

HB1048/174735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1048
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “**Permanent**” insert “**Voting –**”; in the same line, after “**List**” insert “**, Ballot Drop Boxes, and Reports**”; in line 3, after “of” insert “requiring a local board of elections to designate the locations of ballot drop boxes in accordance with certain factors; 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; 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 a local board to ensure the security of ballot drop boxes; requiring that a local board have certain access to certain security cameras; requiring a local board to remove the ballots from each ballot drop box at least once each day that the ballot drop box is open in accordance with certain procedures, except as otherwise provided by law; requiring the State Board to establish chain of custody procedures governing removal of election-related materials from ballot drop boxes and the return of the materials to the local board; requiring that a certain absentee ballot application include a certain statement; requiring that certain envelopes include a certain statement in a certain manner;”; and in line 4, strike “of Elections”.

On page 2, in line 5, after “address;” insert “prohibiting a person from canvassing, electioneering, or posting campaign material in a certain manner or placing certain material on a ballot drop box; requiring each local board to send a certain absentee ballot application to each eligible voter within a certain period of time in certain years except under certain circumstances; requiring the State Board to contract with a usability consultant on or before a certain date to review all the public informational materials and forms related to mail-in voting produced by the State Board; requiring the”

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consultant to make certain recommendations to the State Board on or before a certain date; requiring the consultant to make specific recommendations concerning certain matters; requiring the State Board to submit certain reports to certain committees of the General Assembly on or before certain dates; defining a certain term;”; after line 6, 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, 2–305, 9–305(c), and 9–311.1

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)”;

in line 9, after “9–303” insert “, 9–305(c), 9–310(a), and 16–206”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 2, after line 19, 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, AND WEATHERPROOF 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) A LOCAL BOARD SHALL CONSIDER THE FOLLOWING FACTORS WHEN
DETERMINING THE LOCATION OF A BALLOT DROP BOX:

- (1) THE ACCESSIBILITY OF THE BALLOT DROP BOX TO
HISTORICALLY DISENFRANCHISED COMMUNITIES, INCLUDING VOTERS WITH
DISABILITIES, CULTURAL GROUPS, ETHNIC GROUPS, AND MINORITY GROUPS;
- (2) PROXIMITY OF THE BALLOT DROP BOX TO DENSE
CONCENTRATIONS OF VOTERS;
- (3) ACCESSIBILITY OF THE BALLOT DROP BOX BY PUBLIC
TRANSPORTATION;
- (4) EQUITABLE DISTRIBUTION OF BALLOT DROP BOXES
THROUGHOUT THE COUNTY; AND
- (5) MAXIMIZING VOTER PARTICIPATION, INCLUDING THROUGH
PLACEMENT OF BALLOT DROP BOXES AT COMMUNITY CENTERS AND PUBLIC
GATHERING PLACES.

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(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A LOCAL BOARD SHALL DESIGNATE LOCATIONS IN THE COUNTY AT WHICH A BALLOT DROP BOX WILL BE PLACED IN ACCORDANCE WITH THE FACTORS SET FORTH IN SUBSECTION (A) OF THIS SECTION.

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

(2) THE STATE ADMINISTRATOR SHALL APPROVE A BALLOT DROP BOX LOCATION THAT MEETS THE FACTORS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

(3) IF A PROPOSED BALLOT DROP BOX LOCATION DOES NOT MEET THE FACTORS, 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 DOES NOT MEET THE FACTORS.

(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 DO NOT MEET THE FACTORS, THE STATE ADMINISTRATOR MAY ADD BALLOT DROP BOX LOCATIONS IN THE COUNTY.

2-305.

(A) (1) A LOCAL BOARD SHALL ENSURE THE SECURITY OF BALLOT DROP BOXES, INCLUDING THROUGH THE USE OF THE FOLLOWING:

(I) MONITORING BY SECURITY CAMERAS AT ALL TIMES; AND

(II) PERIODIC IN-PERSON VISITS BY APPROPRIATE PERSONNEL.

