

# HOUSE BILL 1020

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By: **Delegate Williams**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Curbside Voting – Establishment**

3 FOR the purpose of providing that voters are eligible for curbside voting under certain  
4 circumstances; requiring that curbside voting be made available to all registered  
5 voters with disabilities recognized under a certain federal law; requiring each local  
6 board of elections to establish a location outside each polling place for curbside  
7 voting; requiring that a curbside voting location meet certain requirements;  
8 requiring that an eligible voter using curbside voting be observed by a certain  
9 number of certain election judges except under certain circumstances; requiring an  
10 eligible voter seeking to use curbside voting to make a certain request and provide  
11 certain information to an election judge for a certain purpose; requiring an election  
12 judge to give a certain voter a certain ballot or, under certain circumstances, a  
13 certain device; prohibiting a local board from being required to purchase or have a  
14 certain device to comply with the requirements of this Act; requiring an eligible voter  
15 using curbside voting to take certain actions after marking a paper ballot; requiring  
16 certain election judges to maintain a certain record; establishing requirements for  
17 certain handheld voting devices; requiring that the State Board of Elections adopt  
18 certain regulations; defining certain terms; and generally relating to curbside voting.

19 BY adding to

20 Article – Election Law

21 Section 10–316

22 Annotated Code of Maryland

23 (2017 Replacement Volume and 2020 Supplement)

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

25 That the Laws of Maryland read as follows:

26 **Article – Election Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **10-316.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "CURBSIDE VOTING" MEANS THE PROCESS BY WHICH AN  
5 ELIGIBLE VOTER COMPLETES AND CASTS A BALLOT AT A DESIGNATED LOCATION  
6 OUTSIDE A POLLING PLACE UNDER THE OBSERVATION OF ELECTION JUDGES.

7 (3) "HANDHELD VOTING DEVICE" MEANS AN ELECTRONIC VOTING  
8 DEVICE THAT:

9 (I) IS EASILY PORTABLE; AND

10 (II) HAS AN ELECTRONIC COPY OF A BALLOT UPLOADED ON THE  
11 DEVICE.

12 (B) (1) A VOTER IS ELIGIBLE TO REQUEST CURBSIDE VOTING IF THE  
13 INDIVIDUAL IS:

14 (I) DISABLED;

15 (II) PREGNANT; OR

16 (III) AUTHORIZED TO MAKE THE REQUEST BY THE STATE BOARD  
17 IN THE INTEREST OF PUBLIC HEALTH AND SAFETY.

18 (2) CURBSIDE VOTING SHALL BE MADE AVAILABLE TO ALL  
19 REGISTERED VOTERS WITH DISABILITIES RECOGNIZED BY THE FEDERAL  
20 AMERICANS WITH DISABILITIES ACT.

21 (C) (1) EACH LOCAL BOARD SHALL ESTABLISH A LOCATION OUTSIDE  
22 EACH POLLING PLACE FOR CURBSIDE VOTING.

23 (2) THE CURBSIDE VOTING LOCATION SHALL BE:

24 (I) LOCATED WITHIN 150 FEET OF THE POLLING PLACE;

25 (II) IN THE PLAIN VIEW OF THE OBSERVING ELECTION JUDGES;

26 AND

27 (III) EQUIPPED TO:

1                   1.     ALLOW THE ELIGIBLE VOTER TO COMPLETE THE  
2 BALLOT WITHOUT ASSISTANCE, UNLESS ASSISTANCE IS REQUESTED BY THE VOTER;  
3 AND

4                   2.     PRESERVE THE SECRECY OF THE VOTER'S BALLOT  
5 WHILE VOTING.

6           (D)   (1)   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
7 AN ELIGIBLE VOTER USING CURBSIDE VOTING SHALL BE OBSERVED BY TWO  
8 ELECTION JUDGES REPRESENTING DIFFERENT POLITICAL PARTIES.

9                   (2)   IF OBSERVATION OF AN ELIGIBLE VOTER USING CURBSIDE  
10 VOTING BY TWO ELECTION JUDGES WOULD RESULT IN A POLLING PLACE'S  
11 INABILITY TO MEET STAFFING REQUIREMENTS, ONE CHIEF ELECTION JUDGE MAY  
12 OBSERVE AN ELIGIBLE VOTER USING THE CURBSIDE VOTING LOCATION.

13           (E)   (1)   AN ELIGIBLE VOTER SEEKING TO USE CURBSIDE VOTING SHALL:

14                   (I)   REQUEST CURBSIDE VOTING FROM AN ELECTION JUDGE AT  
15 THE POLLING PLACE; AND

16                   (II)   PROVIDE AN ELECTION JUDGE WITH THE INFORMATION  
17 REQUIRED TO CHECK IN THE VOTER THROUGH THE POLLBOOK AT THE POLLING  
18 PLACE.

19                   (2)   AN ELECTION JUDGE SHALL GIVE AN ELIGIBLE VOTER USING  
20 CURBSIDE VOTING:

21                   (I)   A PAPER BALLOT; OR

22                   (II)   SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND IF  
23 AVAILABLE, A HANDHELD VOTING DEVICE.

24                   (3)   A LOCAL BOARD MAY NOT BE REQUIRED TO PURCHASE OR HAVE  
25 A HANDHELD VOTING DEVICE TO COMPLY WITH THE REQUIREMENTS OF THIS  
26 SECTION.

27                   (4)   AFTER MARKING A PAPER BALLOT, THE ELIGIBLE VOTER SHALL  
28 FOLD THE COMPLETED BALLOT AND DEPOSIT THE BALLOT IN THE CONTAINER  
29 PROVIDED BY THE ELECTION JUDGE.

30                   (5)   THE OBSERVING ELECTION JUDGES SHALL MAINTAIN A RECORD  
31 OF EACH USE OF CURBSIDE VOTING AT THE POLLING PLACE.

1           **(F) (1) IF AVAILABLE, A HANDHELD VOTING DEVICE USED IN CURBSIDE**  
2 **VOTING SHALL COMPLY WITH § 9-102(F) OF THIS ARTICLE.**

3           **(2) WHEN NOT IN USE, A HANDHELD VOTING DEVICE SHALL BE**  
4 **STORED IN A DESIGNATED STORAGE AREA AT THE POLLING PLACE THAT IS AT LEAST**  
5 **4 FEET FROM ANY TABLE WHERE AN ELECTION JUDGE IS WORKING OR SEATED.**

6           **(G) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
7 **SECTION.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2021.