

# SENATE BILL 547

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SB 711/17 – EHE

8lr3467

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By: **Senator Conway**

Introduced and read first time: January 31, 2018

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Elections by Mail**

3 FOR the purpose of requiring that elections be conducted by mail; requiring the State Board  
4 of Elections, in consultation with the local boards of elections, to select a certain  
5 voting system; requiring the State Board to adopt certain regulations; requiring local  
6 boards of elections to mail a ballot to certain voters by certain deadlines; authorizing  
7 certain voters to request that a local board provide a ballot to the voter; requiring a  
8 voter who receives a ballot to take certain action to vote the ballot; providing for the  
9 methods by which a voter may return a ballot; specifying that a ballot must be  
10 received by a certain deadline; authorizing an individual, under certain  
11 circumstances, to request a replacement ballot; requiring a local board, under certain  
12 circumstances, to take certain action regarding replacement ballots; requiring a  
13 voter to take certain action to vote a replacement ballot; providing for the  
14 circumstances under which ballots are to be counted; requiring that a voter who is  
15 at a certain location by a certain time on the day of an election be allowed to deposit  
16 a ballot; providing for the circumstances under which the deadline for returning  
17 ballots may be extended; requiring a ballot to contain a certain statement; repealing  
18 certain language and various provisions of law that are rendered obsolete by this  
19 Act; altering certain definitions; providing for a delayed effective date; making  
20 certain conforming changes; and generally relating to elections by mail.

21 BY repealing

22 Article – Election Law

23 Section 3–305 and 3–601.1(d); 9–101 through 9–105 and the subtitle “Subtitle 1.  
24 Voting Systems”; 9–401 through 9–408 and the subtitle “Subtitle 4.  
25 Provisional Ballots”; 9–501 through 9–507 and the subtitle “Subtitle 5. Voting  
26 by Mail in Special Elections”; 10–101 through 10–301.1 and 10–302 through  
27 10–315 and the title “Title 10. Polling Places”; 11–303, 11–305,  
28 11–403, 16–203, 16–207, 16–303, and 16–304; and 16–801 through 16–804  
29 and the subtitle “Subtitle 8. Voting Equipment”

30 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2017 Replacement Volume and 2017 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Election Law

4 Section 1–101, 2–107(c)(7) and (8), 2–202(b)(6), 2–203, 2–206(4), 2–207(a), 2–301(b),  
5 2–303, 3–101(b), 3–303(a), 3–304(a)(1), 5–303(c), 7–105(a) and (d)(2),  
6 8–102(a), 9–205, 9–213, 9–308.1(c), 11–101(c), 11–202, 11–307(a), 13–245(a)  
7 and (b)(5), 16–201(a)(6), 16–205(a)(2), 16–206, 16–601(a), and 16–1001(b)

8 Annotated Code of Maryland

9 (2017 Replacement Volume and 2017 Supplement)

10 BY adding to

11 Article – Election Law

12 Section 9–101 through 9–107 to be under the new subtitle “Subtitle 1. Elections by  
13 Mail”

14 Annotated Code of Maryland

15 (2017 Replacement Volume and 2017 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That Section(s) 3–305 and 3–601.1(d); 9–101 through 9–105 and the subtitle “Subtitle 1.  
18 Voting Systems”; 9–401 through 9–408 and the subtitle “Subtitle 4. Provisional Ballots”;  
19 9–501 through 9–507 and the subtitle “Subtitle 5. Voting by Mail in Special Elections”;  
20 10–101 through 10–301.1 and 10–302 through 10–315 and the title “Title 10. Polling  
21 Places”; 11–303, 11–305, 11–403, 16–203, 16–207, 16–303, and 16–304; and 16–801  
22 through 16–804 and the subtitle “Subtitle 8. Voting Equipment” of Article – Election Law  
23 of the Annotated Code of Maryland be repealed.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
25 as follows:

26 **Article – Election Law**

27 1–101.

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

30 (b) “Absentee ballot” means a ballot not used in a polling place.

31 **[(b-1)] (C)** “Address confidentiality program” means:

32 (1) the Address Confidentiality Program for victims of domestic violence  
33 under Title 4, Subtitle 5, Part IV of the Family Law Article; or

34 (2) the Human Trafficking Address Confidentiality Program under Title 7,  
35 Subtitle 3 of the State Government Article.

1           [(b-2)] (D) “Administrative policy affecting voting rights” means any action  
2 relating to voter registration, [provisional voting,] absentee voting, or the location of a  
3 [polling place] **BALLOT RETURN LOCATION** or early voting center.

4           [(c)] (E) “Authorized candidate campaign committee” means a political  
5 committee established under Title 13 of this article and authorized by a candidate to  
6 promote the candidate’s candidacy.

7           [(d)] (F) (1) “Ballot” or “official ballot” includes:

8                           (i) an absentee ballot; **OR**

9                           (ii) [a provisional ballot;

10                           (iii) a document ballot; or

11                           (iv) a voting machine ballot] **A BALLOT FOR VOTING BY MAIL.**

12                   (2) “Ballot” or “official ballot” does not include:

13                           (i) a sample ballot; or

14                           (ii) a specimen ballot.

15           [(e)] (G) “Ballot face” means a single side of a sheet on which are printed some  
16 or all of the contests to be voted on by a voter.

17           [(f)] (H) “Ballot issue committee” means a political committee that is formed to  
18 promote the success or defeat of a question or prospective question to be submitted to a vote  
19 at an election.

20           [(g)] (I) “Ballot style” means a unique aggregation of contests that make up the  
21 ballot for a particular group of voters identified by common characteristics of residence  
22 location, party affiliation, or both.