(2) A LOCAL BOARD SHALL HAVE IMMEDIATE ACCESS OR ACCESS WITHIN A REASONABLE AMOUNT OF TIME TO A SECURITY CAMERA USED FOR MONITORING A BALLOT DROP BOX UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

(B) (1) EXCEPT AS OTHERWISE PROVIDED IN LAW, A LOCAL BOARD SHALL REMOVE THE ELECTION-RELATED MATERIALS FROM EACH BALLOT DROP BOX AT LEAST ONCE EACH DAY THAT THE BALLOT DROP BOX IS OPEN IN ACCORDANCE WITH THE CHAIN OF CUSTODY PROCEDURES ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE STATE BOARD SHALL ESTABLISH CHAIN OF CUSTODY PROCEDURES GOVERNING REMOVAL OF ELECTION-RELATED MATERIALS FROM BALLOT DROP BOXES AND THE RETURN OF THE MATERIALS TO THE LOCAL BOARD.”.

On page 3, after line 10, insert:

“9-305.

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(C) THE STATE-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.

[(c)] (D) An application for an absentee ballot must be received by a local board:

(1) if the voter requests the absentee ballot be sent by mail or facsimile transmission, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) if the voter requests the absentee ballot be sent by the Internet, not later than the Friday preceding the election, at the time specified in the guidelines; or

(3) if the voter or the voter's duly authorized agent applies for an absentee ballot in person at the local board office, not later than the closing of the polls on election day.

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

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(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.”.

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AMENDMENT NO. 3

On page 3, after line 23, insert:

“(C) (1) A VOTER MAY APPLY FOR PERMANENT ABSENTEE BALLOT STATUS AT ANY TIME.”;

and in line 24, strike “(C)” and substitute “**(2)**”.

On page 5, after line 10, insert:

“(4) IF THE COMMUNICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION 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.”.

On page 6, after line 8, insert:

“16–206.

(a) A person may not:

(1) place any distinguishing mark on the person’s own or another person’s ballot for the purpose of identifying the ballot;

(2) misrepresent the person’s ability to mark a ballot or operate voting equipment;

(3) interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

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(4) induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;

(6) destroy or deface a ballot;

(7) remove a ballot from a building in which voting occurs, except as otherwise provided in this article;

(8) delay the delivery of a ballot;

(9) possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; [or]

(10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section;

(11) CANVASS, ELECTIONEER, OR POST ANY CAMPAIGN MATERIAL IN A MANNER THAT OBSTRUCTS ACCESS TO A BALLOT DROP BOX; OR

(12) PLACE ANY CAMPAIGN MATERIAL OR ANY OTHER UNAUTHORIZED MATERIAL ON A BALLOT DROP BOX.

(b) (1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

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(2) (i) Except as provided in subparagraph (ii) of this paragraph, the line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(ii) In Montgomery County, on approval of the local board, the line may be located at any point between 25 feet and 100 feet from the entrance and exit.

(3) The signs shall contain the words “No Electioneering Beyond this Point”.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days or both.”.

AMENDMENT NO. 4

On page 6, before line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b) of this section, at least 60 days before the statewide primary election in 2022 and 2024, each local board of elections shall send the State Board–approved absentee ballot application to each eligible voter.

(b) A local board is not required to send the State Board–approved absentee ballot application to a voter who has permanent absentee ballot status.

SECTION 3. AND BE IT FURTHER ENACTED, That:

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(a) On or before August 1, 2021, the State Board of Elections shall contract with a usability consultant to review all the public informational materials and forms related to mail-in voting produced by the State Board.

(b) (1) On or before December 1, 2021, the consultant shall make recommendations to the State Board regarding ways the State Board's public informational materials and forms related to mail-in voting could be made more usable, especially by socioeconomically diverse communities.

(2) The consultant shall make specific usability recommendations concerning:

(i) the information related to mail-in voting that appears on the State Board's website;

(ii) all materials mailed to voters who choose to vote by mail, including envelopes, forms, and instructions; and

(iii) the system allowing a voter to access information concerning the voter's mail-in ballot.

(c) On or before February 1, 2022, the State Board shall submit a report 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, that includes:

(1) the recommendations submitted by the consultant under subsection (b) of this section; and

(2) the actions the State Board has taken or plans to take to implement the recommendations.

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SECTION 4. 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.”;

in line 9, strike “2.” and substitute “5.”; and in line 10, strike “October” and substitute “June”.