

HOUSE BILL 153

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11r0551

(PRE-FILED)

By: **Delegates Ivey and Henson**

Requested: August 19, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Elections by Mail**

3 FOR the purpose of requiring each local board of elections to send, in a certain manner, a
4 vote-by-mail ballot to each individual who is registered to vote as of a certain day
5 before the day of each election; requiring that vote-by-mail ballots be mailed at a
6 certain time; requiring a voter to take certain actions to vote a vote-by-mail ballot;
7 requiring that the instructions provided with each vote-by-mail ballot include a
8 certain warning; authorizing a voter to return a marked vote-by-mail ballot to a
9 local board by certain methods; requiring that a vote-by-mail ballot be returned in
10 a certain envelope; requiring that each polling place and early voting center serve as
11 a location for the return of vote-by-mail ballots; authorizing a local board to
12 designate additional locations for the return of vote-by-mail ballots; requiring the
13 State Board of Elections to adopt certain regulations; requiring local boards to
14 display a certain sign at each vote-by-mail ballot return location; requiring that a
15 ballot be received by a local board or deposited at a certain location by a certain
16 deadline; requiring that a voter who is at a certain location by a certain time be
17 allowed to deposit a vote-by-mail ballot; authorizing an individual to request a
18 replacement vote-by-mail ballot under certain circumstances; requiring a local
19 board that receives a request for a replacement vote-by-mail ballot to take certain
20 actions; providing that a replacement vote-by-mail ballot may be mailed,
21 transmitted electronically, or made available at the local board; prohibiting a local
22 board from being required to mail a replacement vote-by-mail ballot under certain
23 circumstances; requiring that a vote-by-mail ballot be counted only under certain
24 circumstances; requiring the local board to verify the signature of a voter on a certain
25 envelope in a certain manner; making a conforming change; repealing certain
26 provisions of law concerning voting by mail in certain special elections that are
27 rendered obsolete by this Act; altering a certain definition; providing for a delayed
28 effective date; and generally relating to elections by mail.

29 BY repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law
 2 Section 9–501 through 9–507 and the subtitle “Subtitle 5. Voting by Mail in Special
 3 Elections”
 4 Annotated Code of Maryland
 5 (2017 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Election Law
 8 Section 1–101(a) and 11–101(a)
 9 Annotated Code of Maryland
 10 (2017 Replacement Volume and 2020 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Election Law
 13 Section 1–101(b) and 11–101(c)
 14 Annotated Code of Maryland
 15 (2017 Replacement Volume and 2020 Supplement)

16 BY adding to
 17 Article – Election Law
 18 Section 9–501 through 9–505 to be under the new subtitle “Subtitle 5. Elections by
 19 Mail”
 20 Annotated Code of Maryland
 21 (2017 Replacement Volume and 2020 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 23 That Section(s) 9–501 through 9–507 and the subtitle “Subtitle 5. Voting by Mail in Special
 24 Elections” of Article – Election Law of the Annotated Code of Maryland be repealed.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 26 as follows:

27 **Article – Election Law**

28 1–101.

29 (a) In this article the following words have the meanings indicated unless a
 30 different meaning is clearly intended from the context.

31 (b) **(1)** “Absentee ballot” means a ballot not used in a polling place.

32 **(2)** “**ABSENTEE BALLOT**” INCLUDES A VOTE-BY-MAIL BALLOT.

33 **SUBTITLE 5. ELECTIONS BY MAIL.**

34 **9–501.**

1 (A) EACH LOCAL BOARD SHALL SEND, BY NONFORWARDABLE MAIL, A
2 VOTE-BY-MAIL BALLOT TO EACH INDIVIDUAL WHO WAS REGISTERED TO VOTE AS OF
3 THE 21ST DAY BEFORE THE DAY OF EACH ELECTION.

