

## Chapter 36

## (House Bill 37)

AN ACT concerning

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

FOR the purpose of requiring the State Board of Elections and each local board of elections to refer to absentee ballots as “mail-in ballots” and absentee voting as “mail-in voting” in all communications with voters and the general public; requiring the State Board and each local board to include in public communications regarding “mail-in voting” a statement that “mail-in voting” is referred to as absentee voting in the Maryland Constitution, the Annotated Code of Maryland, and the Code of Maryland Regulations; ~~providing for a delayed effective date; requiring that certain envelopes required to be used by voters voting by absentee ballot to return their ballots include prepaid postage; requiring that absentee ballots be accompanied by instructions for the postage of certain absentee ballot envelopes; requiring the State Board of Elections to reimburse each local board of elections for a certain percentage of the cost of prepaid postage included on absentee ballot envelopes provided to certain voters; making this Act an emergency measure;~~ and generally relating to ~~referring to absentee voting as “mail-in voting” in communications.~~ absentee voting.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 9–301 *and* 9–310

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

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

**Article – Election Law**

9–301.

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

**(C) THE STATE BOARD AND EACH LOCAL BOARD SHALL:**

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

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

9-310.

(a) (1) This subsection applies only to an absentee ballot that is sent by mail.

(2) An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the State Board.

(3) (i) A local board may use either two envelopes or three envelopes.

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

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

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

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

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

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

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

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

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

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.**