

HOUSE BILL 274

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(PRE-FILED)

By: **Delegate Cardin**

Requested: September 17, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Elections by Mail**

3 FOR the purpose of requiring each local board of elections to send a vote-by-mail ballot by
4 mail to each individual who is registered to vote as of a certain day before the day of
5 each election; requiring the vote-by-mail ballots to be mailed at a certain time;
6 requiring a voter who receives a vote-by-mail ballot and who decides to vote in
7 person to discard the vote-by-mail ballot; authorizing a voter who discards a
8 vote-by-mail ballot under a certain provision of this Act to vote by certain other
9 methods; requiring a voter to take certain actions to vote a vote-by-mail ballot;
10 requiring that instructions provided with each vote-by-mail ballot include a certain
11 warning; authorizing a voter to return a marked vote-by-mail ballot to a local board
12 by certain methods; requiring that a vote-by-mail ballot be returned in a certain
13 envelope; requiring that each polling place and early voting center serve as a location
14 for the return of vote-by-mail ballots; authorizing a local board to designate
15 additional locations for the return of vote-by-mail ballots; requiring the State Board
16 of Elections to adopt certain regulations; requiring the local board to display a certain
17 sign at each vote-by-mail ballot return location; requiring that a vote-by-mail ballot
18 be received by a local board or deposited at a certain location by a certain deadline;
19 requiring that a voter who is at a certain location by a certain time be allowed to
20 deposit the vote-by-mail ballot; authorizing an individual to request a replacement
21 vote-by-mail ballot under certain circumstances; requiring a local board that
22 receives a request for a replacement vote-by-mail ballot to take certain actions;
23 providing that a replacement vote-by-mail ballot may be mailed, transmitted
24 electronically, or made available at the local board; prohibiting a local board from
25 being required to mail a replacement vote-by-mail ballot under certain
26 circumstances; requiring that a vote-by-mail ballot be counted only under certain
27 circumstances; requiring the local board to verify the signature of a voter on a certain
28 envelope in a certain manner; making a conforming change; repealing certain
29 provisions of law concerning voting by mail in certain special elections that are

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 rendered obsolete by this Act; altering certain definitions; and generally relating to
2 elections by mail.

3 BY repealing

4 Article – Election Law

5 Section 9–501 through 9–507 and the subtitle “Subtitle 5. Voting by Mail in Special
6 Elections”

7 Annotated Code of Maryland

8 (2017 Replacement Volume and 2020 Supplement)

9 BY repealing and reenacting, without amendments,

10 Article – Election Law

11 Section 1–101(a) and 11–101(a)

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Election Law

16 Section 1–101(b) and 11–101(c)

17 Annotated Code of Maryland

18 (2017 Replacement Volume and 2020 Supplement)

19 BY adding to

20 Article – Election Law

21 Section 9–501 through 9–505 to be under the new subtitle “Subtitle 5. Elections by
22 Mail”

23 Annotated Code of Maryland

24 (2017 Replacement Volume and 2020 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That Section(s) 9–501 through 9–507 and the subtitle “Subtitle 5. Voting by Mail in Special
27 Elections” of Article – Election Law of the Annotated Code of Maryland be repealed.

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

30 **Article – Election Law**

31 1–101.

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

34 (b) **(1)** “Absentee ballot” means a ballot not used in a polling place.

35 **(2)** “**ABSENTEE BALLOT**” INCLUDES A VOTE-BY-MAIL BALLOT.

1 “ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY
2 INFLUENCES A VOTER TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM
3 VOTING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE,
4 IMPRISONMENT, OR BOTH.”.

5 (C) (1) A VOTER MAY RETURN A MARKED VOTE-BY-MAIL BALLOT TO A
6 LOCAL BOARD BY:

7 (I) UNITED STATES MAIL;

8 (II) DEPOSITING THE BALLOT AT THE OFFICE OF THE LOCAL
9 BOARD; OR

10 (III) DEPOSITING THE BALLOT AT A LOCATION DESIGNATED BY
11 THE LOCAL BOARD.

12 (2) A VOTE-BY-MAIL BALLOT MUST BE RETURNED IN THE RETURN
13 IDENTIFICATION ENVELOPE.

14 (D) (1) EACH POLLING PLACE AND EARLY VOTING CENTER SHALL SERVE
15 AS A LOCATION FOR THE RETURN OF VOTE-BY-MAIL BALLOTS.

16 (2) A LOCAL BOARD MAY DESIGNATE ADDITIONAL LOCATIONS FOR
17 THE RETURN OF VOTE-BY-MAIL BALLOTS.

