY LANGUAGE OR INFORMATION**
27 **THAT VISIBLY IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

28 (4) (i) An absentee ballot shall be accompanied by instructions for
29 postage of the ballot/return envelope or the return envelope.

30 (ii) The instructions for postage shall include:

1 1. a statement that the ballot/return envelope or return
2 envelope includes prepaid postage and may be mailed as is; and

3 2. directions for how a voter may attach postage for the
4 purpose of reducing the costs of the local board.

5 (5) When voted and returned to the local board, an absentee ballot shall be
6 enclosed in a ballot envelope or ballot/return envelope, on which has been printed an oath
7 prescribed by the State Board.

8 (b) The State Board shall reimburse each local board for 50% of the cost of prepaid
9 postage included on ballot/return envelopes or return envelopes provided to a voter voting
10 by absentee ballot under subsection [(a)(3)(iv)] **(A)(3)(IV)1** of this section.

11 (c) **(1)** If an absentee ballot is sent by the Internet or facsimile transmission,
12 the local board shall provide the voter with an envelope template, the oath prescribed by
13 the State Board, and instructions for marking and returning the absentee ballot.

14 **(2)** **AN ENVELOPE TEMPLATE PROVIDED UNDER PARAGRAPH (1) OF**
15 **THIS SUBSECTION MAY NOT INCLUDE LANGUAGE OR INFORMATION THAT VISIBLY**
16 **IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

17 **9-311.1.**

18 **(A) THE STATE BOARD SHALL IMPLEMENT AN ABSENTEE BALLOT**
19 **TRACKING SYSTEM THAT IS INTEGRATED WITH THE SELECTED POSTAL SERVICE TO**
20 **ALLOW A VOTER TO ACCESS THE FOLLOWING INFORMATION CONCERNING THE**
21 **STATUS OF THE VOTER'S ABSENTEE BALLOT OR ABSENTEE BALLOT APPLICATION:**

22 **(1) THE DATE AND TIME THE VOTER'S ABSENTEE BALLOT**
23 **APPLICATION WAS RECEIVED BY THE LOCAL BOARD;**

24 **(2) THE DATE AND TIME THE LOCAL BOARD SENT A BLANK ABSENTEE**
25 **BALLOT TO THE VOTER;**

26 **(3) THE PROGRESS OF THE VOTER'S BLANK OR COMPLETED**
27 **ABSENTEE BALLOT THROUGH THE SELECTED POSTAL SERVICE, INCLUDING**
28 **EVIDENCE OF THE DATE AND TIME THAT:**

29 **(I) THE BLANK ABSENTEE BALLOT WAS ACCEPTED FOR**
30 **MAILING BY THE SELECTED POSTAL SERVICE;**

31 **(II) IF APPLICABLE, THE BLANK ABSENTEE BALLOT WAS**
32 **HANDLED BY AN INTERMEDIATE FACILITY BETWEEN THE LOCAL BOARD AND THE**
33 **VOTER;**

1 (III) THE BLANK ABSENTEE BALLOT WAS DELIVERED TO THE
2 VOTER;

3 (IV) THE VOTER'S COMPLETED ABSENTEE BALLOT WAS
4 ACCEPTED FOR MAILING BY THE SELECTED POSTAL SERVICE; AND

5 (V) IF APPLICABLE, THE VOTER'S COMPLETED ABSENTEE
6 BALLOT WAS HANDLED BY AN INTERMEDIATE FACILITY BETWEEN THE VOTER AND
7 THE LOCAL BOARD;

8 (4) THE DATE AND TIME THE VOTER'S COMPLETED ABSENTEE
9 BALLOT WAS RECEIVED BY THE LOCAL BOARD;

10 (5) WHETHER THE VOTER'S ABSENTEE BALLOT WAS COUNTED; AND

11 (6) IF THE VOTER'S ABSENTEE BALLOT WAS NOT COUNTED, THE
12 REASON THE BALLOT WAS NOT COUNTED.

13 (B) A VOTER MAY ACCESS THE INFORMATION CONCERNING THE STATUS OF
14 THE VOTER'S ABSENTEE BALLOT OR ABSENTEE BALLOT APPLICATION:

15 (1) THROUGH THE STATE BOARD'S WEBSITE;

16 (2) THROUGH A THIRD-PARTY WEBSITE APPROVED BY THE STATE
17 BOARD; OR

18 (3) IF REQUESTED, BY RECEIVING A POSTCARD, AN E-MAIL MESSAGE,
19 OR A TEXT MESSAGE FROM THE STATE BOARD OR THIRD-PARTY WEBSITE.

20 (C) THE STATE BOARD SHALL MAKE AVAILABLE THE INFORMATION
21 REQUIRED FOR A VOTER TO REQUEST TO RECEIVE NOTIFICATION INFORMATION
22 UNDER THIS SECTION FROM A THIRD-PARTY WEBSITE.

23 (D) THE STATE BOARD SHALL PROVIDE UPDATED INFORMATION
24 CONCERNING THE STATUS OF A VOTER'S ABSENTEE BALLOT OR ABSENTEE BALLOT
25 APPLICATION TO THE VOTER IN A TIMELY MANNER.

26 (E) (1) THE STATE BOARD SHALL ENSURE THE SECURITY,
27 CONFIDENTIALITY, AND INTEGRITY OF THE INFORMATION PROVIDED TO A VOTER
28 UNDER THIS SECTION.

1 **(2) ACCESS TO INFORMATION REGARDING THE CONTENT OF AN**
2 **INDIVIDUAL ABSENTEE BALLOT OR ABSENTEE BALLOT APPLICATION SHALL BE**
3 **RESTRICTED TO THE INDIVIDUAL WHO REQUESTS OR CASTS THE BALLOT.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
5 2021, the State Board of Elections shall:

6 (1) by reviewing similar practices in other states, study and make
7 recommendations for verifying signatures on absentee ballots; and

8 (2) report to the Senate Education, Health, and Environmental Affairs
9 Committee and the House Committee on Ways and Means, in accordance with § 2-1257 of
10 the State Government Article, on the recommendations made under item (1) of this section.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2021.