4 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
5 VOTE-BY-MAIL BALLOTS SHALL BE MAILED:

6 (I) NOT EARLIER THAN THE 18TH DAY BEFORE THE DAY OF THE
7 ELECTION; AND

8 (II) NOT LATER THAN THE 14TH DAY BEFORE THE DAY OF THE
9 ELECTION.

10 (2) IF A LOCAL BOARD DETERMINES THAT A VOTER DOES NOT
11 RECEIVE DAILY MAIL SERVICE FROM THE UNITED STATES POSTAL SERVICE, A
12 BALLOT SHALL BE MAILED TO THE VOTER:

13 (I) NOT EARLIER THAN THE 20TH DAY BEFORE THE DAY OF THE
14 ELECTION; AND

15 (II) NOT LATER THAN THE 18TH DAY BEFORE THE DAY OF THE
16 ELECTION.

17 **9-502.**

18 (A) TO VOTE A VOTE-BY-MAIL BALLOT, A VOTER SHALL:

19 (1) MARK THE BALLOT;

20 (2) SIGN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH
21 THE BALLOT; AND

22 (3) COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT.

23 (B) THE INSTRUCTIONS PROVIDED WITH EACH VOTE-BY-MAIL BALLOT
24 SHALL INCLUDE THE FOLLOWING WARNING:

25 “ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY
26 INFLUENCES A VOTER TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM
27 VOTING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE,
28 IMPRISONMENT, OR BOTH.”

1 **(C) (1) A VOTER MAY RETURN A MARKED VOTE-BY-MAIL BALLOT TO A**
2 **LOCAL BOARD BY:**

3 **(I) UNITED STATES MAIL;**

4 **(II) DEPOSITING THE BALLOT AT THE OFFICE OF THE LOCAL**
5 **BOARD; OR**

6 **(III) DEPOSITING THE BALLOT AT A LOCATION DESIGNATED BY**
7 **THE LOCAL BOARD.**

8 **(2) A VOTE-BY-MAIL BALLOT MUST BE RETURNED IN THE RETURN**
9 **IDENTIFICATION ENVELOPE.**

10 **(D) (1) EACH POLLING PLACE AND EARLY VOTING CENTER SHALL SERVE**
11 **AS A LOCATION FOR THE RETURN OF VOTE-BY-MAIL BALLOTS.**

12 **(2) A LOCAL BOARD MAY DESIGNATE ADDITIONAL LOCATIONS FOR**
13 **THE RETURN OF VOTE-BY-MAIL BALLOTS.**

14 **(3) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:**

15 **(I) SPECIFY THE DATES AND TIMES THAT THE LOCATIONS**
16 **WHERE A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT SHALL BE OPEN;**

17 **(II) PROVIDE SECURITY REQUIREMENTS FOR THE LOCATIONS**
18 **WHERE A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT; AND**

19 **(III) REQUIRE THAT THE LOCATIONS WHERE A VOTER MAY**
20 **RETURN A VOTE-BY-MAIL BALLOT BE OPEN ON THE DAY OF THE ELECTION A**
21 **MINIMUM OF 13 HOURS AND UNTIL AT LEAST 8 P.M.**

22 **(4) AT EACH LOCATION AT WHICH A VOTE-BY-MAIL BALLOT MAY BE**
23 **RETURNED, THE LOCAL BOARD SHALL PROMINENTLY DISPLAY A SIGN STATING**
24 **THAT THE LOCATION IS AN OFFICIAL VOTE-BY-MAIL BALLOT RETURN SITE.**

25 **(E) (1) A BALLOT MUST BE RECEIVED BY THE LOCAL BOARD OR**
26 **DEPOSITED AT A LOCATION SPECIFIED IN SUBSECTION (D) OF THIS SECTION BY THE**
27 **DEADLINE ESTABLISHED BY THE STATE BOARD BY REGULATION.**

28 **(2) A VOTER WHO IS AT A LOCATION FOR THE RETURN OF**
29 **VOTE-BY-MAIL BALLOTS BY 8 P.M. ON THE DAY OF THE ELECTION SHALL BE**
30 **ALLOWED TO DEPOSIT THE BALLOT.**

1 **9-503.**

2 (A) AN INDIVIDUAL MAY REQUEST A REPLACEMENT VOTE-BY-MAIL BALLOT
3 IF A VOTE-BY-MAIL BALLOT WAS MAILED TO THE INDIVIDUAL UNDER § 9-502 OF
4 THIS SUBTITLE, BUT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT
5 RECEIVED BY THE VOTER.

