

HOUSE BILL 1047

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1lr1459

By: **Delegate Wilkins**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2021

CHAPTER _____

1 AN ACT concerning

2 **Mail-In Voting Enhancement Act**

3 FOR the purpose of requiring the State Board of Elections to complete a certain report after
4 each statewide election; requiring the report to be posted on the State Board's
5 website and submitted to the General Assembly; requiring that certain guidelines
6 for absentee voting provide for the return of absentee ballots using ballot drop boxes
7 and voter access to information concerning the status of the voter's absentee ballot;
8 requiring that certain instructions accompanying an absentee ballot include a
9 provision informing the voter that an absentee ballot placed in a mailbox after a
10 certain pick up on election day will not be postmarked on election day; requiring the
11 State Board of Elections to ensure that ballot drop boxes are available during a
12 certain period before each election; requiring the State Board to make at least a
13 certain number of ballot drop boxes available for certain elections; requiring the
14 State Board to establish a certain formula for the purpose of allocating ballot drop
15 boxes among the counties; requiring each local board of elections to reimburse the
16 State Board for a certain percentage of the cost of the ballot drop boxes located in the
17 county; requiring the State Board to ensure that ballot drop boxes are compliant with
18 a certain federal law and generally consistent in design, size, and security features;
19 requiring each local board, subject to the approval of the State Board, to determine
20 the location of each ballot drop box; requiring a local board to ensure certain
21 accessibility take into account certain factors when determining the location of ballot
22 drop boxes; requiring a local board to make certain efforts to ensure the security of
23 ballot drop boxes; requiring that a local board have certain access to certain security
24 cameras; requiring a local board to remove the ballots from each ballot drop box at
25 least once each day that the ballot drop box is open; requiring the State Board to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 establish chain of custody procedures governing removal of election-related
 2 materials from ballot drop boxes and the return of the materials to the local board;
 3 ~~requiring a local board to establish a certain electioneering boundary around a ballot~~
 4 ~~drop box; requiring a local board to consider certain factors when determining the~~
 5 ~~location of an electioneering boundary around a ballot drop box; requiring a local~~
 6 ~~board to post certain signs to notify the public of the location of an electioneering~~
 7 ~~boundary around a ballot drop box; prohibiting a person from engaging in certain~~
 8 ~~electioneering activities beyond an electioneering boundary around a ballot drop box;~~
 9 ~~requiring that electioneering be allowed on public property up to the electioneering~~
 10 ~~boundary around a ballot drop box; prohibiting a ballot drop box from being located~~
 11 ~~on private property unless the property owner agrees to allow electioneering on the~~
 12 ~~property up to the electioneering boundary around a ballot drop box; requiring that~~
 13 ~~campaign signs be allowed on public or private property where a ballot drop box is~~
 14 ~~located during a certain time period; defining a certain term; prohibiting a person~~
 15 from canvassing, electioneering, or posting campaign material in a certain manner
 16 or placing certain material on a ballot drop box; requiring the State Board to allow a
 17 voter to access certain information concerning the voter's absentee ballot application
 18 and absentee ballot; authorizing a voter to access the information concerning the
 19 voter's absentee ballot application and absentee ballot in a certain manner;
 20 ~~authorizing a voter to request to receive a postcard, an e-mail message, or a text~~
 21 ~~message concerning the voter's absentee ballot on the voter's absentee ballot~~
 22 ~~application; requiring the State Board to provide updated information concerning a~~
 23 ~~voter's absentee ballot in a timely manner within a certain period of time; requiring~~
 24 ~~the State Board to ensure the security, confidentiality, and integrity of certain~~
 25 ~~information; altering the circumstances under which a local board is required to~~
 26 ~~reject an absentee ballot; requiring the State Board to adopt regulations requiring a~~
 27 ~~local board to notify a voter of a certain problem with the voter's absentee ballot and~~
 28 ~~provide the voter an opportunity to correct the problem and have the ballot counted;~~
 29 ~~requiring that the regulations allow a voter to supply a signature if the voter failed~~
 30 ~~to sign a certain oath and to choose among multiple methods of communicating with~~
 31 ~~the local board to correct a problem with the voter's absentee ballot; prohibiting a~~
 32 ~~person from removing, defacing, damaging, destroying, or preventing the correct~~
 33 ~~operation of a ballot drop box; prohibiting a person from unlocking a ballot drop box~~
 34 ~~except under certain circumstances; providing that a person who violates certain~~
 35 ~~prohibitions is guilty of a felony and on conviction is subject to certain penalties;~~
 36 ~~requiring the State Board to contract with a usability consultant on or before a~~
 37 ~~certain date to review all the public informational materials and forms related to~~
 38 ~~mail-in voting produced by the State Board; requiring the consultant to make~~
 39 ~~certain recommendations to the State Board on or before a certain date; requiring~~
 40 ~~the consultant to make specific recommendations concerning certain matters;~~
 41 ~~requiring the State Board to submit a certain report to certain committees of the~~
 42 ~~General Assembly on or before a certain date; defining a certain term; and generally~~
 43 ~~relating to absentee voting elections.~~