23           [(h)] (J) “Campaign finance entity” means a political committee established  
24 under Title 13 of this article.

25           [(i)] (K) “Campaign finance report” means a report, statement, affidavit, or  
26 other document that is:

27                           (1) authorized or required under this article;

28                           (2) related to the campaign finance activities of a campaign finance entity  
29 or to expenses associated with a legislative newsletter; and

1 (3) filed or submitted on a form prescribed by the State Board under this  
2 article.

3 **[(j)] (L)** “Campaign manager” means a person designated by a candidate, or the  
4 candidate’s representative, to exercise general overall responsibility for the conduct of the  
5 candidate’s political campaign.

6 **[(k)] (M)** (1) “Campaign material” means any material that:

7 (i) contains text, graphics, or other images;

8 (ii) relates to a candidate, a prospective candidate, or the approval  
9 or rejection of a question or prospective question; and

10 (iii) is published or distributed.

11 (2) “Campaign material” includes:

12 (i) material transmitted by or appearing on the Internet or other  
13 electronic medium; and

14 (ii) an oral commercial campaign advertisement.

15 **[(l)] (N)** (1) “Candidate” means an individual who files a certificate of  
16 candidacy for a public or party office.

17 (2) “Candidate” includes:

18 (i) an incumbent judge of the Court of Appeals or Court of Special  
19 Appeals at an election for continuance in office; and

20 (ii) an individual, prior to that individual filing a certificate of  
21 candidacy, if a campaign finance entity has been established on behalf of that individual.

22 **[(l-1)] (O)** (1) “Central committee” means a political committee for a political  
23 party established under Title 4 of this article.

24 (2) “Central committee” includes a political committee for a political party  
25 that engages in campaign finance activity that is subject to Title 13 of this article.

26 **[(m)] (P)** (1) “Contest” means:

27 (i) the aggregate of candidates who run against each other or among  
28 themselves for nomination for, or election to, an office or multiple offices of the same  
29 category; or

30 (ii) the positive and negative voting options for a question submitted

1 to the voters.

2 (2) “Contest” includes, in a general election for an office, the write-in  
3 option.

4 **[(n)] (Q)** “Continuing political committee” means a political committee that is  
5 permitted to continue in existence from year to year.

6 **[(o)] (R)** (1) “Contribution” means the gift or transfer, or promise of gift or  
7 transfer, of money or other thing of value to a campaign finance entity to promote or assist  
8 in the promotion of the success or defeat of a candidate, political party, question, or  
9 prospective question.

10 (2) “Contribution” includes:

11 (i) proceeds from the sale of tickets to a campaign fund-raising  
12 event; and

13 (ii) a coordinated expenditure as defined in § 13–249 of this article.

14 (3) “Contribution” does not include the costs associated with the  
15 establishment, administration, or solicitation of voluntary contributions to a political action  
16 committee established by a corporation, limited liability company, general partnership,  
17 limited partnership, membership organization, trade association, cooperative, or  
18 corporation without capital stock as long as the political action committee only solicits  
19 contributions from employees of the organization that established the political action  
20 committee, or members of the organization that established the political action committee,  
21 and the employees or members are participating in a payroll deduction program established  
22 by the employer of the employee or member.

23 **[(p)] (S)** “County” means a county of the State or Baltimore City.

24 **[(q)] (T)** “Disabled” means having a temporary or permanent physical disability.

25 **[(r)] (U)** (1) “Distributor” means a person engaged for profit in the  
26 distribution of campaign material by hand delivery or direct mail.

27 (2) “Distributor” does not include salaried employees, agents, or volunteers  
28 of the person.

29 **[(s)]** (1) “Document ballot” means a ballot used with a voting system in which  
30 the voter individually is issued a ballot on which to indicate one or more votes.

31 (2) “Document ballot” includes:

32 (i) a machine-read ballot, such as an optically scanned ballot; and

1 (ii) a hand-counted paper ballot.]

2 [(t)] (V) “Driver’s license” includes an identification card issued by the Motor  
3 Vehicle Administration.

4 [(u)] (W) “Elderly” means 65 years of age or older.

5 [(v)] (X) (1) “Election” means the process by which voters cast votes on one or  
6 more contests under the laws of this State or the United States.

7 (2) “Election” includes, unless otherwise specifically provided in this  
8 article, all general elections, primary elections, and special elections.

9 (3) “Election” does not include, unless otherwise specifically provided in  
10 this article, a municipal election other than in Baltimore City.

11 [(w)] (Y) “Election cycle” means the period that begins on the January 1 that  
12 follows a gubernatorial election and continues until the December 31 that is 4 years later.

13 [(x)] (Z) “Election register” means the list of voters eligible to vote[:

14 (1) in a precinct on election day; or

15 (2) in a county early voting center during early voting].

16 [(y)] (AA) “Electronic signature” means an electronic sound, symbol, or process  
17 attached to or logically associated with a record and executed or adopted by a person with  
18 the intent to sign the record.

19 [(z)] (BB) “Electronic storage format” means a computer disk or other information  
20 storage and retrieval medium approved by the State Board.

21 [(aa)] (CC) “Expenditure” means a gift, transfer, disbursement, or promise of  
22 money or a thing of value by or on behalf of a campaign finance entity to:

23 (1) promote or assist in the promotion of the success or defeat of a  
24 candidate, political party, question, or prospective question at an election; or

25 (2) pay for the publication expense of a legislative newsletter under Title  
26 13, Subtitle 4 of this article.

