

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1097
 Ways and Means

(Delegate Feldmark, *et al.*)

Workgroup on Mail-In Ballot Accessibility

This bill establishes a Workgroup on Mail-In Ballot Accessibility to (1) examine processes and procedures in the State relating to mail-in ballot return; (2) assess the impact on voters with disabilities of requiring mail-in ballots to be returned in paper form; (3) collect information about current practices and standards for accessible alternatives in other jurisdictions; (4) evaluate alternatives; and (5) consult with subject matter experts as needed. The State Board of Elections (SBE) must provide staff for the workgroup, and the workgroup must report its findings and recommendations by December 31, 2025. **The bill takes effect June 1, 2025, and terminates June 30, 2026.**

Fiscal Summary

State Effect: No effect in FY 2025. General fund expenditures increase by \$43,500 in FY 2026 only. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	43,500	0	0	0
Net Effect	\$0	(\$43,500)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: None.

Analysis

Current Law:

Absentee (Mail-in) Voting

Under State law, a voter may request an absentee ballot by completing and submitting (1) the SBE approved absentee ballot application; (2) a form provided under federal law; (3) a written request that includes the voter's name, residence address, and signature, and the address to which the ballot is to be mailed, if different from the residence address; or (4) the accessible online absentee ballot application provided by SBE.

If the applicant qualifies to vote by absentee ballot, the local board of elections must provide the ballot by one of the following methods requested by the voter: (1) mail; (2) facsimile transmission; (3) the Internet; or (4) by hand during an in-person transaction.

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.

A voter who requires assistance in casting an absentee ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than (1) a candidate who is on the ballot; (2) the voter's employer or an agent of the employer; or (3) an officer or agent of the voter's union. The individual rendering assistance in casting the absentee ballot must execute a certification as prescribed by SBE.

The voter may return the ballot by (1) mailing it, postmarked on or before Election Day; (2) depositing it into a ballot drop box before the polls close on Election Day; or (3) delivering it in person to an early voting center or to the local board of elections or an Election Day polling place by the close of polls on Election Day.

An absentee ballot that is sent by mail must be enclosed in specially printed envelopes, the form and content of which must be prescribed by SBE, and the return envelope must include prepaid postage. When voted and returned to the local board of elections, an

absentee ballot must be enclosed in a specified envelope that includes an oath prescribed by SBE. If an absentee ballot is sent by the Internet or facsimile transmission, the local board must provide the voter with an envelope template, the oath prescribed by SBE, and instructions for marking and returning the absentee ballot.

Online Ballot Marking Tool for an Absentee Ballot Sent by the Internet

SBE may provide an accessible optional online ballot marking tool for use by a voter who requested to have their absentee ballot sent by the Internet. “Online ballot marking tool” includes a system that allows a voter to (1) access a blank ballot through the Internet; (2) electronically mark the ballot with the voter’s selections; and (3) print a paper copy of the marked ballot for mailing to a local board. “Online ballot marking tool” does not include a system that is capable of storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic means through the Internet.

State Fiscal Effect: General fund expenditures increase by \$43,484 in fiscal 2026, which accounts for a 30-day start-up delay from the bill’s June 1, 2025, effective date. This estimate reflects the cost for SBE to hire one contractual staff position for six months (July through December 2025) to staff the workgroup. SBE indicates that existing staff are not able to take on this additional work. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1.0
Salary and Fringe Benefits	\$36,391
Operating Expenses	<u>7,093</u>
Total FY 2026 State Expenditures	\$43,484

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Any expense reimbursements for workgroup members are assumed to be minimal and absorbable within existing budgeted resources.

Additional Information

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

Designated Cross File: SB 929 (Senator Brooks, *et al.*) - Education, Energy, and the Environment.

Information Source(s): Maryland State Board of Elections; Department of Legislative Services

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Analysis by: Arnold H. Adja

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