

HOUSE BILL 382

G1

9lr0848

By: **Delegate Washington**

Introduced and read first time: January 30, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee and Provisional Ballots – Status Information**

3 FOR the purpose of requiring that certain guidelines for absentee voting and provisional
4 voting provide for voter access to information concerning the status of the voter's
5 absentee ballot or provisional ballot; requiring the State Board of Elections to allow
6 a voter to access certain information concerning the status of the voter's absentee
7 ballot or provisional ballot; authorizing a voter to access the information concerning
8 the status of the voter's absentee or provisional ballot in a certain manner;
9 authorizing a voter to request to receive a postcard, an e-mail message, or a text
10 message concerning the status of the voter's absentee or provisional ballot in a
11 certain manner; requiring the State Board to provide updated information
12 concerning the status of a voter's absentee ballot or provisional ballot in a timely
13 manner; requiring the State Board to ensure the security, confidentiality, and
14 integrity of certain information; requiring that access to information about an
15 individual absentee ballot be restricted to the individual who requests or casts the
16 ballot; requiring that access to information about an individual provisional ballot be
17 restricted to the individual who cast the ballot; repealing certain provisions of law
18 relating to a certain free access system for certain information concerning provisional
19 ballots; making a conforming change; and generally relating to providing voters with
20 information concerning the status of their absentee or provisional ballot.

21 BY repealing and reenacting, with amendments,
22 Article – Election Law
23 Section 9–303, 9–403, and 9–405
24 Annotated Code of Maryland
25 (2017 Replacement Volume and 2018 Supplement)

26 BY adding to
27 Article – Election Law
28 Section 9–311.1 and 9–407.1
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2017 Replacement Volume and 2018 Supplement)

2 BY repealing

3 Article – Election Law

4 Section 11–303(f)

5 Annotated Code of Maryland

6 (2017 Replacement Volume and 2018 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

8 That the Laws of Maryland read as follows:

9 **Article – Election Law**

10 9–303.

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

13 (b) The guidelines shall provide for:

14 (1) the application process;

15 (2) late application for absentee ballots;

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

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

19 (5) the canvass process;

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

22 (7) observers of the process;

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

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

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

27 **AND**

28 **(11) VOTER ACCESS TO INFORMATION CONCERNING THE STATUS OF**
29 **THE VOTER’S ABSENTEE BALLOT.**

1 (c) The State Board shall:

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

4 (2) revise the guidelines if indicated.

5 **9-311.1.**

6 (A) **THE STATE BOARD SHALL ALLOW A VOTER TO ACCESS THE FOLLOWING**
7 **INFORMATION CONCERNING THE STATUS OF THE VOTER'S ABSENTEE BALLOT:**

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

10 (2) **THE DATE AND TIME WHEN THE LOCAL BOARD SENT A BLANK**
11 **ABSENTEE BALLOT TO THE VOTER;**

12 (3) **THE DATE AND TIME WHEN THE VOTER'S COMPLETED ABSENTEE**
13 **BALLOT WAS RECEIVED BY THE LOCAL BOARD;**

14 (4) **WHETHER THE VOTER'S ABSENTEE BALLOT WAS COUNTED; AND**

15 (5) **IF THE VOTER'S ABSENTEE BALLOT WAS NOT COUNTED, THE**
16 **REASON THE BALLOT WAS NOT COUNTED.**

17 (B) **A VOTER MAY ACCESS THE INFORMATION CONCERNING THE STATUS OF**
18 **THE VOTER'S ABSENTEE BALLOT:**

19 (1) **THROUGH THE STATE BOARD'S WEBSITE; OR**

20 (2) **IF REQUESTED, BY RECEIVING A POSTCARD, E-MAIL MESSAGE, OR**
21 **TEXT MESSAGE FROM THE STATE BOARD.**

22 (C) **A VOTER MAY REQUEST TO RECEIVE A POSTCARD, AN E-MAIL MESSAGE,**
23 **OR A TEXT MESSAGE CONCERNING THE STATUS OF THE VOTER'S ABSENTEE BALLOT**
24 **ON THE VOTER'S ABSENTEE BALLOT APPLICATION.**

25 (D) **THE STATE BOARD SHALL PROVIDE UPDATED INFORMATION**
26 **CONCERNING THE STATUS OF A VOTER'S ABSENTEE BALLOT IN A TIMELY MANNER.**

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

4 **(2) ACCESS TO INFORMATION ABOUT AN INDIVIDUAL ABSENTEE**
5 **BALLOT SHALL BE RESTRICTED TO THE INDIVIDUAL WHO REQUESTS OR CASTS THE**
6 **BALLOT.**

7 9–403.

