

HOUSE BILL 1345

G1

11r3035

By: **Delegate Kaiser**

Introduced and read first time: February 12, 2021

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Mail-In Voting – Certification of Assistance, Design of Materials, and Ballot**
3 **Curing**

4 FOR the purpose of requiring that a certain certification executed by an individual
5 rendering assistance to an absentee voter be on a certain envelope instead of
6 included in certain instructions; requiring the State Board of Elections to establish
7 consistent designs for certain absentee voting materials that must be used by all the
8 local boards of elections; requiring that the designs for absentee voting materials
9 implement best practices for plain language and be updated before each election as
10 appropriate; requiring that the designs for absentee voting materials include certain
11 samples, a certain template, and certain options; altering the circumstances under
12 which a local board is required to reject an absentee ballot; requiring the State Board
13 to adopt regulations requiring a local board to notify a voter of a certain problem
14 with the voter's absentee ballot and provide the voter an opportunity to correct the
15 problem and have the ballot counted; requiring that the regulations allow a voter to
16 supply a signature if the voter failed to sign a certain oath and to choose among
17 multiple methods of communicating with the local board to correct a problem with
18 the voter's absentee ballot; defining a certain term; and generally relating to
19 absentee voting.

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 9–308 and 11–302
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2020 Supplement)

25 BY adding to
26 Article – Election Law
27 Section 9–310.1
28 Annotated Code of Maryland
29 (2017 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 9–308.

5 (a) A voter who requires assistance in casting an absentee ballot by reason of
6 disability, inability to write, or inability to read the ballot may be assisted by any individual
7 other than:

8 (1) a candidate who is on that ballot;

9 (2) the voter’s employer or an agent of the employer; or

10 (3) an officer or agent of the voter’s union.

11 (b) An individual rendering assistance under this section shall execute a
12 certification as prescribed by the State Board [and included in the instructions under §
13 9–309 of this subtitle] **ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE**
14 **UNDER § 9–310 OF THIS SUBTITLE.**

15 **9–310.1.**

16 (A) **IN THIS SECTION, “ABSENTEE VOTING MATERIALS” MEANS ALL**
17 **MATERIALS MAILED TO VOTERS WHO CHOOSE TO VOTE ABSENTEE, INCLUDING**
18 **ENVELOPES, FORMS, AND INSTRUCTIONS.**

19 (B) **THE STATE BOARD SHALL ESTABLISH CONSISTENT DESIGNS FOR**
20 **ABSENTEE VOTING MATERIALS THAT SHALL BE USED BY ALL THE LOCAL BOARDS.**

21 (C) **THE DESIGNS FOR ABSENTEE VOTING MATERIALS ESTABLISHED BY THE**
22 **STATE BOARD UNDER SUBSECTION (B) OF THIS SECTION SHALL:**

23 (1) **IMPLEMENT BEST PRACTICES FOR THE USE OF PLAIN LANGUAGE;**
24 **AND**

25 (2) **BE UPDATED BEFORE EACH ELECTION AS APPROPRIATE.**

26 (D) **THE DESIGNS FOR ABSENTEE VOTING MATERIALS ESTABLISHED BY THE**
27 **STATE BOARD UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:**

28 (1) **SAMPLES OF ALL ABSENTEE VOTING MATERIALS;**

1 **(2) AN ENVELOPE TEMPLATE THAT:**

2 **(I) PROVIDES FOR GENERAL CONSISTENCY IN ENVELOPES**
3 **WHILE ALLOWING FOR SOME VARIATION DUE TO DIFFERENT PRINTING AND**
4 **MAILING REQUIREMENTS; AND**

5 **(II) INCORPORATES THE CERTIFICATION OF AN INDIVIDUAL**
6 **RENDERING ASSISTANCE TO A VOTER UNDER § 9-308 OF THIS SUBTITLE ON THE**
7 **BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE;**

8 **(3) THE FOLLOWING OPTIONS FOR ENVELOPE LAYOUTS:**

9 **(I) ONE IN WHICH THE VOTER'S SIGNATURE ON THE BALLOT**
10 **ENVELOPE OR BALLOT/RETURN ENVELOPE IS VISIBLE ON THE OUTSIDE; AND**

11 **(II) ONE IN WHICH THE VOTER'S SIGNATURE ON THE BALLOT**
12 **ENVELOPE OR BALLOT/RETURN ENVELOPE IS HIDDEN FROM VIEW; AND**

13 **(4) BILINGUAL ENVELOPE LAYOUTS FOR USE BY A LOCAL BOARD**
14 **THAT PROVIDES ABSENTEE VOTING MATERIALS IN A LANGUAGE OTHER THAN**
15 **ENGLISH.**

16 11-302.

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

20 (b) (1) A local board may not open any envelope of an absentee ballot prior to
21 8 a.m. on the Wednesday following election day.

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

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

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

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

31 (2) A local board may not reject an absentee ballot except by unanimous

1 vote and in accordance with regulations of the State Board.

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

3 (i) the voter failed to sign the oath on the ballot envelope **OR**
4 **BALLOT/RETURN ENVELOPE AND FAILED TO CORRECT THE OMISSION BEFORE THE**
5 **CONCLUSION OF THE CANVASS;**

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

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

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

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

16 2. **PROVIDE THE VOTER AN OPPORTUNITY TO CORRECT**
17 **THE PROBLEM AND HAVE THE BALLOT COUNTED.**

18 (II) **THE REGULATIONS UNDER THIS PARAGRAPH SHALL ALLOW**
19 **A VOTER TO:**

20 1. **SUPPLY A SIGNATURE IF THE VOTER FAILED TO SIGN**
21 **THE OATH ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE; AND**

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

25 A. **A TEXT MESSAGE;**

26 B. **AN ONLINE PORTAL;**

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

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

29 [(4)] (5) If the local board receives more than one legally sufficient ballot,

1 in separate envelopes, from the same individual, the local board shall:

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

3 (ii) reject any other ballot.

4 ~~[(5)]~~ **(6)** If the intent of the voter is not clearly demonstrated, the local
5 board shall reject only the vote for that office or question.

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2021.