27 [(bb)] (DD) (1) “Independent expenditure” means a gift, transfer, disbursement,  
28 or promise of money or a thing of value by a person expressly advocating the success or  
29 defeat of a clearly identified candidate or ballot issue if the gift, transfer, disbursement, or  
30 promise of money or a thing of value is not made in coordination, cooperation, consultation,

1 understanding, agreement, or concert with, or at the request or suggestion of, a candidate,  
2 a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue  
3 committee.

4 (2) For purposes of this subsection, “clearly identified” means:

5 (i) the name of the candidate appears;

6 (ii) a photograph or drawing of the candidate appears; or

7 (iii) the identity of the candidate or ballot issue is apparent by  
8 unambiguous reference.

9 [(bb-1)] (EE) “Legislative party caucus committee” means a political  
10 committee that is established to promote the election of candidates of a single political party  
11 to one of the two Houses of the General Assembly.

12 [(cc)] (FF) “Local board” means a county board of elections.

13 [(dd)] (GG) “Majority party” means the political party to which the incumbent  
14 Governor belongs, if the incumbent Governor is a member of a principal political party. If  
15 the incumbent Governor is not a member of one of the two principal political parties,  
16 “majority party” means the principal political party whose candidate for Governor received  
17 the highest number of votes of any party candidate at the last preceding general election.

18 [(ee)] (HH) “Partisan organization” means a combination of two or more individuals  
19 formed for the purpose of organizing a new political party.

20 [(ff)] (II) “Political action committee” means a political committee that is not:

21 (1) a political party;

22 (2) a central committee;

23 (3) a slate;

24 (4) a legislative party caucus committee;

25 (5) an authorized candidate campaign committee; or

26 (6) a ballot issue committee.

27 [(gg)] (JJ) “Political committee” means a combination of two or more individuals  
28 that has as its major purpose promoting the success or defeat of a candidate, political party,  
29 question, or prospective question submitted to a vote at any election.

1           [(hh)] **(KK)** “Political party” means an organized group that is qualified as a  
2 political party in accordance with Title 4 of this article.

3           [(ii)] **(LL)** “Precinct” includes:

4                   (1) an election district in a county that is not divided into precincts;

5                   (2) an election precinct in an election district that is divided into precincts;

6 or

7                   (3) a precinct in a ward of the City of Baltimore.

8           [(jj)] **(MM)** “Principal minority party” means the principal political party whose  
9 candidate for Governor received the second highest number of votes of any party candidate  
10 at the last preceding general election.

11           [(kk)] **(NN)** “Principal political parties” means the majority party and the principal  
12 minority party.

13           [(ll)] “Provisional ballot” means a ballot that is cast by an individual but not  
14 counted until the individual’s qualifications to vote have been confirmed by the local board.]

15           [(mm)] **(OO)** “Responsible officers” means the chairman and treasurer of a political  
16 committee.

17           [(nn)] **(PP)** “Sample ballot” means a facsimile of a ballot used for informational  
18 purposes by a person or entity other than a local board.

19           [(oo)] **(QQ)** “Slate” means a political committee of two or more candidates who join  
20 together to conduct and pay for joint campaign activities.

21           [(pp)] **(RR)** “Specimen ballot” means a facsimile of a ballot used by a local board to  
22 provide notice to registered voters of the contents of the ballot.

23           [(qq)] **(SS)** “State Administrator” means the State Administrator of Elections.

24           [(rr)] **(TT)** “State Board” means the State Board of Elections.

25           [(ss)] **(UU)** “Transfer” means a monetary contribution that is made by one  
26 campaign finance entity to another campaign finance entity, other than one made by or to  
27 a political club.

28           [(tt)] **(VV)** “Treasurer” means an individual appointed in accordance with Title 13,  
29 Subtitle 2 of this article.

30           [(uu)] **(WW)** “Vote” means to cast a ballot that is counted.



1 [(vv) “Voting machine” includes:

2 (1) a mechanical lever machine; and

3 (2) a direct recording electronic voting device.

4 (ww) “Voting machine ballot” means a ballot posted on or in the voting machine and  
5 referred to by the voter to indicate the voting locations for each contest.]

6 (xx) “Voting system” means a method of [casting and] tabulating ballots or votes.

7 (yy) “Write-in candidate” means an individual whose name will not appear on the  
8 ballot but who files a certificate of candidacy in accordance with § 5–303 of this article.

9 (zz) “Write-in vote” means a vote cast, in a contest at a general election, for an  
10 individual whose name is not on the ballot for that contest.

11 2–107.

12 (c) Expenditures from the Fund may be made only in accordance with an  
13 appropriation for:

14 (7) improving the quantity and accessibility of [polling places] **BALLOT**  
15 **RETURN LOCATIONS**, including providing physical access for individuals with disabilities,  
16 nonvisual access for individuals with visual impairments, and access for individuals with  
17 limited proficiency in the English language;

18 (8) establishing toll-free telephone hotlines that voters may use to report  
19 possible voting fraud and voting rights violations, to obtain general election information,  
20 and to access detailed automated information on their own voter registration status,  
21 specific [polling place] **BALLOT RETURN** locations, and other relevant information; and

22 2–202.

23 (b) Each local board, in accordance with the provisions of this article and  
24 regulations adopted by the State Board, shall:

25 (6) establish and alter the boundaries and number of precincts in  
26 accordance with § 2–303 of this title[, and provide a suitable polling place for each precinct,  
27 and assign voters to precincts];

28 2–203.

29 Each county shall appropriate the funds essential for the operations of its local board  
30 to enable the local board to pay the reasonable expenses incurred by the local board to

1 exercise the powers and perform the duties prescribed for it by law, including:

2 (1) personnel expenses, such as compensation, workers' compensation, and  
3 unemployment insurance; **AND**

4 [(2) polling place operation expenses; and]

5 [(3)] **(2)** supplies and equipment required under § 2-202(b)(3) of this  
6 subtitle.

