

SB0683/374235/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 683

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Law –**” insert “**Voting –**”; in the same line, after “**List**” insert “**, Ballot Drop Boxes, and Report**”; in line 3, after “of” insert “requiring a local board of elections to designate the locations of ballot drop boxes in accordance with certain criteria established by the State Board of Elections; requiring each local board to submit certain proposed locations to the State Administrator of Elections for approval; requiring the State Administrator to approve certain proposed ballot drop box locations under certain circumstances; requiring the State Administrator to require a local board to reconsider a certain proposed location and to provide to the local board a certain explanation under certain circumstances; authorizing the State Administrator to add ballot drop box locations in a county under certain circumstances; requiring the outgoing envelope of an absentee ballot to include a certain statement;”; in line 4, strike “of Elections”; in line 5, strike “authorizing” and substitute “requiring”; in the same line, after “voter” insert “to complete and submit certain information”; in line 6, strike “apply for” and substitute “request”; in the same line, strike “in a certain manner” and substitute “; requiring a local board to send a certain absentee ballot application to each eligible voter within a certain period of time”; in line 8, strike “has applied for” and substitute “requests”; in line 9, strike “application” and substitute “request”; in line 10, strike “the permanent” and substitute “a certain”; in line 11, after “ballot” insert “and one of certain methods by which the voter chooses to be notified by the State Board under a certain provision of this Act before each election; requiring that a certain absentee ballot application include a statement explaining the process for returning a completed absentee ballot if the voter chooses to receive an absentee ballot by a certain method”; in line 12, strike “permanent”; in the same line, after “application” insert “to request permanent absentee ballot status”; in line 14, strike “application” and substitute “request”; in line 15, after “list;” insert “requiring the State Board to send a certain written communication to each voter who is on the permanent absentee ballot list as of”

(Over)

**SB0683/374235/1 Education, Health, and Environmental Affairs Committee
Amendments to SB 683
Page 2 of 9**

a certain date in a certain manner at a certain time; requiring that a certain written communication include certain information; requiring the State Board to send a certain written communication using a different method from the method chosen by the voter under certain circumstances;”; strike beginning with “who” in line 19 down through the second “to” in line 20 and substitute “to notify”; in lines 20 and 21, strike “under certain circumstances;” and substitute “if certain changes occur while the voter has permanent absentee ballot status; requiring a local board to enclose a certain notification with a certain confirmation notice sent to a voter who has permanent absentee ballot status and gives notice of a change of address; requiring the State Board to submit a certain report to certain committees of the General Assembly on or before a certain date; defining a certain term;”; in line 21, strike “a permanent absentee ballot list” and substitute “voting”; after line 21, insert:

“BY repealing and reenacting, without amendments,

Article – Election Law

Section 1–101(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

BY adding to

Article – Election Law

Section 1–101(d–1), 2–304, and 9–311.1

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)”;

and in line 24, after “9–303” insert “and 9–310(a)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“1-101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(D-1) “BALLOT DROP BOX” MEANS A SECURE, DURABLE CONTAINER THAT IS OFFICIALLY DESIGNATED BY A LOCAL BOARD OR THE STATE BOARD EXCLUSIVELY FOR VOTERS TO DEPOSIT ELECTION-RELATED MATERIALS IN PERSON, INCLUDING:

- (1) ABSENTEE BALLOTS;**
- (2) ABSENTEE BALLOT APPLICATIONS; AND**
- (3) VOTER REGISTRATION APPLICATIONS.**

2-304.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LOCAL BOARD SHALL DESIGNATE LOCATIONS IN THE COUNTY AT WHICH A BALLOT DROP BOX WILL BE PLACED IN ACCORDANCE WITH CRITERIA FOR BALLOT DROP BOX LOCATIONS ESTABLISHED BY THE STATE BOARD.

(B) (1) EACH LOCAL BOARD SHALL SUBMIT THE PROPOSED LOCATIONS IN THE COUNTY FOR EACH BALLOT DROP BOX TO THE STATE ADMINISTRATOR FOR APPROVAL.

(Over)

(2) THE STATE ADMINISTRATOR SHALL APPROVE A BALLOT DROP BOX LOCATION THAT COMPLIES WITH THE CRITERIA ESTABLISHED BY THE STATE BOARD.

