

HOUSE BILL 1145

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11r2877

By: **Delegate Cox**

Introduced and read first time: February 8, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Requests and Signature Verification**

3 FOR the purpose of requiring that certain guidelines for absentee voting provide for the
4 verification of signatures on absentee ballot envelopes; requiring a voter to include
5 certain documentation with an absentee ballot application; prohibiting an absentee
6 ballot from being removed from a certain envelope or counted except under certain
7 circumstances; requiring each local board of elections to verify the signature of a
8 voter on an absentee ballot envelope in a certain manner; requiring a local board to
9 allow a candidate or a representative of a political party central committee to inspect
10 signatures on absentee ballot envelopes in a certain manner before the beginning of
11 the absentee ballot canvass; authorizing a candidate or a political party central
12 committee to challenge the validity of the signature on an absentee ballot envelope;
13 requiring that a challenge to the validity of a signature be adjudicated by the
14 governing body of the county where the absentee ballot was cast, rather than by the
15 courts; providing that a fee is not required for a certain identification card issued by
16 the Motor Vehicle Administration if the card is obtained by the applicant for the
17 purpose of requesting an absentee ballot; and generally relating to absentee ballots.

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 9–303 and 9–305
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2020 Supplement)

23 BY adding to
24 Article – Election Law
25 Section 9–310.1
26 Annotated Code of Maryland
27 (2017 Replacement Volume and 2020 Supplement)

28 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation
2 Section 12–301(a) and (h)
3 Annotated Code of Maryland
4 (2020 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article – Transportation
7 Section 12–301(b)
8 Annotated Code of Maryland
9 (2020 Replacement Volume)

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) VERIFICATION OF SIGNATURES ON ABSENTEE BALLOT**
2 **ENVELOPES.**

3 (c) The State Board shall:

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

6 (2) revise the guidelines if indicated.

7 9–305.

8 (a) **(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A voter may
9 request an absentee ballot by completing and submitting:

10 **[(1)] (I)** the State Board approved absentee ballot application;

11 **[(2)] (II)** a form provided under federal law;

12 **[(3)] (III)** subject to subsection (b) of this section, a written request that
13 includes:

14 **[(i)] 1.** the voter’s name, residence address, and signature; and

15 **[(ii)] 2.** the address to which the ballot is to be mailed, if different
16 from the residence address; or

17 **[(4)] (IV)** the accessible online absentee ballot application provided by the
18 State Board.

19 **(2) IF A VOTER REQUESTS AN ABSENTEE BALLOT IN ACCORDANCE**
20 **WITH PARAGRAPH (1) OF THIS SUBSECTION, THE VOTER SHALL INCLUDE WITH THE**
21 **SUBMITTED MATERIALS THE FOLLOWING:**

22 **(I) A COPY OF THE VOTER’S DRIVER’S LICENSE OR**
23 **IDENTIFICATION CARD THAT IS COMPLIANT WITH THE FEDERAL REAL ID ACT;**

24 **(II) A DOCUMENT THAT IS ACCEPTABLE AS PROOF OF**
25 **RESIDENCY FOR PURPOSES OF THE FEDERAL REAL ID ACT; AND**

26 **(III) AN AFFIDAVIT SIGNED BY THE VOTER STATING THAT THE**
27 **VOTER IS A UNITED STATES CITIZEN.**

1 (b) A voter who uses the online absentee ballot application to request that an
2 absentee ballot be sent by any method or who uses any method to request to receive a blank
3 absentee ballot through the Internet shall provide the following information:

4 (1) a Maryland driver's license number or Maryland identification card
5 number, the last four digits of the applicant's Social Security number, and other
6 information identified by the State Board that is not generally available to the public but
7 is readily available to the applicant; or

8 (2) if the applicant is an absent uniformed services voter or overseas voter
9 as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act or a voter
10 with a disability and does not have a Maryland driver's license or Maryland identification
11 card, the last four digits of the applicant's Social Security number.