44 ~~BY repealing and reenacting, with amendments,~~

45 ~~Article — Election Law~~

46 ~~Section 9-303 and 11-302~~

~~Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)~~

BY adding to

Article – Election Law

Section 1–101(d–1), 1–306, 9–310.1 and, 9–311.1, and 16–805

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)

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)

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

Article – Election Law

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

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

3 9-303.

4 (a) The State Board shall establish guidelines for the administration of absentee
 5 voting by the local boards.

6 (b) The guidelines shall provide for:

7 (1) the application process;

8 (2) late application for absentee ballots;

9 **(3) THE RETURN OF ABSENTEE BALLOTS USING BALLOT DROP BOXES;**

10 ~~(3)~~ **(4)** ballot security, including storage of returned ballots;

11 ~~(4)~~ **(5)** determining timeliness of receipt of applications and ballots,
 12 including applications and ballots for overseas voters;

13 ~~(5)~~ **(6)** the canvass process;

14 ~~(6)~~ **(7)** notice of the canvass to candidates, political parties, campaign
 15 organizations, news media, and the general public;

16 ~~(7)~~ **(8)** observers of the process;

17 ~~(8)~~ **(9)** review of voted ballots and envelopes for compliance with the law
 18 and for machine tabulation acceptability;

19 ~~(9)~~ **(10)** standards for disallowance of ballots during the canvass; [and]

20 ~~(10)~~ **(11)** storage and retention of ballots following canvass and
 21 certification; AND

22 ~~(11)~~ **(12)** **VOTER ACCESS TO INFORMATION CONCERNING THE STATUS**
 23 **OF THE VOTER'S ABSENTEE BALLOT.**

24 (c) The State Board shall:

25 (1) in consultation with the local boards, assess the guidelines before each
 26 primary election; and

27 (2) revise the guidelines if indicated.

1 9-309.

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

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

7 9-310.1.

8 ~~(A) IN THIS SECTION, "BALLOT DROP BOX" MEANS A SECURE, DURABLE,~~
9 ~~OUTDOOR CONTAINER THAT IS OFFICIALLY DESIGNATED BY A LOCAL BOARD~~
10 ~~EXCLUSIVELY FOR VOTERS TO DEPOSIT COMPLETED ABSENTEE BALLOTS IN~~
11 ~~PERSON.~~

12 ~~(B)~~ (A) THE STATE BOARD SHALL ENSURE THAT BALLOT DROP BOXES
13 ARE AVAILABLE DURING THE PERIOD BEGINNING AT LEAST 30 DAYS BEFORE EACH
14 ELECTION THROUGH ELECTION DAY.

15 ~~(B)~~ (1) FOR EACH STATEWIDE PRIMARY AND STATEWIDE GENERAL
16 ELECTION, THE STATE BOARD SHALL MAKE AT LEAST 300 BALLOT DROP BOXES
17 AVAILABLE.

18 (2) FOR EACH SPECIAL PRIMARY AND SPECIAL GENERAL ELECTION,
19 THE STATE BOARD SHALL MAKE AN APPROPRIATE NUMBER OF BALLOT DROP BOXES
20 AVAILABLE.

21 ~~(C)~~ (C) THE STATE BOARD SHALL ESTABLISH AN EQUITABLE FORMULA
22 BASED ON THE NUMBER OF REGISTERED VOTERS IN EACH COUNTY FOR THE
23 PURPOSE OF ALLOCATING BALLOT DROP BOXES AMONG THE COUNTIES.

24 ~~(D)~~ (D) EACH LOCAL BOARD SHALL REIMBURSE THE STATE BOARD FOR
25 50% OF THE COST OF THE BALLOT DROP BOXES LOCATED IN THE COUNTY.