(3) IF A PROPOSED BALLOT DROP BOX LOCATION DOES NOT COMPLY WITH THE CRITERIA, THE STATE ADMINISTRATOR SHALL:

(I) REQUIRE THAT THE LOCAL BOARD RECONSIDER THE PROPOSED LOCATION FOR ONE OR MORE BALLOT DROP BOXES; AND

(II) PROVIDE TO THE LOCAL BOARD A DETAILED EXPLANATION OF WHY THE PROPOSED LOCATION IS NOT IN COMPLIANCE WITH THE CRITERIA.

(4) IF THE STATE ADMINISTRATOR FINDS THAT THE PROPOSED BALLOT DROP BOX LOCATIONS SUBMITTED TO THE STATE ADMINISTRATOR AFTER RECONSIDERATION BY THE LOCAL BOARD UNDER PARAGRAPH (3) OF THIS SUBSECTION ARE NOT IN COMPLIANCE WITH THE CRITERIA, THE STATE ADMINISTRATOR MAY ADD BALLOT DROP BOX LOCATIONS IN THE COUNTY.”;

and after line 28, insert:

“9-310.

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

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

(II) THE OUTGOING ENVELOPE SHALL INCLUDE A STATEMENT, PROMINENTLY PLACED, REQUESTING THAT THE RECIPIENT

**SB0683/374235/1 Education, Health, and Environmental Affairs Committee
Amendments to SB 683
Page 5 of 9**

RETURN THE ABSENTEE BALLOT TO THE LOCAL BOARD IF THE INTENDED RECIPIENT NO LONGER LIVES AT THAT ADDRESS.

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

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

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

(iv) The ballot/return envelope described under subparagraph (ii) of this paragraph and the return envelope described under subparagraph (iii) of this paragraph provided to a voter voting by absentee ballot shall include prepaid postage.

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

(ii) The instructions for postage shall include:

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

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

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

AMENDMENT NO. 3

On page 3, in line 4, strike “**A VOTER MAY APPLY FOR**” and substitute “**TO REQUEST**”; in lines 4 and 5, strike “**BY COMPLETING AND SUBMITTING**” and

(Over)

**SB0683/374235/1 Education, Health, and Environmental Affairs Committee
Amendments to SB 683
Page 6 of 9**

substitute "A VOTER SHALL COMPLETE AND SUBMIT"; in lines 6, 10, 18, and 24, in each instance, strike "PERMANENT"; in line 7, after "APPLICATION" insert "AND INDICATE ON THE FORM THAT THE VOTER WISHES TO HAVE PERMANENT ABSENTEE BALLOT STATUS"; in line 11, after "BOARD" insert "AND INDICATE ON THE FORM THAT THE VOTER WISHES TO HAVE PERMANENT ABSENTEE BALLOT STATUS"; in line 12, after "(1)" insert "AT LEAST 60 DAYS BEFORE A PRIMARY ELECTION, A LOCAL BOARD SHALL SEND THE STATE BOARD-APPROVED ABSENTEE BALLOT APPLICATION TO EACH ELIGIBLE VOTER.

(2);

in line 14, strike "(2)" and substitute "(3)"; in the same line, strike "HAS APPLIED FOR" and substitute "REQUESTS"; in line 16, strike "APPLICATION" and substitute "REQUEST"; in line 18, after "(D)" insert "(1)"; in the same line, strike "THE" and substitute "AN"; in line 19, after "APPLICATION" insert "SUBMITTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION:

(I);

in lines 21, 22, and 23, strike "(1)", "(2)", and "(3)", respectively, and substitute "1.", "2.", and "3.", respectively; in line 23, after "INTERNET" insert "; AND

(II) ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER CHOOSES TO BE CONTACTED BY THE STATE BOARD UNDER SUBSECTION (G) OF THIS SECTION BEFORE EACH ELECTION:

- 1. NONFORWARDABLE MAIL;**
- 2. E-MAIL; OR**
- 3. TEXT MESSAGE.**

(2) THE STATE BOARD-APPROVED ABSENTEE BALLOT APPLICATION SHALL INCLUDE A STATEMENT EXPLAINING THE PROCESS FOR RETURNING A COMPLETED ABSENTEE BALLOT IF THE VOTER CHOOSES TO RECEIVE AN ABSENTEE BALLOT BY FACSIMILE TRANSMISSION OR THE INTERNET”;

in line 25, strike “THAT AN ABSENTEE BALLOT BE SENT BY ANY METHOD” and substitute “PERMANENT ABSENTEE BALLOT STATUS”; and in line 29, strike “APPLICATION” and substitute “REQUEST”.

