

HOUSE BILL 1048

G1

1lr2304

By: **Delegate Wilkins**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Permanent Absentee Ballot List**

3 FOR the purpose of requiring that certain guidelines for absentee voting established by the
4 State Board of Elections provide for a permanent absentee ballot list; providing that
5 all voters are eligible for permanent absentee ballot status; requiring a voter to
6 complete and submit certain information to apply for permanent absentee ballot
7 status; prohibiting a voter who has applied for permanent absentee ballot status
8 from receiving an absentee ballot for the next election if the application is made after
9 a certain deadline; requiring a voter to specify in the permanent absentee ballot
10 application one of certain methods by which the voter chooses to receive an absentee
11 ballot and one of certain methods by which the voter chooses to be notified by the
12 State Board under a certain provision of this Act before each election; requiring a
13 voter who uses the online permanent absentee ballot application or uses any method
14 to request to receive a blank absentee ballot through the Internet to provide certain
15 information; requiring that a voter who submits a proper application for permanent
16 absentee ballot status be placed on the permanent absentee ballot list; requiring the
17 State Board to send a certain written communication to each voter on the permanent
18 absentee ballot list in a certain manner at a certain time; requiring that a certain
19 written communication include certain information; requiring the State Board to
20 send a certain written communication using a different method from the method
21 chosen by the voter under certain circumstances; requiring a local board of elections
22 to send an absentee ballot to each voter on the permanent absentee ballot list each
23 time there is an election; requiring that a voter who has permanent absentee ballot
24 status be removed from the permanent absentee ballot list under certain
25 circumstances; requiring a voter to notify the State Board if certain changes occur
26 while the voter has permanent absentee ballot status; requiring a local board to
27 enclose a certain notification with a certain confirmation notice sent to a voter who
28 has permanent absentee ballot status and gives notice of a change of address; and
29 generally relating to a permanent absentee ballot list.

30 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law
2 Section 9–303
3 Annotated Code of Maryland
4 (2017 Replacement Volume and 2020 Supplement)

5 BY adding to
6 Article – Election Law
7 Section 9–311.1
8 Annotated Code of Maryland
9 (2017 Replacement Volume and 2020 Supplement)

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

12 **Article – Election Law**

13 9–303.

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

16 (b) The guidelines shall provide for:

17 (1) the application process;

18 (2) late application for absentee ballots;

19 (3) ballot security, including storage of returned ballots;

20 (4) determining timeliness of receipt of applications and ballots, including
21 applications and ballots for overseas voters;

22 (5) the canvass process;

23 (6) notice of the canvass to candidates, political parties, campaign
24 organizations, news media, and the general public;

25 (7) observers of the process;

26 (8) review of voted ballots and envelopes for compliance with the law and
27 for machine tabulation acceptability;

28 (9) standards for disallowance of ballots during the canvass; [and]

29 (10) storage and retention of ballots following canvass and certification;

30 AND

1 **(11) THE PERMANENT ABSENTEE BALLOT LIST.**

2 (c) The State Board shall:

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

5 (2) revise the guidelines if indicated.

6 **9-311.1.**

7 **(A) ALL VOTERS ARE ELIGIBLE FOR PERMANENT ABSENTEE BALLOT**
8 **STATUS.**

9 **(B) TO APPLY FOR PERMANENT ABSENTEE BALLOT STATUS, A VOTER SHALL**
10 **COMPLETE AND SUBMIT:**

11 **(1) THE STATE BOARD APPROVED PERMANENT ABSENTEE BALLOT**
12 **APPLICATION;**

13 **(2) A WRITTEN REQUEST THAT INCLUDES THE VOTER'S NAME,**
14 **RESIDENCE ADDRESS, AND SIGNATURE; OR**

15 **(3) THE ONLINE PERMANENT ABSENTEE BALLOT APPLICATION**
16 **PROVIDED BY THE STATE BOARD.**

17 **(C) A VOTER WHO HAS APPLIED FOR PERMANENT ABSENTEE BALLOT**
18 **STATUS MAY NOT RECEIVE AN ABSENTEE BALLOT FOR THE NEXT ELECTION IF THE**
19 **APPLICATION IS MADE AFTER THE APPLICABLE DEADLINE SPECIFIED IN § 9-305(C)**
20 **OF THIS SUBTITLE.**

21 **(D) A VOTER SHALL SPECIFY IN THE PERMANENT ABSENTEE BALLOT**
22 **APPLICATION SUBMITTED IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS**
23 **SECTION:**

24 **(1) ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER**
25 **CHOOSES TO RECEIVE AN ABSENTEE BALLOT:**

26 **(I) MAIL;**

27 **(II) FACSIMILE TRANSMISSION; OR**

28 **(III) THE INTERNET; AND**

1 **(2) ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER**
2 **CHOOSES TO BE CONTACTED BY THE STATE BOARD UNDER SUBSECTION (G) OF THIS**
3 **SECTION BEFORE EACH ELECTION:**

