

SB0683/515369/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 683
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “**Report**” and substitute “**Reports**”; strike beginning with “criteria” in line 5 down through “Elections” in line 6 and substitute “factors”; in line 8, strike “under certain circumstances”; strike beginning with “requiring” in line 12 down through “statement;” in line 13 and substitute “requiring a local board to ensure the security of ballot drop boxes; requiring that a local board have certain access to certain security cameras; requiring a local board to remove the ballots from each ballot drop box at least once each day that the ballot drop box is open in accordance with certain procedures, except as otherwise provided by law; requiring the State Board to establish chain of custody procedures governing removal of election–related materials from ballot drop boxes and the return of the materials to the local board; requiring that a certain absentee ballot application include a certain statement; requiring that certain envelopes include a certain statement in a certain manner;”; in line 13, after “requiring” insert “that”; in line 14, strike “to”; and strike beginning with “requiring” in line 18 down through “time;” in line 20.

On page 2, strike beginning with “requiring” in line 1 down through “method;” in line 4; in line 5, strike “who”; in line 22, after “address;” insert “prohibiting a person from canvassing, electioneering, or posting campaign material in a certain manner or placing certain material on a ballot drop box; requiring each local board to send a certain absentee ballot application to each eligible voter within a certain period of time in certain years except under certain circumstances; requiring the State Board to contract with a usability consultant on or before a certain date to review all the public informational materials and forms related to mail–in voting produced by the State Board; requiring the consultant to make certain recommendations to the State Board on or before a certain date; requiring the consultant to make specific recommendations concerning certain matters;”; in line 23, strike “a”; in the same line, strike “report” and

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substitute “reports”; in line 24, strike “a”; in the same line, strike “date” and substitute “dates”; in line 25, strike “voting” and substitute “a permanent absentee ballot list”; in line 33, after “2-304,” insert “2-305, 9-305(c),”; in line 38, strike “and” and substitute “, 9-305(c),”; and in the same line, after “9-310(a)” insert “, and 16-206”.

AMENDMENT NO. 2

On page 3, in line 9, after “DURABLE” insert “, AND WEATHERPROOF”; after line 15, insert:

“(A) A LOCAL BOARD SHALL CONSIDER THE FOLLOWING FACTORS WHEN DETERMINING THE LOCATION OF A BALLOT DROP BOX:

(1) THE ACCESSIBILITY OF THE BALLOT DROP BOX TO HISTORICALLY DISENFRANCHISED COMMUNITIES, INCLUDING VOTERS WITH DISABILITIES, CULTURAL GROUPS, ETHNIC GROUPS, AND MINORITY GROUPS;

(2) PROXIMITY OF THE BALLOT DROP BOX TO DENSE CONCENTRATIONS OF VOTERS;

(3) ACCESSIBILITY OF THE BALLOT DROP BOX BY PUBLIC TRANSPORTATION;

(4) EQUITABLE DISTRIBUTION OF BALLOT DROP BOXES THROUGHOUT THE COUNTY; AND

(5) MAXIMIZING VOTER PARTICIPATION, INCLUDING THROUGH PLACEMENT OF BALLOT DROP BOXES AT COMMUNITY CENTERS AND PUBLIC GATHERING PLACES.”;

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in lines 16 and 20, strike “**(A)**” and “**(B)**”, respectively, and substitute “**(B)**” and “**(C)**”, respectively; in line 16, strike “**(B)**” and substitute “**(C)**”; strike beginning with “**CRITERIA**” in line 18 down through “**BOARD**” in line 19 and substitute “**THE FACTORS SET FORTH IN SUBSECTION (A) OF THIS SECTION**”; strike beginning with “**COMPLIES**” in line 24 down through “**BOARD**” in line 25 and substitute “**MEETS THE FACTORS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION**”; strike beginning with “**COMPLY**” in line 26 down through “**CRITERIA**” in line 27 and substitute “**MEET THE FACTORS**”.

On page 4, in line 2, strike “**IS NOT IN COMPLIANCE WITH THE CRITERIA**” and substitute “**DOES NOT MEET THE FACTORS**”; in line 6, strike “**ARE NOT IN COMPLIANCE WITH THE CRITERIA**” and substitute “**DO NOT MEET THE FACTORS**”; and after line 7, insert:

“2-305.

(A) (1) A LOCAL BOARD SHALL ENSURE THE SECURITY OF BALLOT DROP BOXES, INCLUDING THROUGH THE USE OF THE FOLLOWING:

(I) MONITORING BY SECURITY CAMERAS AT ALL TIMES; AND

(II) PERIODIC IN-PERSON VISITS BY APPROPRIATE PERSONNEL.