7 2-206.

8 Subject to the requirements of this article and the policies and guidance of the local  
9 board, the election director may:

10 (4) upon the request of an elderly or disabled voter whose [polling place]  
11 **LOCATION FOR BALLOT RETURN** is not structurally barrier free, provide an alternate  
12 [polling place] **LOCATION FOR BALLOT RETURN** to the voter;

13 2-207.

14 (a) (1) This section applies to each employee of a local board.

15 (2) This section does not apply to[:

16 (i) local board counsel[: or

17 (ii) an election judge].

18 2-301.

19 (b) (1) An individual subject to this section may not, while holding the position:

20 (i) hold or be a candidate for any elective public or political party  
21 office or any other office created under the Constitution or laws of this State;

22 (ii) use the individual's official authority for the purpose of  
23 influencing or affecting the result of an election; or

24 (iii) except as provided in paragraph (2) of this subsection, as to any  
25 candidate or any matter that is subject to an election under this article:

26 1. be a campaign manager;

27 2. be a treasurer or subtreasurer for a campaign finance  
28 entity; or

1                                 3.     take any other active part in political management or a  
2 political campaign.

3                     (2)     Notwithstanding paragraph (1)(iii) of this subsection, [an election  
4 judge] **A WORKER AT A BALLOT RETURN LOCATION** may engage in the activities of a  
5 political campaign, except:

6                                 (i)     while performing official duties on election day; and

7                                 (ii)    by serving as a campaign manager for a candidate or as the  
8 treasurer for a campaign finance entity.

9     2-303.

10             (a)     (1)     Subject to paragraph (2) of this subsection, as it deems it expedient for  
11 the convenience of voters, a local board may:

12                                 (i)     create and alter the boundaries for precincts in the county; **AND**

13   [(ii)    designate the location for polling places in any election district,  
14 ward, or precinct in the county; and]

15   [(iii)] **(II)**    combine or abolish precincts.

16                     (2)     (i)     Except as provided under subparagraph (iii) of this paragraph, a  
17 local board shall establish a separate precinct on campus or within one-half mile of the  
18 campus to specifically serve a public or private institution of higher education if the local  
19 board determines that at least 500 students, faculty, and staff who attend or work at the  
20 institution are registered voters in the precinct in which the institution is located.

21   [(ii)    If, in accordance with subparagraph (i) of this paragraph, a  
22 polling place is established at an institution of higher education that receives State funds,  
23 that institution shall:

24   1.     provide without charge to the local board a facility for use  
25 as a polling place that meets all applicable requirements under this article and as  
26 established by the State Board; and

27   2.     provide assistance to the local board in recruiting election  
28 judges to staff the polling place.]

29   [(iii)] **(II)**    A local board may not be required to establish a separate  
30 precinct as provided under subparagraph (i) of this paragraph if there is an established  
31 precinct within one-half mile of the public or private institution of higher education's  
32 campus that serves the voters who attend or work at the public or private institution of

1 higher education.

2 (b) Except as provided in subsection (e) of this section, a local board may not  
3 create or change a precinct boundary [or polling place] during the period beginning the  
4 Tuesday that is 13 weeks prior to a primary election, through the day of the general  
5 election.

6 (c) Any precinct boundary established by a local board subsequent to July 1, 1987  
7 shall follow visible features as defined by the Bureau of the Census, United States  
8 Department of Commerce.

9 (d) Within 5 days of creating a new precinct or changing a precinct boundary, a  
10 local board shall send to the State Administrator a written description of the new boundary  
11 and a map of the area involved.

12 (e) (1) Unless the action is approved in advance by the State Administrator,  
13 during the period January 1, in the second year preceding the decennial census, through  
14 the effective date of any redistricting based on the census, a local board may not create a  
15 new precinct or change a precinct boundary.

16 (2) Upon receipt of the written description and map relating to a precinct  
17 boundary established during the period described in paragraph (1) of this subsection, the  
18 State Administrator shall immediately forward the documents to the Secretary of the  
19 Department of Planning and the Executive Director of the Department of Legislative  
20 Services.

21 (f) Notwithstanding any restrictions imposed by this section, subject to the  
22 approval of the State Board, a local board may create a new precinct or change a precinct  
23 boundary [or polling place] if the local board determines that an emergency exists.

24 (g) (1) The regulations adopted by the State Board shall include procedures  
25 for the creation of new precincts and changes to precinct boundaries [or polling places].

26 (2) A local board may create a new precinct or make a change in a precinct  
27 boundary [or polling place] only in accordance with regulations adopted by the State Board.

28 3-101.

29 (b) The statewide voter registration list shall:

30 (1) be the official voter registration list for the State;

31 (2) contain the name and other information for every legally registered  
32 voter in the State;

33 (3) allow each local board to obtain immediate electronic access to the  
34 information contained in the list;

1 (4) be coordinated with other agency databases in the State; **AND**

2 [(5) be used to produce precinct registers for use in polling places on election  
3 day; and]

4 [(6)] (5) include voting history information on a current basis for a period  
5 covering at least the 5 preceding years.

6 3–303.

7 (a) Notification of a change of party affiliation or a change to or from a decline  
8 may be made:

9 (1) by information provided on a voter registration application by the same  
10 methods provided for registration under Subtitle 2 of this title;

11 (2) by written notice, signed by the voter and sent by mail or otherwise  
12 delivered to the local board in the county where the voter's current voter registration  
13 address is located or to which the voter has moved;

14 (3) by making application in person at the office of the local board in the  
15 county where the voter's current voter registration address is located or to which the voter  
16 has moved; **OR**

17 [(4) by information on a voter authority card or other appropriate form filled  
18 out in a polling place; or]

19 [(5)] (4) by changing a name or address with the Motor Vehicle  
20 Administration.

