

HB1047/885163/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1047
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “requiring the State Board of Elections to complete a certain report after each statewide election; requiring the report to be posted on the State Board’s website and submitted to the General Assembly;”; in the same line, after the second “for” insert “the return of absentee ballots using ballot drop boxes and”; in line 4, after “ballot;” insert “requiring that certain instructions accompanying an absentee ballot include a provision informing the voter that an absentee ballot placed in a mailbox after a certain pick up on election day will not be postmarked on election day;”; in line 5, strike “of Elections”; in line 12, strike “, size,”; in line 13, strike “, subject to the approval of the State Board,”; strike beginning with “ensure” in line 14 down through “accessibility” in line 15 and substitute “take into account certain factors”; in line 16, strike “make certain efforts to”; in line 19, after “open;” insert “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;”; strike beginning with “requiring” in line 19 down through “term;” in line 30 and substitute “prohibiting a person from canvassing, electioneering, or posting campaign material in a certain manner or placing certain material on a ballot drop box;”.

On page 2, in lines 1 and 2, in each instance, after “ballot” insert “application and absentee ballot”; strike beginning with “authorizing” in line 2 down through “application;” in line 4; strike beginning with “in” in line 5 down through “manner” in line 6 and substitute “within a certain period of time”; strike beginning with “requiring” in line 6 down through “information;” in line 7; in line 14, after “ballot;” insert “prohibiting a person from removing, defacing, damaging, destroying, or preventing the correct operation of a ballot drop box; prohibiting a person from unlocking a ballot drop box except under certain circumstances; providing that a person who violates certain prohibitions is guilty of a felony and on conviction is subject to certain penalties;”.

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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; requiring the State Board to submit a certain report to certain committees of the General Assembly on or before a certain date; defining a certain term;”; in line 14, strike “absentee voting” and substitute “elections”; strike in their entirety lines 15 through 19, inclusive; in line 22, after “Section” insert “1-101(d-1), 1-306,”; in the same line, strike “and” and substitute a comma; in the same line, after “9-311.1” insert “, and 16-805”; and after line 24, insert:

“BY repealing and reenacting, with amendments,
Article – Election Law
Section 9-303, 9-309, and 11-302
Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 27, insert:

“1-101.

(D-1) “BALLOT DROP BOX” MEANS A SECURE, DURABLE, WEATHERPROOF CONTAINER THAT IS OFFICIALLY DESIGNATED BY A LOCAL BOARD FOR VOTERS TO DEPOSIT COMPLETED ABSENTEE BALLOTS IN PERSON.

1-306.

(A) AFTER EACH STATEWIDE ELECTION, THE STATE BOARD SHALL COMPLETE A COMPREHENSIVE REPORT ANALYZING THE ELECTION, INCLUDING:

(1) VOTER TURNOUT;

(2) ADMINISTRATIVE POLICIES AND PRACTICES THAT WERE DIFFERENT FROM THE PREVIOUS ELECTION;

(3) ADMINISTRATIVE POLICIES AND PRACTICES THAT WERE EFFECTIVE AND THOSE THAT WERE NOT EFFECTIVE; AND

(4) HOW THE STATE BOARD PLANS TO IMPROVE THE ELECTION PROCESS FOR FUTURE ELECTIONS.

(B) THE STATE BOARD SHALL:

(1) POST THE REPORT REQUIRED UNDER THIS SECTION ON ITS WEBSITE; AND

(2) SUBMIT THE REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.”.

AMENDMENT NO. 3

On page 2, after line 33, insert:

“(3) THE RETURN OF ABSENTEE BALLOTS USING BALLOT DROP BOXES;”;

and in lines 34 and 35, strike “(3)” and “(4)”, respectively, and substitute “**(4)**” and “**(5)**”, respectively.

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On page 3, in lines 1, 2, 4, 5, 7, 8, and 10, strike “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively, and substitute “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively; after line 15, insert:

“9-309.

(A) An absentee ballot shall be accompanied by instructions, prescribed by the State Board, for marking and returning the ballot.