(2) A LOCAL BOARD SHALL HAVE IMMEDIATE ACCESS OR ACCESS WITHIN A REASONABLE AMOUNT OF TIME TO A SECURITY CAMERA USED FOR MONITORING A BALLOT DROP BOX UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

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(B) (1) EXCEPT AS OTHERWISE PROVIDED IN LAW, A LOCAL BOARD SHALL REMOVE THE ELECTION-RELATED MATERIALS FROM EACH BALLOT DROP BOX AT LEAST ONCE EACH DAY THAT THE BALLOT DROP BOX IS OPEN IN ACCORDANCE WITH THE CHAIN OF CUSTODY PROCEDURES ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE STATE BOARD SHALL ESTABLISH CHAIN OF CUSTODY PROCEDURES GOVERNING REMOVAL OF ELECTION-RELATED MATERIALS FROM BALLOT DROP BOXES AND THE RETURN OF THE MATERIALS TO THE LOCAL BOARD.”.

AMENDMENT NO. 3

On page 5, after line 1, insert:

“9-305.

(C) THE STATE-APPROVED ABSENTEE BALLOT APPLICATION SHALL INCLUDE A STATEMENT EXPLAINING THE PROCESS FOR RETURNING A COMPLETED ABSENTEE BALLOT IF THE VOTER CHOOSES TO RECEIVE AN ABSENTEE BALLOT BY FACSIMILE TRANSMISSION OR THE INTERNET.

[(c)] (D) An application for an absentee ballot must be received by a local board:

(1) if the voter requests the absentee ballot be sent by mail or facsimile transmission, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) if the voter requests the absentee ballot be sent by the Internet, not later than the Friday preceding the election, at the time specified in the guidelines; or

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(3) if the voter or the voter's duly authorized agent applies for an absentee ballot in person at the local board office, not later than the closing of the polls on election day."

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On page 6, strike beginning with "**AT**" in line 13 down through "**(2)**" in line 16; in line 18, strike "**(3)**" and substitute "**(2)**"; in line 22, strike "**(1)**"; in line 25, strike "**(I)**" and substitute "**(1)**"; and in lines 27, 28, and 29, strike "**1.**", "**2.**", and "**3.**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively.

On page 7, in line 1, strike "**(II)**" and substitute "**(2)**"; in lines 4, 5, and 6, strike "**1.**", "**2.**", and "**3.**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and strike in their entirety lines 7 through 10, inclusive.

On page 9, after line 12, insert:

"16-206.

(a) A person may not:

(1) place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) induce or attempt to induce a voter to mark the voter's ballot in a certain way;

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(5) except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;

(6) destroy or deface a ballot;

(7) remove a ballot from a building in which voting occurs, except as otherwise provided in this article;

(8) delay the delivery of a ballot;

(9) possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; [or]

(10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section;

(11) CANVASS, ELECTIONEER, OR POST ANY CAMPAIGN MATERIAL IN A MANNER THAT OBSTRUCTS ACCESS TO A BALLOT DROP BOX; OR

(12) PLACE ANY CAMPAIGN MATERIAL OR ANY OTHER UNAUTHORIZED MATERIAL ON A BALLOT DROP BOX.

(b) (1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

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(2) (i) Except as provided in subparagraph (ii) of this paragraph, the line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(ii) In Montgomery County, on approval of the local board, the line may be located at any point between 25 feet and 100 feet from the entrance and exit.

(3) The signs shall contain the words “No Electioneering Beyond this Point”.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days or both.”.

AMENDMENT NO. 4

On page 9, before line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b) of this section, at least 60 days before the statewide primary election in 2022 and 2024, each local board of elections shall send the State Board–approved absentee ballot application to each eligible voter.

(b) A local board is not required to send the State Board–approved absentee ballot application to a voter who has permanent absentee ballot status.

SECTION 3. AND BE IT FURTHER ENACTED, That:

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(a) On or before August 1, 2021, the State Board of Elections shall contract with a usability consultant to review all the public informational materials and forms related to mail-in voting produced by the State Board.

(b) (1) On or before December 1, 2021, the consultant shall make recommendations to the State Board regarding ways the State Board's public informational materials and forms related to mail-in voting could be made more usable, especially by socioeconomically diverse communities.

(2) The consultant shall make specific usability recommendations concerning:

(i) the information related to mail-in voting that appears on the State Board's website;

(ii) all materials mailed to voters who choose to vote by mail, including envelopes, forms, and instructions; and

(iii) the system allowing a voter to access information concerning the voter's mail-in ballot.

(c) On or before February 1, 2022, the State Board shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2-1257 of the State Government Article, that includes:

(1) the recommendations submitted by the consultant under subsection (b) of this section; and

(2) the actions the State Board has taken or plans to take to implement the recommendations.”;

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in line 13, strike "2." and substitute "4"; in line 19, strike "3." and substitute "5"; and in line 20, strike "October" and substitute "June".