21 3–304.

22 (a) (1) Notification of a change of address or of a change of name may be made:

23 (i) by information provided on a voter registration application by the  
24 same methods provided for registration pursuant to Subtitle 2 of this title;

25 (ii) by written notice, signed by the voter and sent by mail or  
26 otherwise delivered to the local board in the county where the voter's current voter  
27 registration address is located or to which the voter has moved;

28 (iii) by making application in person at the office of the local board in  
29 the county where the voter's current voter registration address is located or to which the  
30 voter has moved; **OR**

1 [(iv) by information on a voter authority card or other appropriate  
2 form filled out in a polling place; or]

3 [(v)] (IV) by changing a name or address with the Motor Vehicle  
4 Administration.

5 5–303.

6 (c) The certificate of candidacy for the election of a write-in candidate shall be  
7 filed by the earlier of:

8 (1) 7 days after a total expenditure of at least \$51 is made to promote the  
9 candidacy by a campaign finance entity of the candidate; or

10 (2) 5 p.m. on the 7th day preceding [the start of early voting] **BALLOTS**  
11 **BEING MAILED** for which the certificate is filed.

12 7–105.

13 (a) A local board shall provide notice of each question to be submitted statewide  
14 and each question to be submitted to the voters of the county, by[:

15 (1) specimen ballot mailed at least 1 week before any early voting period  
16 before the general election; or

17 (2)] publication or dissemination by mass communication during the 3  
18 weeks immediately preceding the general election at which a question will appear on the  
19 ballot.

20 (d) (2) Copies of the complete text of all statewide questions shall be furnished  
21 by the State Board to the local boards in quantities as determined by the State Board,  
22 including quantities sufficient to provide one copy of each for posting in each [polling place]  
23 **BALLOT RETURN LOCATION** and in each local board office.

24 8–102.

25 (a) Except as required under subsection (d) of this section, a local board shall  
26 provide notice of each election in its county to the registered voters of the county by either[:

27 (1) specimen ballot mailed at least 1 week before the first day of any early  
28 voting period before the election; or

29 (2)] publication or dissemination by mass communication during the  
30 calendar week preceding the election.

31 **SUBTITLE 1. ELECTIONS BY MAIL.**

1 **9-101.**

2 (A) ALL ELECTIONS SHALL BE CONDUCTED BY MAIL.

3 (B) THE STATE BOARD, IN CONSULTATION WITH THE LOCAL BOARDS,  
4 SHALL SELECT A VOTING SYSTEM FOR TABULATING BALLOTS AND VOTES CAST IN AN  
5 ELECTION BY MAIL.

6 (C) (1) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT  
7 THIS SUBTITLE.

8 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS  
9 SUBSECTION SHALL:

10 (I) SPECIFY THE DATES AND TIMES THAT THE LOCATIONS  
11 WHERE A VOTER MAY DEPOSIT A BALLOT UNDER § 9-103 OF THIS SUBTITLE ARE TO  
12 BE OPEN;

13 (II) PROVIDE SECURITY REQUIREMENTS FOR THE LOCATIONS  
14 WHERE A VOTER MAY DEPOSIT A BALLOT UNDER § 9-103 OF THIS SUBTITLE;

15 (III) REQUIRE THAT THE LOCATIONS WHERE A VOTER MAY  
16 DEPOSIT A BALLOT UNDER § 9-103 OF THIS SUBTITLE BE OPEN ON THE DAY OF THE  
17 ELECTION A MINIMUM OF 8 HOURS AND UNTIL AT LEAST 8 P.M.; AND

18 (IV) PROVIDE FOR THE PROCEDURES TO BE FOLLOWED IN  
19 SELECTING AND USING THE VOTING SYSTEM SELECTED UNDER SUBSECTION (B) OF  
20 THIS SECTION.

21 **9-102.**

22 (A) EACH LOCAL BOARD SHALL SEND, BY NONFORWARDABLE MAIL, A  
23 BALLOT TO EACH VOTER WHO WAS REGISTERED TO VOTE AS OF THE 21ST DAY  
24 BEFORE THE DAY OF THE ELECTION.

25 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
26 BALLOTS SHALL BE MAILED:

27 (I) NOT EARLIER THAN THE 18TH DAY BEFORE THE DAY OF THE  
28 ELECTION; AND

29 (II) NOT LATER THAN THE 14TH DAY BEFORE THE DAY OF THE

1 ELECTION.

2 (2) IF A LOCAL BOARD DETERMINES THAT A VOTER DOES NOT  
3 RECEIVE DAILY MAIL SERVICE FROM THE UNITED STATES POSTAL SERVICE, A  
4 BALLOT SHALL BE MAILED TO THE VOTER:

5 (I) NOT EARLIER THAN THE 20TH DAY BEFORE THE DAY OF THE  
6 ELECTION; AND

7 (II) NOT LATER THAN THE 18TH DAY BEFORE THE DAY OF THE  
8 ELECTION.

9 (C) (1) IF A VOTER UPDATES THE VOTER'S REGISTRATION AFTER THE  
10 21ST DAY BEFORE THE DAY OF THE ELECTION, THE VOTER MAY REQUEST THAT THE  
11 LOCAL BOARD PROVIDE A BALLOT TO THE VOTER.