12 (c) An application for an absentee ballot must be received by a local board:

13 (1) if the voter requests the absentee ballot be sent by mail or facsimile
14 transmission, not later than the Tuesday preceding the election, at the time specified in the
15 guidelines;

16 (2) if the voter requests the absentee ballot be sent by the Internet, not
17 later than the Friday preceding the election, at the time specified in the guidelines; or

18 (3) if the voter or the voter's duly authorized agent applies for an absentee
19 ballot in person at the local board office, not later than the closing of the polls on election
20 day.

21 **9-310.1.**

22 (A) AN ABSENTEE BALLOT CAST IN ACCORDANCE WITH THIS SUBTITLE MAY
23 NOT BE REMOVED FROM THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE OR
24 COUNTED UNLESS:

25 (1) THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE IS
26 SIGNED BY THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND

27 (2) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION (B) OF
28 THIS SECTION.

29 (B) EACH LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER ON THE
30 RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE BY COMPARING THE
31 SIGNATURE WITH:

32 (1) THE SIGNED AFFIDAVIT INCLUDED WITH THE VOTER'S ABSENTEE
33 BALLOT APPLICATION IN ACCORDANCE WITH § 9-305 OF THIS SUBTITLE; AND

(2) THE VOTER'S REGISTRATION RECORD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.

(C) ON REQUEST BY A CANDIDATE OR POLITICAL PARTY CENTRAL COMMITTEE, A LOCAL BOARD SHALL ALLOW THE CANDIDATE OR A REPRESENTATIVE OF THE CENTRAL COMMITTEE TO PHYSICALLY INSPECT SIGNATURES ON RETURN ENVELOPES OR BALLOT/RETURN ENVELOPES BEFORE BEGINNING THE CANVASS OF ABSENTEE BALLOTS IN ACCORDANCE WITH § 11-302 OF THIS ARTICLE.

(D) (1) A CANDIDATE OR A POLITICAL PARTY CENTRAL COMMITTEE MAY CHALLENGE THE VALIDITY OF A SIGNATURE ON A RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE.

(2) NOTWITHSTANDING § 11-304 OF THIS ARTICLE, A CHALLENGE TO THE VALIDITY OF A SIGNATURE UNDER THIS SUBSECTION SHALL BE ADJUDICATED BY THE GOVERNING BODY OF THE COUNTY WHERE THE BALLOT WAS CAST.

Article – Transportation

12-301.

(a) On application, the Administration shall issue an identification card to any applicant who:

- (1) Is a resident of this State;
- (2) Does not have a driver's license;
- (3) Presents a birth certificate or other proof of age and identity acceptable to the Administration;
- (4) Provides satisfactory documentary evidence that the applicant has lawful status;

(5) (i) Provides satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

- 1. A current W-2 form;
- 2. A current SSA-1099 form;
- 3. A current non-SSA-1099 form; or

1 4. A current pay stub with the applicant’s name and Social
 2 Security number on it; or

3 (ii) Provides satisfactory documentary evidence that the applicant is
 4 not eligible for a Social Security number; and

5 (6) Presents a completed application for an identification card on a form
 6 furnished by the Administration.

7 (b) (1) Except as provided in paragraph (2) of this subsection, the
 8 Administration shall establish a fee for the issuance of an identification card and for
 9 issuance of a duplicate identification card.

10 (2) A fee is not required if the applicant for the card:

11 (i) Is 65 years old or older;

12 (ii) Is legally blind;

13 (iii) Has permanently lost the use of a leg or an arm;

14 (iv) Is permanently disabled so severely that the applicant cannot
 15 move without the aid of crutches or a wheelchair; [or]

16 (v) Has a physical or mental impairment that substantially limits a
 17 “major life activity” as defined in the federal Americans with Disabilities Act; OR

18 **(VI) OBTAINS THE CARD TO REQUEST AN ABSENTEE BALLOT IN**
 19 **ACCORDANCE WITH § 9–305 OF THE ELECTION LAW ARTICLE.**

20 (h) An identification card may be used as legal identification of the individual to
 21 whom it is issued for any purpose.

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