

HOUSE BILL 1048

G1

11r2304

By: **Delegate Wilkins**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2021

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Permanent Absentee Ballot List**

3 FOR the purpose of requiring that certain guidelines for absentee voting established by the
4 State Board of Elections provide for a permanent absentee ballot list; providing that
5 all voters are eligible for permanent absentee ballot status; requiring a voter to
6 complete and submit certain information to ~~apply for~~ request permanent absentee
7 ballot status; prohibiting a voter who ~~has applied for~~ requests permanent absentee
8 ballot status from receiving an absentee ballot for the next election if the ~~application~~
9 request is made after a certain deadline; requiring a voter to specify in ~~the~~
10 ~~permanent~~ a certain absentee ballot application one of certain methods by which the
11 voter chooses to receive an absentee ballot and one of certain methods by which the
12 voter chooses to be notified by the State Board under a certain provision of this Act
13 before each election; requiring a voter who uses the online ~~permanent~~ absentee ballot
14 application to request permanent absentee ballot status or uses any method to
15 request to receive a blank absentee ballot through the Internet to provide certain
16 information; requiring that a voter who submits a proper ~~application~~ request for
17 permanent absentee ballot status be placed on the permanent absentee ballot list;
18 requiring the State Board to send a certain written communication to each voter who
19 is on the permanent absentee ballot list as of a certain date in a certain manner at a
20 certain time; requiring that a certain written communication include certain
21 information; requiring the State Board to send a certain written communication
22 using a different method from the method chosen by the voter under certain
23 circumstances; requiring a local board of elections to send an absentee ballot to each
24 voter on the permanent absentee ballot list each time there is an election; requiring
25 that a voter who has permanent absentee ballot status be removed from the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 permanent absentee ballot list under certain circumstances; requiring a voter to
2 notify the ~~State Board~~ local board if certain changes occur while the voter has
3 permanent absentee ballot status; requiring a local board to enclose a certain
4 notification with a certain confirmation notice sent to a voter who has permanent
5 absentee ballot status and gives notice of a change of address; and generally relating
6 to a permanent absentee ballot list.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 9–303
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2020 Supplement)

12 BY adding to
13 Article – Election Law
14 Section 9–311.1
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2020 Supplement)

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

19 **Article – Election Law**

20 9–303.

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

23 (b) The guidelines shall provide for:

24 (1) the application process;

25 (2) late application for absentee ballots;

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

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

29 (5) the canvass process;

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

32 (7) observers of the process;

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

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

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

5 AND

6 **(11) THE PERMANENT ABSENTEE BALLOT LIST.**

7 (c) The State Board shall:

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

10 (2) revise the guidelines if indicated.

11 **9-311.1.**

12 **(A) ALL VOTERS ARE ELIGIBLE FOR PERMANENT ABSENTEE BALLOT**
13 **STATUS.**

14 **(B) TO ~~APPLY FOR~~ REQUEST PERMANENT ABSENTEE BALLOT STATUS, A**
15 **VOTER SHALL COMPLETE AND SUBMIT:**

16 **(1) THE STATE BOARD APPROVED ~~PERMANENT~~ ABSENTEE BALLOT**
17 **APPLICATION AND INDICATE ON THE FORM THAT THE VOTER WISHES TO HAVE**
18 **PERMANENT ABSENTEE BALLOT STATUS;**

19 **(2) A WRITTEN REQUEST THAT INCLUDES THE VOTER'S NAME,**
20 **RESIDENCE ADDRESS, AND SIGNATURE; OR**

21 **(3) THE ONLINE ~~PERMANENT~~ ABSENTEE BALLOT APPLICATION**
22 **PROVIDED BY THE STATE BOARD AND INDICATE ON THE FORM THAT THE VOTER**
23 **WISHES TO HAVE PERMANENT ABSENTEE BALLOT STATUS.**

24 **(C) A VOTER WHO ~~HAS APPLIED FOR~~ REQUESTS PERMANENT ABSENTEE**
25 **BALLOT STATUS MAY NOT RECEIVE AN ABSENTEE BALLOT FOR THE NEXT ELECTION**
26 **IF THE ~~APPLICATION~~ REQUEST IS MADE AFTER THE APPLICABLE DEADLINE**
27 **SPECIFIED IN § 9-305(C) OF THIS SUBTITLE.**

28 **(D) A VOTER SHALL SPECIFY IN ~~THE PERMANENT~~ AN ABSENTEE BALLOT**
29 **APPLICATION SUBMITTED IN ACCORDANCE WITH SUBSECTION ~~(B)(2)~~ (B) OF THIS**
30 **SECTION:**

1 **(1) ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER**
2 **CHOOSES TO RECEIVE AN ABSENTEE BALLOT:**

3 **(I) MAIL;**

4 **(II) FACSIMILE TRANSMISSION; OR**

5 **(III) THE INTERNET; AND**

6 **(2) ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER**
7 **CHOOSES TO BE CONTACTED BY THE STATE BOARD UNDER SUBSECTION (G) OF THIS**
8 **SECTION BEFORE EACH ELECTION:**