26 ~~(E)~~ (E) THE STATE BOARD SHALL ENSURE THAT BALLOT DROP BOXES
27 ARE:

28 (1) COMPLIANT WITH THE FEDERAL AMERICANS WITH DISABILITIES
29 ACT; AND

30 (2) GENERALLY CONSISTENT IN DESIGN, ~~SIZE,~~ AND SECURITY
31 FEATURES.

~~(G)~~ (F) (1) ~~SUBJECT TO THE APPROVAL OF THE STATE BOARD, EACH~~
 2 EACH LOCAL BOARD SHALL DETERMINE THE LOCATION OF EACH BALLOT DROP
 3 BOX.

~~(2) IN DETERMINING THE LOCATION OF BALLOT DROP BOXES, A~~
 5 ~~LOCAL BOARD SHALL ENSURE ACCESSIBILITY BY:~~

~~(I) DIVERSE DEMOGRAPHIC COMMUNITIES, INCLUDING~~
 7 ~~PEOPLE OF DIFFERENT INCOMES, RACES, AND AGES;~~

~~(II) DIVERSE GEOGRAPHIC COMMUNITIES, INCLUDING RURAL,~~
 9 ~~SUBURBAN, AND URBAN COMMUNITIES;~~

~~(III) PUBLIC TRANSPORTATION; AND~~

~~(IV) INDIVIDUALS WITH DISABILITIES.~~

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

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

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

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

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

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

~~(H)~~ (G) (1) A LOCAL BOARD SHALL ~~MAKE EVERY POSSIBLE EFFORT TO~~
 27 ENSURE THE SECURITY OF BALLOT DROP BOXES, INCLUDING THROUGH THE USE OF
 28 THE FOLLOWING WHEN FEASIBLE:

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

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

3 (2) A LOCAL BOARD SHALL HAVE IMMEDIATE ACCESS TO A SECURITY
4 CAMERA USED FOR MONITORING A BALLOT DROP BOX UNDER PARAGRAPH (1)(I) OF
5 THIS SUBSECTION.

6 ~~(H)~~ (1) A LOCAL BOARD SHALL REMOVE THE BALLOTS FROM EACH
7 BALLOT DROP BOX AT LEAST ONCE EACH DAY THAT THE BALLOT DROP BOX IS OPEN.

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

11 ~~(J) (1) (I) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~
12 ~~PARAGRAPH, A LOCAL BOARD SHALL ESTABLISH AN ELECTIONEERING BOUNDARY~~
13 ~~AS NEAR AS PRACTICABLE TO 100 FEET AROUND A BALLOT DROP BOX.~~

14 ~~(H) IN MONTGOMERY COUNTY, THE LOCAL BOARD MAY~~
15 ~~ESTABLISH THE ELECTIONEERING BOUNDARY AT ANY POINT BETWEEN 25 FEET AND~~
16 ~~100 FEET AROUND A BALLOT DROP BOX.~~

17 ~~(2) WHEN DETERMINING THE LOCATION OF THE ELECTIONEERING~~
18 ~~BOUNDARY, A LOCAL BOARD SHALL CONSIDER THE SURROUNDINGS OF THE BALLOT~~
19 ~~DROP BOX AND THE EFFECT THAT PLACEMENT OF THE BOUNDARY WILL HAVE ON~~
20 ~~PUBLIC SAFETY AND THE FLOW OF PEDESTRIAN AND VEHICULAR TRAFFIC.~~

21 ~~(3) A LOCAL BOARD SHALL POST SIGNS CONTAINING THE WORDS "NO~~
22 ~~ELECTIONEERING BEYOND THIS POINT" TO NOTIFY THE PUBLIC OF THE LOCATION~~
23 ~~OF THE ELECTIONEERING BOUNDARY.~~

24 ~~(4) A PERSON MAY NOT CANVASS, ELECTIONEER, OR POST ANY~~
25 ~~CAMPAIGN MATERIAL BEYOND THE ELECTIONEERING BOUNDARY AROUND A~~
26 ~~BALLOT DROP BOX~~ A PERSON MAY NOT:

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

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

31 ~~(K) (1) ELECTIONEERING SHALL BE ALLOWED ON PUBLIC PROPERTY~~
32 ~~WHERE A BALLOT DROP BOX IS LOCATED UP TO THE ELECTIONEERING BOUNDARY~~
33 ~~ESTABLISHED UNDER SUBSECTION (J) OF THIS SECTION.~~

