

# SENATE BILL 145

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EMERGENCY BILL  
ENROLLED BILL

(0lr0728)

— *Education, Health, and Environmental Affairs/Ways and Means* —

Introduced by **Senator Hester**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – ~~References to Absentee Voting in Communications – Mail-In~~**  
3 **~~Voting~~ Absentee Voting – References in Public Communications and Prepaid**  
4 **Postage for Return of Ballots**

5 FOR the purpose of requiring the State Board of Elections and each local board of elections  
6 to refer to absentee ballots as “mail-in ballots” and absentee voting as “mail-in  
7 voting” in all communications with voters and the general public; requiring the State  
8 Board and each local board to include in public communications regarding “mail-in  
9 voting” a statement that “mail-in voting” is referred to as absentee voting in the  
10 Maryland Constitution, the Annotated Code of Maryland, and the Code of Maryland  
11 Regulations; ~~providing for a delayed effective date;~~ requiring that certain envelopes  
12 required to be used by voters voting by absentee ballot to return their ballots include  
13 prepaid postage; requiring that absentee ballots be accompanied by instructions for  
14 the postage of certain absentee ballot envelopes; requiring the State Board of Elections  
15 to reimburse each local board of elections for a certain percentage of the cost of prepaid

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 *postage included on absentee ballot envelopes provided to certain voters; making this*  
 2 *Act an emergency measure; and generally relating to referring to absentee voting as*  
 3 *“mail-in voting” in communications. absentee voting.*

4 BY repealing and reenacting, with amendments,  
 5 Article – Election Law  
 6 Section 9–301 *and 9–310*  
 7 Annotated Code of Maryland  
 8 (2017 Replacement Volume and 2019 Supplement)

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

11 **Article – Election Law**

12 9–301.

- 13 (a) This subtitle applies to every election governed by this article.
- 14 (b) The State Board shall prescribe all forms required to comply with:
- 15 (1) this subtitle; and
- 16 (2) any requirements of relevant federal law.

17 **(c) THE STATE BOARD AND EACH LOCAL BOARD SHALL:**

18 **(1) NOTWITHSTANDING THE USE OF THE TERM “ABSENTEE” IN THIS**  
 19 **ARTICLE, REFER TO ABSENTEE BALLOTS AS “MAIL-IN BALLOTS” AND ABSENTEE**  
 20 **VOTING AS “MAIL-IN VOTING” IN ALL COMMUNICATIONS WITH VOTERS AND THE**  
 21 **GENERAL PUBLIC; AND**

22 **(2) INCLUDE IN PUBLIC COMMUNICATIONS REGARDING “MAIL-IN**  
 23 **VOTING” A STATEMENT THAT “MAIL-IN VOTING” IS REFERRED TO AS ABSENTEE**  
 24 **VOTING IN THE MARYLAND CONSTITUTION, THE ANNOTATED CODE OF MARYLAND,**  
 25 **AND THE CODE OF MARYLAND REGULATIONS.**

26 *9–310.*

- 27 (a) (1) *This subsection applies only to an absentee ballot that is sent by mail.*
- 28 (2) *An absentee ballot shall be enclosed in specially printed envelopes, the*  
 29 *form and content of which shall be prescribed by the State Board.*
- 30 (3) (i) *A local board may use either two envelopes or three envelopes.*

1                   (ii) If two envelopes are used, the inner envelope shall be designated  
 2 the “ballot/return envelope”, and, when issued, it shall fit inside the envelope designated the  
 3 “outgoing envelope”.

4                   (iii) If three envelopes are used, the innermost envelope shall be  
 5 designated the “ballot envelope”, which shall fit inside the envelope designated the “return  
 6 envelope”, both of which, when issued, shall fit inside the envelope designated the “outgoing  
 7 envelope”.

8                   **(IV) THE BALLOT/RETURN ENVELOPE DESCRIBED UNDER**  
 9 **SUBPARAGRAPH (II) OF THIS PARAGRAPH AND THE RETURN ENVELOPE DESCRIBED**  
 10 **UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH PROVIDED TO A VOTER VOTING BY**  
 11 **ABSENTEE BALLOT SHALL INCLUDE PREPAID POSTAGE.**

12                   **(4) (I) AN ABSENTEE BALLOT SHALL BE ACCOMPANIED BY**  
 13 **INSTRUCTIONS FOR POSTAGE OF THE BALLOT/RETURN ENVELOPE OR THE RETURN**  
 14 **ENVELOPE.**

15                   **(II) THE INSTRUCTIONS FOR POSTAGE SHALL INCLUDE:**

16                   **1. A STATEMENT THAT THE BALLOT/RETURN ENVELOPE**  
 17 **OR RETURN ENVELOPE INCLUDES PREPAID POSTAGE AND MAY BE MAILED AS IS; AND**

18                   **2. DIRECTIONS FOR HOW A VOTER MAY ATTACH POSTAGE**  
 19 **FOR THE PURPOSE OF REDUCING THE COSTS OF THE LOCAL BOARD.**

20                   **[(4)] (5) When voted and returned to the local board, an absentee ballot**  
 21 **shall be enclosed in a ballot envelope or ballot/return envelope, on which has been printed**  
 22 **an oath prescribed by the State Board.**

23                   **(B) THE STATE BOARD SHALL REIMBURSE EACH LOCAL BOARD FOR 50% OF**  
 24 **THE COST OF PREPAID POSTAGE INCLUDED ON BALLOT/RETURN ENVELOPES OR**  
 25 **RETURN ENVELOPES PROVIDED TO A VOTER VOTING BY ABSENTEE BALLOT UNDER**  
 26 **SUBSECTION (A)(3)(IV) OF THIS SECTION.**

27                   **[(b)] (C) If an absentee ballot is sent by the Internet or facsimile transmission, the**  
 28 **local board shall provide the voter with an envelope template, the oath prescribed by the**  
 29 **State Board, and instructions for marking and returning the absentee ballot.**

30                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~  
 31 ~~January 1, 2021~~ is an emergency measure, is necessary for the immediate preservation of the  
 32 public health or safety, has been passed by a yea or nay vote supported by three-fifths of all  
 33 the members elected to each of the two Houses of the General Assembly, and shall take effect  
 34 from the date it is enacted.