

HOUSE BILL 746

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1lr2354

By: **Delegate Wivell**

Introduced and read first time: January 29, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballot Envelopes – Party Affiliation**

3 FOR the purpose of prohibiting the form and content required to be prescribed by the State
4 Board of Elections for an envelope enclosing an absentee ballot from including
5 language or information that visibly identifies the party affiliation of the voter;
6 prohibiting ballot/return and return envelopes for absentee ballots from including
7 language or information that visibly identifies the party affiliation of the voter;
8 prohibiting an envelope template provided by a local board of elections for an
9 absentee ballot sent by Internet or facsimile transmission from containing language
10 or information that visibly identifies the party affiliation of the voter; and generally
11 relating to absentee ballot envelopes.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 9–310
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2020 Supplement)

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

19 **Article – Election Law**

20 9–310.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) THE FORM AND CONTENT PRESCRIBED UNDER**
2 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT INCLUDE LANGUAGE OR**
3 **INFORMATION THAT VISIBLY IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

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

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

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

12 (iv) The ballot/return envelope described under subparagraph (ii) of
13 this paragraph and the return envelope described under subparagraph (iii) of this
14 paragraph provided to a voter voting by absentee ballot:

15 **1. shall include prepaid postage; AND**

16 **2. MAY NOT INCLUDE LANGUAGE OR INFORMATION**
17 **THAT VISIBLY IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

18 (4) (i) An absentee ballot shall be accompanied by instructions for
19 postage of the ballot/return envelope or the return envelope.

20 (ii) The instructions for postage shall include:

21 1. a statement that the ballot/return envelope or return
22 envelope includes prepaid postage and may be mailed as is; and

23 2. directions for how a voter may attach postage for the
24 purpose of reducing the costs of the local board.

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

28 (b) The State Board shall reimburse each local board for 50% of the cost of prepaid
29 postage included on ballot/return envelopes or return envelopes provided to a voter voting
30 by absentee ballot under subsection [(a)(3)(iv)] **(A)(3)(IV)1** of this section.

31 (c) **(1)** If an absentee ballot is sent by the Internet or facsimile transmission,
32 the local board shall provide the voter with an envelope template, the oath prescribed by
33 the State Board, and instructions for marking and returning the absentee ballot.

1 **(2) AN ENVELOPE TEMPLATE PROVIDED UNDER PARAGRAPH (1) OF**
2 **THIS SUBSECTION MAY NOT INCLUDE LANGUAGE OR INFORMATION THAT VISIBLY**
3 **IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2021.