18 (3) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:

19 (I) SPECIFY THE DATES AND TIMES THAT THE LOCATIONS
20 WHERE A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT SHALL BE OPEN;

21 (II) PROVIDE SECURITY REQUIREMENTS FOR THE LOCATIONS
22 WHERE A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT; AND

23 (III) REQUIRE THAT THE LOCATIONS WHERE A VOTER MAY
24 RETURN A VOTE-BY-MAIL BALLOT BE OPEN ON THE DAY OF THE ELECTION A
25 MINIMUM OF 13 HOURS AND UNTIL AT LEAST 8 P.M.

26 (4) AT EACH LOCATION AT WHICH A VOTE-BY-MAIL BALLOT MAY BE
27 RETURNED, THE LOCAL BOARD SHALL DISPLAY PROMINENTLY A SIGN STATING
28 THAT THE LOCATION IS AN OFFICIAL VOTE-BY-MAIL BALLOT RETURN SITE.

29 (E) (1) A VOTE-BY-MAIL BALLOT MUST BE RECEIVED BY THE LOCAL

1 BOARD OR DEPOSITED AT A LOCATION SPECIFIED IN SUBSECTION (D) OF THIS
2 SECTION BY THE DEADLINE ESTABLISHED BY THE STATE BOARD BY REGULATION.

3 (2) A VOTER WHO IS AT A LOCATION FOR THE RETURN OF
4 VOTE-BY-MAIL BALLOTS BY 8 P.M. ON THE DAY OF THE ELECTION SHALL BE
5 ALLOWED TO DEPOSIT THE BALLOT.

6 9-503.

7 (A) AN INDIVIDUAL MAY REQUEST A REPLACEMENT VOTE-BY-MAIL BALLOT
8 IF A VOTE-BY-MAIL BALLOT WAS MAILED TO THE INDIVIDUAL UNDER § 9-502 OF
9 THIS SUBTITLE, BUT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT
10 RECEIVED BY THE VOTER.

11 (B) IF THE LOCAL BOARD RECEIVES A REQUEST FOR A REPLACEMENT
12 VOTE-BY-MAIL BALLOT UNDER SUBSECTION (A) OF THIS SECTION, THE LOCAL
13 BOARD SHALL:

14 (1) VERIFY THE REGISTRATION OF THE VOTER;

15 (2) VERIFY THAT A VOTE-BY-MAIL BALLOT HAS NOT BEEN RETURNED
16 BY THE VOTER;

17 (3) NOTE IN THE ELECTION REGISTRY THAT THE VOTER HAS
18 REQUESTED A REPLACEMENT VOTE-BY-MAIL BALLOT;

19 (4) MARK THE RETURN IDENTIFICATION ENVELOPE CLEARLY TO
20 IDENTIFY THE VOTE-BY-MAIL BALLOT AS A REPLACEMENT BALLOT; AND

21 (5) ISSUE THE REPLACEMENT VOTE-BY-MAIL BALLOT.

22 (C) (1) A REPLACEMENT VOTE-BY-MAIL BALLOT MAY BE:

23 (I) MAILED;

24 (II) TRANSMITTED ELECTRONICALLY; OR

25 (III) MADE AVAILABLE AT THE LOCAL BOARD.

26 (2) A LOCAL BOARD MAY NOT BE REQUIRED TO MAIL A REPLACEMENT
27 VOTE-BY-MAIL BALLOT IF THE REQUEST FOR THE REPLACEMENT VOTE-BY-MAIL
28 BALLOT WAS MADE LATER THAN 5 DAYS BEFORE THE DAY OF THE ELECTION.

1 **9-504.**

2 (A) A VOTE-BY-MAIL BALLOT SHALL BE COUNTED ONLY IF:

3 (1) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION
4 ENVELOPE;

5 (2) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE
6 VOTER TO WHOM THE BALLOT WAS ISSUED; AND

7 (3) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION (B) OF
8 THIS SECTION.

9 (B) THE LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER ON THE
10 RETURN IDENTIFICATION ENVELOPE BY COMPARING THE SIGNATURE WITH THE
11 SIGNATURE ON THE VOTER'S REGISTRATION RECORD IN ACCORDANCE WITH
12 REGULATIONS ADOPTED BY THE STATE BOARD.

13 **9-505.**

14 THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
15 SUBTITLE.

16 11-101.

17 (a) In this title the following words have the meanings indicated.

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

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

24 (3) For provisional ballots, the "canvass" includes the review of the
25 provisional ballot applications described in § 11-303 of this title and the assembly and
26 review of provisional ballots in preparation for vote tallying.

27 (4) For votes cast during early voting, the "canvass" includes the tabulation
28 of votes cast during early voting.

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

1 (i) the opening of any envelope accompanying a vote-by-mail ballot
2 and the assembly and review of vote-by-mail ballots in preparation for vote tabulation;
3 and

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2021.