8 (a) The State Board shall establish guidelines for the administration of
9 provisional ballot voting by the local boards.

10 (b) The guidelines shall provide for:

11 (1) the provisional ballot application process;

12 (2) ballot security, including storage of returned ballots;

13 (3) the canvass process;

14 (4) notice of the canvass to candidates, political parties, campaign
15 organizations, news media, and the general public;

16 (5) observers of the process;

17 (6) review of ballots and envelopes submitted for compliance with the law
18 and for machine tabulation acceptability;

19 (7) standards for disallowance of ballots during the canvass;

20 (8) storage and retention of ballots following canvass and certification; and

21 (9) [the free access system required under § 11–303(f) of this article]
22 **VOTER ACCESS TO INFORMATION CONCERNING THE STATUS OF THE VOTER’S**
23 **PROVISIONAL BALLOT.**

24 (c) The State Board shall:

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

27 (2) revise the guidelines if indicated.

28 9–405.

1 Before an individual casts a provisional ballot:

2 (1) the individual shall complete and sign the provisional ballot application
3 prescribed by the State Board; and

4 (2) the election official issuing the ballot shall give the individual written
5 information advising the individual [that, and describing how, the individual will be able
6 to ascertain whether the vote was counted and, if it was not counted, the reason it was not]
7 **HOW TO ACCESS INFORMATION CONCERNING THE STATUS OF THE VOTER'S
8 PROVISIONAL BALLOT AS PROVIDED IN § 9-407.1 OF THIS SUBTITLE.**

9 **9-407.1.**

10 **(A) THE STATE BOARD SHALL ALLOW A VOTER TO ACCESS THE FOLLOWING
11 INFORMATION CONCERNING THE STATUS OF THE VOTER'S PROVISIONAL BALLOT:**

12 **(1) WHETHER THE VOTER'S PROVISIONAL BALLOT WAS COUNTED;
13 AND**

14 **(2) IF THE VOTER'S PROVISIONAL BALLOT WAS NOT COUNTED, THE
15 REASON THE BALLOT WAS NOT COUNTED.**

16 **(B) A VOTER MAY ACCESS THE INFORMATION CONCERNING THE STATUS OF
17 THE VOTER'S PROVISIONAL BALLOT:**

18 **(1) THROUGH THE STATE BOARD'S WEBSITE; OR**

19 **(2) IF REQUESTED, BY RECEIVING A POSTCARD, AN E-MAIL MESSAGE,
20 OR A TEXT MESSAGE FROM THE STATE BOARD.**

21 **(C) A VOTER MAY REQUEST TO RECEIVE A POSTCARD, AN E-MAIL MESSAGE,
22 OR A TEXT MESSAGE CONCERNING THE STATUS OF THE VOTER'S ABSENTEE BALLOT
23 ON THE VOTER'S PROVISIONAL BALLOT APPLICATION.**

24 **(D) THE STATE BOARD SHALL PROVIDE UPDATED INFORMATION
25 CONCERNING THE STATUS OF A VOTER'S PROVISIONAL BALLOT IN A TIMELY
26 MANNER.**

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

30 **(2) ACCESS TO INFORMATION ABOUT AN INDIVIDUAL PROVISIONAL
31 BALLOT SHALL BE RESTRICTED TO THE INDIVIDUAL WHO CAST THE BALLOT.**

1 11-303.

2 [(f) (1) The State Board shall ensure the establishment of a system that any
3 individual who casts a provisional ballot may access without cost to discover whether the
4 ballot was counted and, if not counted, the reason it was not.

5 (2) The system established under paragraph (1) of this subsection shall
6 ensure the confidentiality of the individual who accesses the system and the secrecy of each
7 ballot.]

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2019.