6 (B) IF THE LOCAL BOARD RECEIVES A REQUEST FOR A REPLACEMENT
7 VOTE-BY-MAIL BALLOT UNDER SUBSECTION (A) OF THIS SECTION, THE LOCAL
8 BOARD SHALL:

9 (1) VERIFY THE REGISTRATION OF THE VOTER;

10 (2) VERIFY THAT A VOTE-BY-MAIL BALLOT HAS NOT BEEN RETURNED
11 BY THE VOTER;

12 (3) NOTE IN THE ELECTION REGISTRY THAT THE VOTER HAS
13 REQUESTED A REPLACEMENT VOTE-BY-MAIL BALLOT;

14 (4) MARK THE RETURN IDENTIFICATION ENVELOPE CLEARLY TO
15 IDENTIFY THE VOTE-BY-MAIL BALLOT AS A REPLACEMENT BALLOT; AND

16 (5) ISSUE THE REPLACEMENT VOTE-BY-MAIL BALLOT.

17 (C) (1) A REPLACEMENT VOTE-BY-MAIL BALLOT MAY BE:

18 (I) MAILED;

19 (II) TRANSMITTED ELECTRONICALLY; OR

20 (III) MADE AVAILABLE AT THE LOCAL BOARD.

21 (2) A LOCAL BOARD MAY NOT BE REQUIRED TO MAIL A REPLACEMENT
22 VOTE-BY-MAIL BALLOT IF THE REQUEST FOR THE REPLACEMENT VOTE-BY-MAIL
23 BALLOT WAS MADE LATER THAN 5 DAYS BEFORE THE DAY OF THE ELECTION.

24 **9-504.**

25 (A) A VOTE-BY-MAIL BALLOT SHALL BE COUNTED ONLY IF:

26 (1) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION
27 ENVELOPE;

1 **(2) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE**
2 **VOTER TO WHOM THE BALLOT WAS ISSUED; AND**

3 **(3) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION (B) OF**
4 **THIS SECTION.**

5 **(B) THE LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER ON THE**
6 **RETURN IDENTIFICATION ENVELOPE BY COMPARING THE SIGNATURE WITH THE**
7 **SIGNATURE ON THE VOTER'S REGISTRATION RECORD IN ACCORDANCE WITH**
8 **REGULATIONS ADOPTED BY THE STATE BOARD.**

9 **9-505.**

10 **THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
11 **SUBTITLE.**

12 11-101.

13 (a) In this title the following words have the meanings indicated.

14 (c) (1) "Canvass" means the entire process of vote tallying, vote tabulation,
15 and vote verification or audit, culminating in the production and certification of the official
16 election results.

17 (2) For absentee ballots, the "canvass" includes the opening of any envelope
18 accompanying an absentee ballot and the assembly and review of absentee ballots in
19 preparation for vote tallying.

20 (3) For provisional ballots, the "canvass" includes the review of the
21 provisional ballot applications described in § 11-303 of this title and the assembly and
22 review of provisional ballots in preparation for vote tallying.

23 (4) For votes cast during early voting, the "canvass" includes the tabulation
24 of votes cast during early voting.

25 (5) For votes cast [in a special election conducted] by mail under Title 9,
26 Subtitle 5 of this article, the "canvass" includes:

27 (i) the opening of any envelope accompanying a vote-by-mail ballot
28 and the assembly and review of vote-by-mail ballots in preparation for vote tabulation;
29 and

30 (ii) the tabulation of vote-by-mail ballots.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 January 1, 2022.