

HOUSE BILL 641

G1

4lr1290

By: **Delegates Williams and Wilkins**

Introduced and read first time: January 25, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2024

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Curbside Voting**

3 FOR the purpose of requiring each local board of elections to designate certain locations for
4 curbside voting; establishing requirements governing curbside voting, including
5 requirements related to the designation of curbside voting locations and how to vote
6 at a curbside voting location; and generally relating to curbside voting.

7 BY adding to

8 Article – Election Law

9 Section 1–101(p–1) and 10–316

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 9–102(d)(1)

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2023 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 1–101.

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 **(P-1) “CURBSIDE VOTING” MEANS THE PROCESS BY WHICH A VOTER**
 2 **COMPLETES AND CASTS A BALLOT AT AN OUTSIDE LOCATION DESIGNATED UNDER §**
 3 **10-316(D) OF THIS ARTICLE AND UNDER OBSERVATION OF ELECTION JUDGES.**

4 9-102.

5 (d) The State Board may not certify a voting system unless the State Board
 6 determines that:

7 (1) the voting system will:

8 (i) protect the secrecy of the ballot;

9 (ii) protect the security of the voting process;

10 (iii) count and record all votes accurately;

11 (iv) accommodate any ballot used under this article;

12 (v) protect all other rights of voters and candidates;

13 (vi) be capable of creating a paper record of all votes cast in order
 14 that an audit trail is available in the event of a recount, including a manual recount; [and]

15 (vii) provide a voter-verifiable paper record that:

16 1. is an individual document that is physically separated
 17 from any other similar document and not part of a continuous roll;

18 2. is sufficiently durable to withstand repeated handling for
 19 the purposes of mandatory random audits and recounts; and

20 3. uses ink that does not fade, smear, or otherwise degrade
 21 and obscure or obliterate the paper record over time; **AND**

22 **(VIII) ACCOMMODATE CURBSIDE VOTING;**

23 **10-316.**

24 **(A) (1) AT LEAST 6 MONTHS BEFORE EACH STATEWIDE PRIMARY**
 25 **ELECTION, EACH LOCAL BOARD SHALL, SUBJECT TO THE APPROVAL OF THE STATE**
 26 **BOARD, DESIGNATE A LOCATION FOR CURBSIDE VOTING OUTSIDE:**

27 **(I) ONE EARLY VOTING CENTER OR OTHER BUILDING DURING**
 28 **EARLY VOTING; AND**

1 (II) ON ELECTION DAY:

2 1. THE OFFICE OF THE LOCAL BOARD; OR

3 2. IF USING THE OFFICE OF THE LOCAL BOARD IS NOT
4 PRACTICABLE, ONE POLLING PLACE.

5 (2) A LOCAL BOARD SHALL TAKE INTO ACCOUNT THE FOLLOWING
6 FACTORS WHEN DETERMINING A LOCATION FOR CURBSIDE VOTING:

7 (I) ACCESSIBILITY OF THE LOCATION TO HISTORICALLY
8 DISENFRANCHISED COMMUNITIES;

9 (II) PROXIMITY OF THE LOCATION TO DENSE CONCENTRATIONS
10 OF VOTERS;

11 (III) ACCESSIBILITY OF THE LOCATION BY PUBLIC
12 TRANSPORTATION; AND

13 (IV) MAXIMIZING VOTER PARTICIPATION, INCLUDING THROUGH
14 THE USE OF COMMUNITY CENTERS AND PUBLIC GATHERING PLACES AS LOCATIONS
15 FOR CURBSIDE VOTING.

16 (3) CURBSIDE VOTING SHALL BE MADE AVAILABLE AT ~~THE~~ EACH
17 LOCATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO ~~ALL~~ ANY
18 REGISTERED ~~VOTERS~~ VOTER ON REQUEST, ~~INCLUDING REGISTERED VOTERS WITH~~
19 ~~DISABILITIES AS DEFINED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT,~~
20 ON THE DAYS AND DURING THE HOURS THAT EARLY VOTING CENTERS AND POLLING
21 PLACES ARE OPEN.