12 (2) IF A VOTER REQUESTS A BALLOT UNDER PARAGRAPH (1) OF THIS  
13 SUBSECTION, THE LOCAL BOARD SHALL MAKE A BALLOT, RETURN IDENTIFICATION  
14 ENVELOPE, AND SECRECY ENVELOPE AVAILABLE TO THE VOTER:

15 (I) BY MAIL;

16 (II) AT THE OFFICE OF THE LOCAL BOARD; OR

17 (III) AT ANOTHER LOCATION DESIGNATED BY THE LOCAL  
18 BOARD.

19 9-103.

20 (A) TO VOTE A BALLOT, A VOTER SHALL:

21 (1) MARK THE BALLOT;

22 (2) SIGN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH  
23 THE BALLOT; AND

24 (3) COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT.

25 (B) (1) A VOTER MAY RETURN THE MARKED BALLOT TO THE LOCAL  
26 BOARD BY:

27 (I) UNITED STATES MAIL;



1                   (II) DEPOSITING THE BALLOT AT THE OFFICE OF THE LOCAL  
2 BOARD; OR

3                   (III) DEPOSITING THE BALLOT AT A LOCATION DESIGNATED BY  
4 THE LOCAL BOARD.

5                   (2) A BALLOT MUST BE RETURNED IN THE RETURN IDENTIFICATION  
6 ENVELOPE.

7                   (3) IF A VOTER RETURNS THE BALLOT BY MAIL, THE VOTER SHALL  
8 PAY THE POSTAGE.

9                   (4) AT EACH LOCATION AT WHICH A BALLOT MAY BE RETURNED, THE  
10 LOCAL BOARD SHALL:

11                   (I) PROMINENTLY DISPLAY A SIGN STATING THAT THE  
12 LOCATION IS AN OFFICIAL BALLOT DROP SITE; AND

13                   (II) PROVIDE AT LEAST THREE SUITABLE SURFACES AT WHICH  
14 A VOTER MAY MARK THE VOTER'S BALLOT IN SECRECY.

15                   (C) A BALLOT MUST BE RECEIVED BY THE LOCAL BOARD OR DEPOSITED AT  
16 A LOCATION SPECIFIED IN SUBSECTION (B)(1)(II) OR (III) OF THIS SECTION BY THE  
17 DEADLINE ESTABLISHED BY THE STATE ADMINISTRATOR IN REGULATION.

18 **9-104.**

19                   (A) AN INDIVIDUAL MAY REQUEST A REPLACEMENT BALLOT IF:

20                   (1) A BALLOT WAS MAILED TO THE INDIVIDUAL UNDER § 9-102 OF  
21 THIS SUBTITLE, BUT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT  
22 RECEIVED BY THE VOTER; OR

23                   (2) A BALLOT WAS NOT MAILED TO THE INDIVIDUAL BECAUSE THE  
24 INDIVIDUAL DOES NOT APPEAR IN THE ELECTION REGISTRY.

25                   (B) IF THE LOCAL BOARD RECEIVES A REQUEST FOR A REPLACEMENT  
26 BALLOT UNDER SUBSECTION (A) OF THIS SECTION, THE LOCAL BOARD SHALL:

27                   (1) VERIFY THE REGISTRATION OF THE VOTER;

28                   (2) VERIFY THAT A BALLOT HAS NOT BEEN RETURNED BY THE VOTER;

1           **(3) NOTE IN THE ELECTION REGISTRY THAT THE VOTER HAS**  
2 **REQUESTED A REPLACEMENT BALLOT;**

3           **(4) MARK THE RETURN IDENTIFICATION ENVELOPE CLEARLY TO**  
4 **IDENTIFY THE BALLOT AS A REPLACEMENT BALLOT; AND**

5           **(5) ISSUE THE REPLACEMENT BALLOT AND A REPLACEMENT BALLOT**  
6 **REQUEST FORM.**

7           **(C) (1) A REPLACEMENT BALLOT MAY BE:**

8                   **(I) MAILED;**

9                   **(II) MADE AVAILABLE AT THE LOCAL BOARD; OR**

10                   **(III) MADE AVAILABLE AT ONE CENTRAL LOCATION THAT:**

11                           **1. IS IN THE ELECTORAL DISTRICT IN WHICH THE**  
12 **ELECTION IS CONDUCTED; AND**

13                           **2. IS DESIGNATED BY THE LOCAL BOARD.**

14           **(2) A LOCAL BOARD MAY NOT BE REQUIRED TO MAIL A REPLACEMENT**  
15 **BALLOT IF THE REQUEST FOR THE REPLACEMENT BALLOT WAS MADE LATER THAN**  
16 **5 DAYS BEFORE THE DAY OF THE ELECTION.**

17           **(D) TO VOTE A REPLACEMENT BALLOT, THE VOTER SHALL COMPLETE, SIGN,**  
18 **AND DEPOSIT A REPLACEMENT BALLOT REQUEST FORM WITH THE REPLACEMENT**  
19 **BALLOT AT A LOCATION AT WHICH BALLOTS MAY BE DEPOSITED UNDER § 9-103 OF**  
20 **THIS SUBTITLE.**

21 **9-105.**

22           **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A BALLOT**  
23 **SHALL BE COUNTED ONLY IF:**

24                   **(I) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION**  
25 **ENVELOPE;**

26                   **(II) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE**  
27 **VOTER TO WHOM THE BALLOT WAS ISSUED; AND**

28                   **(III) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION**

1 (B) OF THIS SECTION.

2 (2) A REPLACEMENT BALLOT MAY NOT BE COUNTED UNLESS THE  
3 REPLACEMENT BALLOT REQUEST FORM THAT WAS DEPOSITED WITH THE BALLOT IS  
4 COMPLETE AND SIGNED BY THE VOTER.