~~(2) A BALLOT DROP BOX MAY NOT BE LOCATED ON PRIVATE PROPERTY UNLESS THE PROPERTY OWNER AGREES TO ALLOW ELECTIONEERING ON THE PROPERTY UP TO THE ELECTIONEERING BOUNDARY ESTABLISHED UNDER SUBSECTION (J) OF THIS SECTION.~~

~~(3) CAMPAIGN SIGNS SHALL BE ALLOWED ON PUBLIC OR PRIVATE PROPERTY WHERE A BALLOT DROP BOX IS LOCATED, AT A MINIMUM, DURING THE PERIOD FROM 5 P.M. ON THE DAY IMMEDIATELY BEFORE THE DAY THE BALLOT DROP BOX OPENS FOR PUBLIC USE UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION DAY.~~

9-311.1.

(A) THE STATE BOARD SHALL ALLOW A VOTER TO ACCESS THE FOLLOWING INFORMATION CONCERNING THE VOTER'S ABSENTEE BALLOT APPLICATION AND ABSENTEE BALLOT:

~~(1) THE DATE AND TIME WHEN THE VOTER'S ABSENTEE BALLOT APPLICATION WAS RECEIVED BY THE LOCAL BOARD;~~

~~(2) THE DATE AND TIME WHEN THE LOCAL BOARD DELIVERED THE VOTER'S ABSENTEE BALLOT TO THE UNITED STATES POSTAL SERVICE;~~

~~(3) THE DATE THAT THE VOTER'S ABSENTEE BALLOT IS EXPECTED TO BE DELIVERED TO THE VOTER, BASED ON INFORMATION PROVIDED BY THE UNITED STATES POSTAL SERVICE;~~

~~(4) WHETHER THE VOTER'S BALLOT HAS BEEN RETURNED AS UNDELIVERABLE TO THE LOCAL BOARD BY THE UNITED STATES POSTAL SERVICE;~~

~~(5) THE DATE AND TIME WHEN THE VOTER'S COMPLETED ABSENTEE BALLOT WAS RECEIVED BY THE LOCAL BOARD;~~

~~(6) IF THE LOCAL BOARD HAS NOT RECEIVED THE VOTER'S COMPLETED ABSENTEE BALLOT BY A DATE SPECIFIED BY THE STATE BOARD, A REMINDER OF THE DEADLINE FOR THE VOTER TO RETURN THE VOTER'S ABSENTEE BALLOT;~~

~~(7) WHETHER THE VOTER'S ABSENTEE BALLOT WAS COUNTED; AND~~

~~(8) IF THE VOTER'S ABSENTEE BALLOT WAS NOT COUNTED;~~

~~(9) THE REASON THE BALLOT WAS NOT COUNTED; AND~~

1 ~~(H) ANY ACTIONS THE VOTER MAY TAKE FOR THE BALLOT TO BE~~
2 ~~COUNTED.~~

3 (1) WHEN THE VOTER'S ABSENTEE BALLOT APPLICATION IS
4 RECEIVED BY THE LOCAL BOARD;

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

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

8 (4) WHEN THE VOTER'S ABSENTEE BALLOT IS COUNTED.

9 (B) A VOTER MAY ACCESS THE INFORMATION CONCERNING THE VOTER'S
10 ABSENTEE BALLOT APPLICATION AND ABSENTEE BALLOT:

11 (1) THROUGH THE STATE BOARD'S WEBSITE; ~~OR~~

12 ~~(2) IF REQUESTED, BY RECEIVING A POSTCARD, AN E-MAIL MESSAGE,~~
13 ~~OR A TEXT MESSAGE FROM THE STATE BOARD~~ BY CALLING THE TOLL-FREE
14 TELEPHONE NUMBER OF THE STATE BOARD; OR

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

18 ~~(C) A VOTER MAY REQUEST TO RECEIVE A POSTCARD, AN E-MAIL MESSAGE,~~
19 ~~OR A TEXT MESSAGE CONCERNING THE VOTER'S ABSENTEE BALLOT ON THE VOTER'S~~
20 ~~ABSENTEE BALLOT APPLICATION.~~

21 (D) THE STATE BOARD SHALL PROVIDE UPDATED INFORMATION
22 CONCERNING A VOTER'S ABSENTEE BALLOT ~~IN A TIMELY MANNER~~ WITHIN 72
23 HOURS.

