

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1042
Ways and Means

(Delegate Roberts)

Election Law - Absentee Ballots - Duly Authorized Agents

This bill prohibits a candidate’s representative (*e.g.*, campaign staff or volunteer) from being designated as a duly authorized agent of a voter to pick up and deliver an absentee ballot for the voter. A violation of the prohibition is subject to existing criminal penalties. The bill also requires that specimen ballots provided to voters conspicuously display the prohibition against a candidate’s representative serving as a duly authorized agent, along with the existing prohibition against a candidate on the ballot serving as a duly authorized agent. The bill, however, authorizes a family member of a candidate to designate the candidate or the candidate’s representative as a duly authorized agent to pick up and deliver the family member’s absentee ballot. The State Board of Elections must adopt implementing regulations by January 1, 2026.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: Local government expenditures increase relatively minimally in some counties beginning in FY 2026, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law:

Designation of a Duly Authorized Agent

A qualified applicant for an absentee ballot may designate a duly authorized agent to pick up and deliver an absentee ballot. An agent of the voter:

- must be at least age 18;
- may not be a candidate on the ballot;
- must be designated in a writing signed by the voter under penalty of perjury; and
- must execute an affidavit under penalty of perjury that the ballot was (1) delivered to the voter who submitted the application; (2) marked and placed in an envelope by the voter, or with assistance as allowed by regulation, in the agent's presence; and (3) returned to the local board by the agent.

Violations of Absentee Voting Provisions

Any person convicted of a violation of State law provisions governing absentee voting is subject to a fine of up to \$1,000 and/or imprisonment for up to two years.

Specimen Ballots

Each local board of elections must provide specimen (sample) ballots for all ballots to be used in each election for mailing to registered voters and for other informational purposes.

Local Fiscal Effect: Local government expenditures for specimen ballot printing and postage increase beginning in fiscal 2026, to the extent counties need to add a page to their specimen ballots in order to display on each specimen ballot the prohibition against a candidate or candidate's representative serving as a duly authorized agent of a voter. Calvert and Howard counties, for example, estimate that their costs increase by \$4,550 and \$25,000 per election, respectively.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Calvert, Howard, and Prince George's counties; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2025
caw/sdk

Analysis by: Arnold H. Adja

Direct Inquiries to:
(410) 946-5510
(301) 970-5510