22 (4) THE STATE BOARD AND EACH LOCAL BOARD SHALL EMPHASIZE
23 IN COMMUNICATIONS WITH VOTERS AND THE GENERAL PUBLIC THAT CURBSIDE
24 VOTING IS PRIMARILY AN ACCOMMODATION FOR VOTERS WITH DISABILITIES, AS
25 DEFINED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT, AND ELDERLY
26 VOTERS.

27 ~~(4)~~ (5) THE CURBSIDE VOTING LOCATION SHALL BE EQUIPPED TO:

28 (I) ALLOW THE VOTER TO COMPLETE THE BALLOT WITHOUT
29 ASSISTANCE, UNLESS ASSISTANCE IS REQUESTED BY THE VOTER; AND

30 (II) PRESERVE THE SECRECY OF THE VOTER'S BALLOT WHILE
31 VOTING.

1 **(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH AND**
2 **IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD, THE LOCAL**
3 **BOARD SHALL ESTABLISH A LINE AROUND EACH CURBSIDE VOTING LOCATION**
4 **BEYOND WHICH CANVASSING, ELECTIONEERING, OR POSTING OF CAMPAIGN**
5 **MATERIAL IS PROHIBITED.**

6 **(II) IF A CURBSIDE VOTING LOCATION IS ESTABLISHED**
7 **OUTSIDE AN EARLY VOTING CENTER OR POLLING PLACE, THE LOCAL BOARD SHALL,**
8 **TO THE MAXIMUM EXTENT PRACTICABLE:**

9 **1. ESTABLISH THE CURBSIDE VOTING LOCATION WITHIN**
10 **THE LINE ESTABLISHED UNDER § 16-206(B) OF THIS ARTICLE; AND**

11 **2. AVOID EXPANDING THE AREA WITHIN THE LINE**
12 **ESTABLISHED UNDER § 16-206(B) OF THIS ARTICLE TO ACCOMMODATE THE**
13 **CURBSIDE VOTING LOCATION.**

14 **(B) AT EACH CURBSIDE VOTING LOCATION, THE LOCAL BOARD SHALL:**

15 **(1) POST SIGNS INFORMING VOTERS OF:**

16 **(I) THE LOCATION OF CURBSIDE VOTING; AND**

17 **(II) HOW TO NOTIFY AN ELECTION JUDGE THAT THE VOTER IS**
18 **WAITING AT THE CURBSIDE VOTING LOCATION; AND**

19 **(2) ENSURE THAT VOTERS RECEIVE PROMPT SERVICE FROM THE**
20 **ELECTION JUDGES.**

21 **(C) (1) A VOTER SEEKING TO USE CURBSIDE VOTING SHALL:**

22 **(I) REQUEST CURBSIDE VOTING FROM AN ELECTION JUDGE AT**
23 **THE CURBSIDE VOTING LOCATION; AND**

24 **(II) PROVIDE AN ELECTION JUDGE WITH THE INFORMATION**
25 **REQUIRED TO CHECK IN THE VOTER THROUGH THE POLLBOOK AT THE CURBSIDE**
26 **VOTING LOCATION.**

27 **(2) AN ELECTION JUDGE SHALL GIVE A VOTER USING CURBSIDE**
28 **VOTING THE CHOICE TO VOTE BY MARKING A PAPER BALLOT OR BY USING A BALLOT**
29 **MARKING DEVICE AT THE CURBSIDE VOTING LOCATION.**

1 **(3) IF THE VOTER CHOOSES TO VOTE USING A PAPER BALLOT, AFTER**
2 **MARKING THE BALLOT, THE VOTER SHALL DEPOSIT THE BALLOT IN THE CONTAINER**
3 **PROVIDED BY THE ELECTION JUDGE TO BE COUNTED.**

4 **(4) IF THE VOTER CHOOSES TO VOTE USING A BALLOT MARKING**
5 **DEVICE, AN ELECTION JUDGE SHALL BRING A BALLOT MARKING DEVICE OUTSIDE**
6 **TO THE VOTER.**

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 January 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.