24 ~~(E) THE STATE BOARD SHALL ENSURE THE SECURITY, CONFIDENTIALITY,~~
25 ~~AND INTEGRITY OF THE INFORMATION PROVIDED TO A VOTER UNDER THIS SECTION.~~

26 11-302.

27 (a) Following an election, each local board shall meet at its designated counting
28 center to canvass the absentee ballots cast in that election in accordance with the
29 regulations and guidelines established by the State Board.

1 (b) (1) A local board may not open any envelope of an absentee ballot prior to
2 8 a.m. on the Wednesday following election day.

3 (2) A local board may not delay the commencement of the canvass to await
4 the receipt of late-arriving, timely absentee ballots.

5 (c) (1) An absentee ballot shall be deemed timely received if it is received in
6 accordance with the regulations and guidelines established by the State Board.

7 (2) An absentee ballot that is received after the deadline specified by the
8 regulations and guidelines may not be counted.

9 (d) (1) The State Board shall adopt regulations that reflect the policy that the
10 clarity of the intent of the voter is the overriding consideration in determining the validity
11 of an absentee ballot or the vote cast in a particular contest.

12 (2) A local board may not reject an absentee ballot except by unanimous
13 vote and in accordance with regulations of the State Board.

14 (3) The local board shall reject an absentee ballot if:

15 (i) the voter failed to sign the oath on the ballot envelope **AND**
16 **FAILED TO CORRECT THE OMISSION BEFORE THE CONCLUSION OF THE CANVASS;**

17 (ii) the local board received more than one ballot from the same
18 individual for the same election in the same ballot envelope; or

19 (iii) the local board determines that an absentee ballot is
20 intentionally marked with an identifying mark that is clearly evident and placed on the
21 ballot for the purpose of identifying the ballot.

22 **(4) (I) THE STATE BOARD SHALL ADOPT REGULATIONS**
23 **REQUIRING A LOCAL BOARD TO:**

24 **1. NOTIFY A VOTER OF A PROBLEM WITH THE VOTER'S**
25 **ABSENTEE BALLOT THAT WOULD CAUSE THE BALLOT TO BE REJECTED BUT WHICH**
26 **IS CAPABLE OF BEING CORRECTED BY THE VOTER; AND**

27 **2. PROVIDE THE VOTER AN OPPORTUNITY TO CORRECT**
28 **THE PROBLEM AND HAVE THE BALLOT COUNTED.**

29 **(II) THE REGULATIONS UNDER THIS PARAGRAPH SHALL ALLOW**
30 **A VOTER TO:**

31 **1. SUPPLY A SIGNATURE IF THE VOTER FAILED TO SIGN**
32 **THE OATH ON THE BALLOT ENVELOPE; AND**

1 **2. CHOOSE AMONG MULTIPLE METHODS OF**
2 **COMMUNICATING WITH THE LOCAL BOARD TO CORRECT A PROBLEM WITH THE**
3 **VOTER'S ABSENTEE BALLOT, INCLUDING:**

4 **A. TEXT MESSAGE;**

5 **B. AN ACCESSIBLE ONLINE PORTAL;**

6 **C. A MAILED FORM; AND**

7 **D. AN IN-PERSON VISIT TO THE LOCAL BOARD OFFICE.**

8 **[(4)] (5)** If the local board receives more than one legally sufficient ballot,
9 in separate envelopes, from the same individual, the local board shall:

10 (i) count only the ballot with the latest properly signed oath; and

11 (ii) reject any other ballot.

12 **[(5)] (6)** If the intent of the voter is not clearly demonstrated, the local
13 board shall reject only the vote for that office or question.

14 **[(6)] (7)** If an absentee voter casts a vote for an individual who has ceased
15 to be a candidate, the vote for that candidate may not be counted, but that vote does not
16 invalidate the remainder of the ballot.

17 (e) At the end of each day of canvassing, a local board shall prepare and release
18 a report of the unofficial results of the absentee ballot vote tabulation.

19 **16-805.**

20 **(A) A PERSON MAY NOT:**

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

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

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

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

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

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

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

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

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

15 (iii) the system allowing a voter to access information concerning the
16 voter's mail-in ballot established under § 9-311.1 of the Election Law Article, as enacted
17 by Section 1 of this Act.

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

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

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

26 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 ~~October~~ June 1, 2021.