4 **(I) NONFORWARDABLE MAIL;**

5 **(II) E-MAIL; OR**

6 **(III) TEXT MESSAGE.**

7 **(E) A VOTER WHO USES THE ONLINE PERMANENT ABSENTEE BALLOT**
8 **APPLICATION TO REQUEST THAT AN ABSENTEE BALLOT BE SENT BY ANY METHOD**
9 **OR WHO USES ANY METHOD TO REQUEST TO RECEIVE A BLANK ABSENTEE BALLOT**
10 **THROUGH THE INTERNET SHALL PROVIDE THE INFORMATION REQUIRED UNDER §**
11 **9-305(B) OF THIS SUBTITLE.**

12 **(F) A VOTER WHO SUBMITS A PROPER APPLICATION FOR PERMANENT**
13 **ABSENTEE BALLOT STATUS SHALL BE PLACED ON THE PERMANENT ABSENTEE**
14 **BALLOT LIST.**

15 **(G) (1) NOT LESS THAN 45 DAYS BEFORE THE DAY ON WHICH A LOCAL**
16 **BOARD BEGINS TO SEND ABSENTEE BALLOTS TO VOTERS, THE STATE BOARD SHALL**
17 **SEND A WRITTEN COMMUNICATION TO EACH VOTER ON THE PERMANENT ABSENTEE**
18 **BALLOT LIST USING THE METHOD CHOSEN BY THE VOTER UNDER SUBSECTION**
19 **(D)(2) OF THIS SECTION.**

20 **(2) THE COMMUNICATION REQUIRED UNDER PARAGRAPH (1) OF THIS**
21 **SUBSECTION SHALL INCLUDE:**

22 **(I) CONFIRMATION THAT THE VOTER IS INCLUDED ON THE**
23 **PERMANENT ABSENTEE BALLOT LIST;**

24 **(II) THE ADDRESS OF THE VOTER;**

25 **(III) THE METHOD BY WHICH THE VOTER HAS CHOSEN TO**
26 **RECEIVE AN ABSENTEE BALLOT; AND**

27 **(IV) A STATEMENT THAT THE VOTER MUST NOTIFY THE STATE**
28 **BOARD IF ANY OF THE CHANGES LISTED IN SUBSECTION (J) OF THIS SECTION HAVE**
29 **OCCURRED.**

30 **(3) IF THE STATE BOARD IS UNABLE TO CONTACT A VOTER USING THE**
31 **METHOD OF COMMUNICATION CHOSEN BY THE VOTER UNDER SUBSECTION (D)(2)**

1 OF THIS SECTION, THE STATE BOARD SHALL SEND THE WRITTEN COMMUNICATION
2 USING ANOTHER METHOD IF THE STATE BOARD HAS OTHER CONTACT
3 INFORMATION FOR THE VOTER.

4 (H) A LOCAL BOARD SHALL SEND AN ABSENTEE BALLOT TO EACH VOTER ON
5 THE PERMANENT ABSENTEE BALLOT LIST EACH TIME THERE IS AN ELECTION.

6 (I) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS SHALL BE
7 REMOVED FROM THE PERMANENT ABSENTEE BALLOT LIST IF:

8 (1) THE VOTER REQUESTS TO BE REMOVED FROM THE LIST;

9 (2) THE VOTER IS REMOVED FROM THE STATEWIDE VOTER
10 REGISTRATION LIST UNDER TITLE 3, SUBTITLE 5 OF THIS ARTICLE;

11 (3) THE VOTER FAILS TO RETURN AN ABSENTEE BALLOT FOR TWO
12 CONSECUTIVE STATEWIDE GENERAL ELECTIONS; OR

13 (4) ANY MAIL SENT TO THE VOTER BY THE STATE BOARD OR A LOCAL
14 BOARD OF ELECTIONS IS RETURNED UNDELIVERABLE.

15 (J) A VOTER SHALL NOTIFY THE STATE BOARD IF ANY OF THE FOLLOWING
16 CHANGES OCCUR WHILE THE VOTER HAS PERMANENT ABSENTEE BALLOT STATUS:

17 (1) THE VOTER NO LONGER WISHES TO HAVE PERMANENT ABSENTEE
18 BALLOT STATUS;

19 (2) THE ADDRESS TO WHICH THE VOTER'S ABSENTEE BALLOT
20 SHOULD BE SENT HAS CHANGED; OR

21 (3) THE VOTER WISHES TO RECEIVE AN ABSENTEE BALLOT BY A
22 DIFFERENT METHOD THAN THE METHOD PREVIOUSLY INDICATED BY THE VOTER.

23 (K) IF A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS GIVES
24 NOTICE OF A CHANGE OF ADDRESS UNDER § 3-304 OF THIS ARTICLE, THE LOCAL
25 BOARD SHALL ENCLOSE WITH THE CONFIRMATION NOTICE SENT TO THE VOTER
26 UNDER § 3-502(B) OF THIS ARTICLE A NOTIFICATION THAT:

27 (1) THE VOTER REMAINS INCLUDED ON THE PERMANENT ABSENTEE
28 BALLOT LIST; AND

29 (2) THE VOTER'S ABSENTEE BALLOT WILL BE SENT TO THE VOTER'S
30 NEW ADDRESS.

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