On page 4, after line 2, insert:

“(G) (1) NOT LESS THAN 75 DAYS BEFORE THE DAY ON WHICH A LOCAL BOARD BEGINS TO SEND ABSENTEE BALLOTS TO VOTERS, THE STATE BOARD SHALL SEND A WRITTEN COMMUNICATION TO EACH VOTER WHO IS ON THE PERMANENT ABSENTEE BALLOT LIST AS OF A DATE THAT IS AT LEAST 90 DAYS BEFORE THE UPCOMING ELECTION USING THE METHOD CHOSEN BY THE VOTER UNDER SUBSECTION (D)(1) OF THIS SECTION.

(2) THE COMMUNICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) CONFIRMATION THAT THE VOTER IS INCLUDED ON THE PERMANENT ABSENTEE BALLOT LIST;

(II) THE ADDRESS OF THE VOTER;

(III) THE METHOD BY WHICH THE VOTER HAS CHOSEN TO RECEIVE AN ABSENTEE BALLOT; AND

(IV) A STATEMENT THAT THE VOTER MUST NOTIFY THE LOCAL BOARD IF ANY OF THE CHANGES LISTED IN SUBSECTION (J) OF THIS

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SECTION HAVE OCCURRED.

(3) IF THE STATE BOARD IS UNABLE TO CONTACT A VOTER USING THE METHOD OF COMMUNICATION CHOSEN BY THE VOTER UNDER SUBSECTION (D)(1) OF THIS SECTION, THE STATE BOARD SHALL SEND THE WRITTEN COMMUNICATION USING ANOTHER METHOD IF THE STATE BOARD HAS OTHER CONTACT INFORMATION FOR THE VOTER.

(4) IF THE COMMUNICATION REQUIRED UNDER THIS SECTION IS SENT BY MAIL, THE ENVELOPE SHALL INCLUDE A STATEMENT, PROMINENTLY PLACED, REQUESTING THAT THE RECIPIENT RETURN THE COMMUNICATION TO THE STATE BOARD IF THE INTENDED RECIPIENT NO LONGER LIVES AT THAT ADDRESS.”;

in lines 3, 5, and 12, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively; in line 9, strike “OR”; in line 11, after “ELECTIONS” insert “; OR

(4) ANY MAIL SENT TO THE VOTER BY THE STATE BOARD OR A LOCAL BOARD IS RETURNED UNDELIVERABLE”;

in line 12, strike “WHO” and substitute “SHALL NOTIFY THE LOCAL BOARD IF ANY OF THE FOLLOWING CHANGES OCCUR WHILE THE VOTER”; in lines 12 and 13, strike “SHALL NOTIFY THE LOCAL BOARD IF”; strike in their entirety lines 14 and 15 and substitute:

“(1) THE VOTER NO LONGER WISHES TO HAVE PERMANENT ABSENTEE BALLOT STATUS;

(2) THE ADDRESS TO WHICH THE VOTER’S ABSENTEE BALLOT SHOULD BE SENT HAS CHANGED; OR”;

**SB0683/374235/1 Education, Health, and Environmental Affairs Committee
Amendments to SB 683
Page 9 of 9**

in line 16, strike “**(2)**” and substitute “**(3)**”; and after line 17, insert:

“(K) IF A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS GIVES NOTICE OF A CHANGE OF ADDRESS UNDER § 3-304 OF THIS ARTICLE, THE LOCAL BOARD SHALL ENCLOSE WITH THE CONFIRMATION NOTICE SENT TO THE VOTER UNDER § 3-502(B) OF THIS ARTICLE A NOTIFICATION THAT:

(1) THE VOTER REMAINS INCLUDED ON THE PERMANENT ABSENTEE BALLOT LIST; AND

(2) THE VOTER’S ABSENTEE BALLOT WILL BE SENT TO THE VOTER’S NEW ADDRESS.”.

AMENDMENT NO. 4

On page 4, after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 15, 2023, the State Board of Elections shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2-1257 of the State Government Article, a report on the number of voters who voted in each precinct polling place in the State in the primary election and the general election in the years 2018, 2020, and 2022.”;

and in line 18, strike “2.” and substitute “3.”.