(B) THE INSTRUCTIONS SHALL INCLUDE A PROVISION INFORMING THE VOTER THAT AN ABSENTEE BALLOT PLACED IN A MAILBOX AFTER THE LAST PICK UP ON ELECTION DAY WILL NOT BE POSTMARKED ON ELECTION DAY.”;

AMENDMENT NO. 4

On page 3, strike in their entirety lines 17 through 20, inclusive; and in lines 21 and 24, strike “(B)” and “(C)”, respectively, and substitute “(A)” and “(B)”, respectively.

On page 4, in lines 1, 4, 6, 11, and 21, strike “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively, and substitute “(C)”, “(D)”, “(E)”, “(F)”, and “(G)”, respectively; in line 9, strike “, SIZE,”; in line 11, strike “SUBJECT TO THE APPROVAL OF THE STATE BOARD, EACH” and substitute “EACH”; strike in their entirety lines 13 through 20, inclusive, and substitute:

“(2) A LOCAL BOARD SHALL TAKE INTO ACCOUNT THE FOLLOWING FACTORS WHEN DETERMINING THE LOCATION OF A BALLOT DROP BOX:

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

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

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

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

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

AMENDMENT NO. 5

On page 4, in line 21, strike “MAKE EVERY POSSIBLE EFFORT TO”; in line 23, strike “WHEN FEASIBLE”; and in line 24, after “CAMERAS” insert “AT ALL TIMES”.

On page 5, in lines 1 and 3, strike “(I)” and “(J)”, respectively, and substitute “(H)(1)” and “(I)”, respectively; and after line 2, insert:

“(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. 6

On page 5, strike beginning with “(1)” in line 3 down through “BOX” in line 18 and substitute “A PERSON MAY NOT:

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

(2) PLACE ANY CAMPAIGN MATERIAL OR ANY OTHER UNAUTHORIZED MATERIAL ON A BALLOT DROP BOX.”;

and strike in their entirety lines 19 through 30, inclusive.

AMENDMENT NO. 7

On page 6, in line 2, after “BALLOT” insert “**APPLICATION AND ABSENTEE BALLOT**”; strike in their entirety lines 3 through 22, inclusive, and substitute:

“(1) WHEN THE VOTER’S ABSENTEE BALLOT APPLICATION IS RECEIVED BY THE LOCAL BOARD;

(2) WHEN THE VOTER’S ABSENTEE BALLOT IS SENT TO THE VOTER;

(3) WHEN THE VOTER’S COMPLETED ABSENTEE BALLOT IS RECEIVED BY THE LOCAL BOARD; AND

(4) WHEN THE VOTER’S ABSENTEE BALLOT IS COUNTED.”;

in line 24, after “BALLOT” insert “**APPLICATION AND ABSENTEE BALLOT**”; in line 25, strike “OR”; strike beginning with “IF” in line 26 down through “BOARD” in line 27 and substitute “**BY CALLING THE TOLL-FREE TELEPHONE NUMBER OF THE STATE BOARD; OR**

(3) IF THE VOTER PROVIDES THE VOTER’S E-MAIL ADDRESS WHEN APPLYING FOR AN ABSENTEE BALLOT ONLINE, BY RECEIVING AN E-MAIL MESSAGE FROM THE STATE BOARD”.

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On page 7, strike in their entirety lines 1 through 3, inclusive; in line 5, strike “**IN A TIMELY MANNER**” and substitute “**WITHIN 72 HOURS**”; and strike in their entirety lines 6 and 7.

On page 8, in line 16, after “**AN**” insert “**ACCESSIBLE**”.

AMENDMENT NO. 8

On page 9, after line 1, insert:

“16-805.

(A) A PERSON MAY NOT:

(1) REMOVE, DEFACE, DAMAGE, DESTROY, OR PREVENT THE CORRECT OPERATION OF A BALLOT DROP BOX; OR

(2) EXCEPT FOR SERVICING BY AN AUTHORIZED PERSON, UNLOCK ANY LOCKED COMPARTMENT OF A BALLOT DROP BOX UNLESS INSTRUCTED TO DO SO BY THE ELECTION DIRECTOR OF THE LOCAL BOARD FOR THE COUNTY IN WHICH THE BALLOT DROP BOX IS LOCATED.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.”

AMENDMENT NO. 9

On page 9, before line 2, insert:

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

(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

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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 established under § 9-311.1 of the Election Law Article, as enacted by Section 1 of this Act.

(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.”;

in line 2, strike “2.” and substitute “3.”; and in line 3, strike “October” and substitute “June”.