5 (B) THE LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER ON THE  
6 RETURN IDENTIFICATION ENVELOPE BY COMPARING THE SIGNATURE WITH THE  
7 SIGNATURE ON THE VOTER'S REGISTRATION CARD IN ACCORDANCE WITH  
8 REGULATIONS ADOPTED BY THE STATE BOARD.

9 (C) IF THE LOCAL BOARD DETERMINES THAT A VOTER TO WHOM A  
10 REPLACEMENT BALLOT HAS BEEN ISSUED HAS VOTED MORE THAN ONCE, THE  
11 LOCAL BOARD SHALL COUNT ONLY ONE BALLOT CAST BY THE VOTER.

12 9-106.

13 A VOTER WHO IS AT A LOCATION AT WHICH A BALLOT MAY BE DEPOSITED  
14 UNDER § 9-103 OF THIS SUBTITLE BY 8 P.M. ON THE DAY OF THE ELECTION SHALL  
15 BE ALLOWED TO DEPOSIT THE BALLOT.

16 9-107.

17 (A) (1) IN THIS SUBSECTION, "EMERGENCY" MEANS A HUMAN-CREATED  
18 OR NATURAL EVENT OR CIRCUMSTANCE THAT CAUSES OR THREATENS WIDESPREAD  
19 LOSS OF LIFE, INJURY TO INDIVIDUALS, DAMAGE TO PROPERTY, HUMAN SUFFERING,  
20 OR FINANCIAL LOSS.

21 (2) THE STATE ADMINISTRATOR MAY SUBMIT A WRITTEN REQUEST  
22 TO THE GOVERNOR TO EXTEND THE DEADLINE FOR RETURNING BALLOTS IF THE  
23 STATE ADMINISTRATOR, AFTER CONSULTING THE LOCAL BOARD, DETERMINES  
24 THAT IT WOULD BE IMPOSSIBLE OR IMPRACTICABLE FOR VOTERS TO RETURN  
25 BALLOTS OR FOR ELECTION OFFICIALS TO TABULATE BALLOTS DUE TO AN  
26 EMERGENCY.

27 (B) (1) IF THE GOVERNOR RECEIVES A WRITTEN REQUEST UNDER  
28 SUBSECTION (A) OF THIS SECTION, SUBJECT TO PARAGRAPH (3) OF THIS  
29 SUBSECTION, THE GOVERNOR MAY ISSUE A WRITTEN PROCLAMATION TO EXTEND  
30 THE DEADLINE.

31 (2) IF THE GOVERNOR ISSUES A WRITTEN PROCLAMATION UNDER  
32 PARAGRAPH (1) OF THIS SUBSECTION, THE WRITTEN PROCLAMATION SHALL  
33 INCLUDE:

1                   **(I) THE DETERMINATION OF THE GOVERNOR;**

2                   **(II) THE REASON THE DEADLINE FOR RETURNING BALLOTS IS**  
3 **BEING EXTENDED; AND**

4                   **(III) THE DATE AND TIME BY WHICH BALLOTS MUST BE**  
5 **RETURNED IN THE ELECTION.**

6                   **(3) THE GOVERNOR MAY NOT EXTEND THE DEADLINE FOR**  
7 **RETURNING BALLOTS FOR MORE THAN 7 CALENDAR DAYS AFTER THE DATE OF THE**  
8 **ELECTION.**

9                   **(C) IF THE GOVERNOR EXTENDS THE DEADLINE UNDER SUBSECTION (B) OF**  
10 **THIS SECTION, A LOCAL BOARD MAY NOT ORDER A TABULATION OF VOTES UNTIL**  
11 **THE DATE AND TIME SET BY THE GOVERNOR BY WHICH BALLOTS MUST BE**  
12 **RETURNED.**

13 9–205.

14           Each ballot shall contain:

15                   (1) a heading as provided in § 9–206(a) of this subtitle;

16                   (2) a statement of each question that has met all of the qualifications to  
17 appear on the ballot;

18                   (3) the title of each office to be voted on;

19                   (4) the name, as specified in the certificate of candidacy, or as otherwise  
20 provided in Title 5 of this article, of each candidate who has been certified by the State  
21 Board;

22                   (5) a party designation for certain candidates as provided in this subtitle;

23                   (6) a means by which a voter may cast write-in votes, as provided in this  
24 subtitle; [and]

25                   (7) instructions to voters as provided in this subtitle; **AND**

26                   **(8) THE FOLLOWING WARNING:**

27                   **“ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY**  
28 **INFLUENCES A VOTER TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM**  
29 **VOTING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE,**

1 IMPRISONMENT, OR BOTH.”.

2 9–213.

3 The content of [both] an absentee ballot [and a provisional ballot] issued to a voter  
4 shall be identical to the MAIL ballot [used in the polling place of the voter’s residence].

5 9–308.1.

6 (c) (1) Except as provided in paragraph (2) of this subsection, the State Board  
7 shall certify that an online ballot marking tool satisfies all of the certification requirements  
8 under § [9–102(d)] **9–101** of this title before approving an online ballot marking tool for  
9 use by voters.

10 (2) An online ballot marking tool is not required to satisfy the requirements  
11 of[:

12 (i) § [9–102(d)(2)] **9–101** of this title if the U.S. Election Assistance  
13 Commission has not approved specific performance and test standards for online ballot  
14 marking tools[; or

15 (ii) § 9–102(d)(1)(iii) of this title].

16 11–101.

17 (c) (1) “Canvass” means the entire process of vote tallying, vote tabulation,  
18 and vote verification or audit, culminating in the production and certification of the official  
19 election results.

20 (2) For absentee ballots, the “canvass” includes the opening of any envelope  
21 accompanying an absentee ballot and the assembly and review of absentee ballots in  
22 preparation for vote tallying.

