

SENATE BILL 363

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9lr0838
CF 9lr1773

By: **Senators Lam, Eckardt, Elfreth, Ferguson, Guzzone, Lee, Nathan-Pulliam, Peters, Smith, Waldstreicher, and Washington**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting Systems – Accessibility for Voters With Disabilities**

3 FOR the purpose of requiring each voter to use a ballot marking device that is accessible to
4 voters with disabilities to vote at early voting centers and election day polling places
5 to ensure that access is provided to voters with disabilities in accordance with a
6 certain provision of law; prohibiting certain ballots from being set apart or
7 distinguishable, in size and form, to ensure that access is provided to voters with
8 disabilities in accordance with a certain provision of law; providing for the
9 application of this Act; and generally relating to voting systems and accessibility for
10 voters with disabilities.

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 9–102(f)
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 9–102(g)
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2018 Supplement)

21 Preamble

22 WHEREAS, Prior to the 2016 election, all Maryland voters used the same method to
23 mark their ballots. During the 2016 and 2018 elections, ballots cast by voters with
24 disabilities were easily distinguished from the hand marked ballots cast by the majority of
25 voters resulting in a loss of privacy and secrecy. It is the policy of this State to ensure all
26 voters are able to cast a secret ballot; now, therefore,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 9–102.

5 (f) A voting system selected, certified, and implemented under this section shall:

6 (1) provide access to voters with disabilities that is equivalent to access
7 afforded voters without disabilities without creating a segregated ballot for voters with
8 disabilities;

9 (2) ensure the independent, private casting, inspection, verification, and
10 correction of secret ballots by voters with disabilities in an accessible media by both visual
11 and nonvisual means, including synchronized audio output and enhanced visual display;
12 and

13 (3) comply with both the Americans with Disabilities Act, P.L. 101–336,
14 and the Help America Vote Act, P.L. 107–252, including accessibility standards adopted as
15 part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

16 (g) [(1) At least one voting system in each polling place on election day shall
17 provide access for voters with disabilities in compliance with subsection (f) of this section.]

18 **(1) TO ENSURE THAT ACCESS IS PROVIDED TO VOTERS WITH**
19 **DISABILITIES IN ACCORDANCE WITH SUBSECTION (F)(1) OF THIS SECTION:**

20 **(I) EACH VOTER SHALL USE A BALLOT MARKING DEVICE THAT**
21 **IS ACCESSIBLE TO VOTERS WITH DISABILITIES TO VOTE AT AN EARLY VOTING**
22 **CENTER OR AN ELECTION DAY POLLING PLACE; AND**

23 **(II) A BALLOT CAST BY A VOTER WITH A DISABILITY MAY NOT BE**
24 **SET APART OR DISTINGUISHABLE, IN SIZE AND FORM, FROM A BALLOT CAST BY A**
25 **VOTER WITHOUT A DISABILITY.**

26 (2) The State Board shall ensure that adequate backup equipment is
27 available and contingency plans are established to ensure compliance with paragraph (1)
28 of this subsection.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
30 elections beginning with the statewide primary election held under § 8–201 of the Election
31 Law Article in 2022.

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

1 October 1, 2019.