9 **(I) NONFORWARDABLE MAIL;**

10 **(II) E-MAIL; OR**

11 **(III) TEXT MESSAGE.**

12 **(E) A VOTER WHO USES THE ONLINE ~~PERMANENT~~ ABSENTEE BALLOT**
13 **APPLICATION TO REQUEST ~~THAT AN ABSENTEE BALLOT BE SENT BY ANY METHOD~~**
14 **PERMANENT ABSENTEE BALLOT STATUS OR WHO USES ANY METHOD TO REQUEST**
15 **TO RECEIVE A BLANK ABSENTEE BALLOT THROUGH THE INTERNET SHALL PROVIDE**
16 **THE INFORMATION REQUIRED UNDER § 9-305(B) OF THIS SUBTITLE.**

17 **(F) A VOTER WHO SUBMITS A PROPER ~~APPLICATION~~ REQUEST FOR**
18 **PERMANENT ABSENTEE BALLOT STATUS SHALL BE PLACED ON THE PERMANENT**
19 **ABSENTEE BALLOT LIST.**

20 **(G) (1) NOT LESS THAN ~~45~~ 75 DAYS BEFORE THE DAY ON WHICH A LOCAL**
21 **BOARD BEGINS TO SEND ABSENTEE BALLOTS TO VOTERS, THE STATE BOARD SHALL**
22 **SEND A WRITTEN COMMUNICATION TO EACH VOTER WHO IS ON THE PERMANENT**
23 **ABSENTEE BALLOT LIST AS OF A DATE THAT IS AT LEAST 90 DAYS BEFORE THE**
24 **UPCOMING ELECTION USING THE METHOD CHOSEN BY THE VOTER UNDER**
25 **SUBSECTION (D)(2) OF THIS SECTION.**

26 **(2) THE COMMUNICATION REQUIRED UNDER PARAGRAPH (1) OF THIS**
27 **SUBSECTION SHALL INCLUDE:**

28 **(I) CONFIRMATION THAT THE VOTER IS INCLUDED ON THE**
29 **PERMANENT ABSENTEE BALLOT LIST;**

30 **(II) THE ADDRESS OF THE VOTER;**

1 (III) THE METHOD BY WHICH THE VOTER HAS CHOSEN TO
2 RECEIVE AN ABSENTEE BALLOT; AND

3 (IV) A STATEMENT THAT THE VOTER MUST NOTIFY THE ~~STATE~~
4 ~~BOARD~~ LOCAL BOARD IF ANY OF THE CHANGES LISTED IN SUBSECTION (J) OF THIS
5 SECTION HAVE OCCURRED.

6 (3) IF THE STATE BOARD IS UNABLE TO CONTACT A VOTER USING THE
7 METHOD OF COMMUNICATION CHOSEN BY THE VOTER UNDER SUBSECTION (D)(2)
8 OF THIS SECTION, THE STATE BOARD SHALL SEND THE WRITTEN COMMUNICATION
9 USING ANOTHER METHOD IF THE STATE BOARD HAS OTHER CONTACT
10 INFORMATION FOR THE VOTER.

11 (H) A LOCAL BOARD SHALL SEND AN ABSENTEE BALLOT TO EACH VOTER ON
12 THE PERMANENT ABSENTEE BALLOT LIST EACH TIME THERE IS AN ELECTION.

13 (I) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL BE
14 REMOVED FROM THE PERMANENT ABSENTEE BALLOT LIST IF:

15 (1) THE VOTER REQUESTS TO BE REMOVED FROM THE LIST;

16 (2) THE VOTER IS REMOVED FROM THE STATEWIDE VOTER
17 REGISTRATION LIST UNDER TITLE 3, SUBTITLE 5 OF THIS ARTICLE;

18 (3) THE VOTER FAILS TO RETURN AN ABSENTEE BALLOT FOR TWO
19 CONSECUTIVE STATEWIDE GENERAL ELECTIONS; OR

20 (4) ANY MAIL SENT TO THE VOTER BY THE STATE BOARD OR A LOCAL
21 BOARD ~~OF ELECTIONS~~ IS RETURNED UNDELIVERABLE.

22 (J) A VOTER SHALL NOTIFY THE ~~STATE BOARD~~ LOCAL BOARD IF ANY OF
23 THE FOLLOWING CHANGES OCCUR WHILE THE VOTER HAS PERMANENT ABSENTEE
24 BALLOT STATUS:

25 (1) THE VOTER NO LONGER WISHES TO HAVE PERMANENT ABSENTEE
26 BALLOT STATUS;

27 (2) THE ADDRESS TO WHICH THE VOTER'S ABSENTEE BALLOT
28 SHOULD BE SENT HAS CHANGED; OR

29 (3) THE VOTER WISHES TO RECEIVE AN ABSENTEE BALLOT BY A
30 DIFFERENT METHOD THAN THE METHOD PREVIOUSLY INDICATED BY THE VOTER.

1 (K) IF A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS GIVES
2 NOTICE OF A CHANGE OF ADDRESS UNDER § 3-304 OF THIS ARTICLE, THE LOCAL
3 BOARD SHALL ENCLOSE WITH THE CONFIRMATION NOTICE SENT TO THE VOTER
4 UNDER § 3-502(B) OF THIS ARTICLE A NOTIFICATION THAT:

5 (1) THE VOTER REMAINS INCLUDED ON THE PERMANENT ABSENTEE
6 BALLOT LIST; AND

7 (2) THE VOTER’S ABSENTEE BALLOT WILL BE SENT TO THE VOTER’S
8 NEW ADDRESS.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.