23 [(3) For provisional ballots, the “canvass” includes the review of the  
24 provisional ballot applications described in § 11–303 of this title and the assembly and  
25 review of provisional ballots in preparation for vote tallying.

26 (4) For votes cast during early voting, the “canvass” includes the tabulation  
27 of votes cast during early voting.]

28 [(5)] **(3)** For votes cast [in a special election conducted] by mail [under  
29 Title 9, Subtitle 5 of this article], the “canvass” includes:

30 (i) the opening of any envelope accompanying a vote–by–mail ballot  
31 and the assembly and review of vote–by–mail ballots in preparation for vote tabulation;  
32 and

1 (ii) the tabulation of vote-by-mail ballots.

2 11-202.

3 (a) (1) Each qualified voter present at the [polls] **BALLOT RETURN**  
4 **LOCATION** at 8 p.m. on election day shall be allowed to vote before the [election judges  
5 commence their duties under this section] **BALLOT RETURN LOCATION CLOSES**.

6 (2) In accordance with the provisions of this article and regulations  
7 adopted by the State Board, after the last voter has voted in an election, the [election  
8 judges] **LOCAL BOARDS** shall [follow the instructions issued by the election director]  
9 **ARRANGE** for closing the [polls] **BALLOT RETURN LOCATIONS** and for performing the  
10 tasks required in the postclosing period.

11 (b) In accordance with this section, the [election judges] **LOCAL BOARDS** shall  
12 **ARRANGE TO:**

13 (1) secure the voting system to prevent further voting;

14 (2) if appropriate to the voting system, record the vote, produce vote totals  
15 for the polling place, and announce results to those present;

16 (3) complete all documents, records, and reports required by law or  
17 regulation after the closing of the [polls] **BALLOT RETURN LOCATIONS**;

18 [(4) perform any other tasks assigned by the election director;]

19 [(5)] (4) assemble and account for materials to be [returned to the local  
20 board] **RETAINED**, including, if applicable for the voting system used in that election:

21 (i) removable data storage devices from voting equipment;

22 (ii) voted ballots;

23 (iii) precinct registers;

24 (iv) voting authority cards;

25 (v) signs and posters;

26 (vi) records, reports, logs, affidavits, certificates, and other  
27 documents;

28 (vii) keys to voting devices; **AND**

1 (viii) poll books; [and

2 (ix) any other materials specified by the election director;]

3 [(6)] (5) assure that equipment and materials left in the [polling place]  
4 **BALLOT RETURN LOCATION** for retrieval at a later time are stored in a secure manner;  
5 and

6 [(7)] (6) [deliver] **RETRIEVE** materials and equipment [to the local  
7 board] and [obtain] **PRODUCE** receipts from the board certifying the delivery of the items.

8 (c) [Judges] **BALLOT RETURN LOCATION WORKERS** may be observed, while  
9 performing their duties under this section, until they have finished their work and leave  
10 the premises by:

11 [(1)] authorized challengers, watchers, and observers in accordance with §  
12 10–311 of this article;]

13 [(2)] (1) any candidate; and

14 [(3)] (2) any other person lawfully present.

15 11–307.

16 (a) If a board of canvassers determines that there appears to be an error in the  
17 documents or records produced [at the polling place] **IN CONNECTION WITH CANVASSING**  
18 following an election, then it immediately shall investigate the matter to ascertain whether  
19 the records or documents are correct.

20 13–245.

21 (a) In this section, “walk-around services” means the following activities if  
22 performed for money [while the polls are open] **AFTER BALLOTS HAVE BEEN MAILED:**

23 (1) distributing campaign material;

24 (2) stationing a person, including oneself, or an object in the path of a voter;

25 (3) electioneering or canvassing as described in § 16–206 of this article;

26 (4) **PAYING FOR THE POSTAGE TO MAIL A BALLOT;**

27 [(4)] (5) communicating in any other manner a voting preference or  
28 choice; or

29 [(5)] (6) performing any other service as a [poll] **BALLOT RETURN**

1 LOCATION worker or distributor of sample ballots.

2 (b) This section does not apply to:

3 (5) the cost of telephoning voters or transporting voters to and from  
4 [polling places] **BALLOT RETURN LOCATIONS.**

5 16–201.

6 (a) A person may not willfully and knowingly:

7 (6) influence or attempt to influence a voter’s decision whether to [go to the  
8 polls to] cast a vote through the use of force, fraud, threat, menace, intimidation, bribery,  
9 reward, or offer of reward; or

10 16–205.

11 (a) (2) A person may not interfere with an individual lawfully present at [a  
12 polling place or at] the canvass of votes.

13 16–206.

14 (a) A person may not:

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

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

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

21 [(4)] (3) induce or attempt to induce a voter to mark the voter’s ballot in  
22 a certain way;

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

25 [(6)] (4) destroy or deface a ballot; **OR**

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

28 [(8)] (5) delay the delivery of a ballot[;



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

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

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

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

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

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

19 [(c) (B) A person who violates this section is guilty of a misdemeanor and is  
20 subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than  
21 60 days or both.

22 16-601.

23 (a) An [election judge or other] election official may not willfully and knowingly:

24 (1) Make, sign, publish, or deliver a false certificate or statement of the  
25 result of the election or any other false report of any kind; or

26 (2) Deface, destroy, or conceal any statement, tally, certificate, or other  
27 document entrusted to the official’s care and custody.

28 16-1001.

29 (b) A person who is convicted of any criminal violation of this article shall be  
30 disqualified permanently from serving as [an election judge,] A board member[,] or AN  
31 employee of a board.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 January 1, 2019.