

# SENATE BILL 29

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(PRE-FILED)

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By: **Senator Kramer**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voting – Elections by Mail, Polling Places, and Early Voting**  
3 **Centers**

4 FOR the purpose of requiring each local board of elections to send a vote-by-mail ballot to  
5 each individual who is registered to vote as of a certain day before each election;  
6 requiring the State Board to establish a certain date by which the vote-by-mail  
7 ballots must be mailed; requiring a voter to take certain actions to vote a  
8 vote-by-mail ballot; requiring the instructions provided with each vote-by-mail  
9 ballot to include a certain warning; authorizing a voter to return a marked  
10 vote-by-mail ballot to a local board by certain methods; requiring that a  
11 vote-by-mail ballot be returned in a certain envelope; requiring the State Board of  
12 Elections to designate certain locations in consultation with the local boards and to  
13 provide the local boards with a certain number of ballot drop boxes; establishing  
14 requirements for the ballot drop boxes; requiring the State Board to adopt certain  
15 regulations; requiring the local board to display a certain sign at each vote-by-mail  
16 ballot return location; requiring that a vote-by-mail ballot be received by a local  
17 board or deposited at a certain location by a certain deadline; requiring that a voter  
18 who is at a certain location by a certain time be allowed to deposit the vote-by-mail  
19 ballot; authorizing a person to pick up and deliver a vote-by-mail ballot on behalf of  
20 an individual under certain circumstances; requiring that a vote-by-mail ballot that  
21 is postmarked on or before election day be considered timely; authorizing an  
22 individual to request a replacement vote-by-mail ballot under certain  
23 circumstances; requiring a local board that receives a request for a replacement  
24 vote-by-mail ballot to take certain actions; providing that a replacement  
25 vote-by-mail ballot may be mailed, transmitted electronically, or made available at  
26 the local board; prohibiting a local board from being required to mail a replacement  
27 vote-by-mail ballot under certain circumstances; requiring a vote-by-mail ballot to  
28 be counted only under certain circumstances; requiring the State Board to adopt  
29 certain regulations; authorizing the State Board to adopt certain regulations;  
30 requiring a local board to designate a certain number of polling places, rather than

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 a certain polling place for each precinct in the county, and review and make a  
2 determination of the appropriate number of polling places before each statewide  
3 election; altering the requirements for polling places and early voting centers;  
4 repealing certain provisions of law concerning voting by mail in certain special  
5 elections that are rendered obsolete by this Act; requiring the State Board to submit  
6 a report to certain committees of the General Assembly on or before a certain date;  
7 making conforming changes; altering a certain definition; providing for the  
8 application of certain provisions of this Act; and generally relating to voting.

9 BY repealing

10 Article – Election Law

11 Section 9–501 through 9–507 and the subtitle “Subtitle 5. Voting by Mail in Special  
12 Elections”

13 Annotated Code of Maryland

14 (2017 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Election Law

17 Section 1–101(a), 10–301.1(e), and 11–101(a)

18 Annotated Code of Maryland

19 (2017 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Election Law

22 Section 1–101(b), 10–101(a)(1) and (2), and 11–101(c)

23 Annotated Code of Maryland

24 (2017 Replacement Volume and 2020 Supplement)

25 BY adding to

26 Article – Election Law

27 Section 9–501 through 9–505 to be under the new subtitle “Subtitle 5. Elections by  
28 Mail”

29 Annotated Code of Maryland

30 (2017 Replacement Volume and 2020 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

32 That Section(s) 9–501 through 9–507 and the subtitle “Subtitle 5. Voting by Mail in Special  
33 Elections” of Article – Election Law of the Annotated Code of Maryland be repealed.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
35 as follows:

36 **Article – Election Law**

37 1–101.

1 (a) In this article the following words have the meanings indicated unless a  
2 different meaning is clearly intended from the context.

3 (b) (1) "Absentee ballot" means a ballot not used in a polling place.

4 (2) "ABSENTEE BALLOT" INCLUDES A VOTE-BY-MAIL BALLOT.

5 **SUBTITLE 5. ELECTIONS BY MAIL.**

6 **9-501.**

7 (A) EACH LOCAL BOARD SHALL SEND, BY NONFORWARDABLE MAIL, A  
8 VOTE-BY-MAIL BALLOT TO EACH INDIVIDUAL WHO WAS REGISTERED TO VOTE AS OF  
9 THE 21ST DAY BEFORE THE DAY OF EACH ELECTION.

10 (B) (1) THE STATE BOARD SHALL ESTABLISH THE DATE BY WHICH  
11 VOTE-BY-MAIL BALLOTS SHALL BE MAILED UNDER SUBSECTION (A) OF THIS  
12 SECTION.

13 (2) THE DATE ESTABLISHED UNDER PARAGRAPH (1) OF THIS  
14 SUBSECTION SHALL BE A DATE THAT ENSURES MAXIMUM PARTICIPATION IN THE  
15 ELECTION BY VOTERS IN THE STATE.

16 **9-502.**

17 (A) TO VOTE A VOTE-BY-MAIL BALLOT, A VOTER SHALL:

18 (1) MARK THE BALLOT;

19 (2) SIGN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH  
20 THE BALLOT;

21 (3) COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT;  
22 AND

23 (4) IF THE BALLOT IS A REPLACEMENT BALLOT, COMPLETE, SIGN,  
24 AND INCLUDE THE REPLACEMENT VOTE-BY-MAIL BALLOT REQUEST FORM WITH  
25 THE RETURNED BALLOT.

26 (B) THE INSTRUCTIONS PROVIDED WITH EACH VOTE-BY-MAIL BALLOT  
27 SHALL INCLUDE THE FOLLOWING WARNING:

28 "ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY  
29 INFLUENCES A VOTER TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM

1 VOTING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE,  
2 IMPRISONMENT, OR BOTH.”.

3 (C) (1) A VOTER MAY RETURN A MARKED VOTE-BY-MAIL BALLOT TO A  
4 LOCAL BOARD BY:

5 (I) UNITED STATES MAIL;

6 (II) DEPOSITING THE BALLOT AT THE OFFICE OF THE LOCAL  
7 BOARD; OR

8 (III) DEPOSITING THE BALLOT AT A LOCATION DESIGNATED BY  
9 THE LOCAL BOARD.

10 (2) A VOTE-BY-MAIL BALLOT MUST BE RETURNED IN THE RETURN  
11 IDENTIFICATION ENVELOPE.

12 (D) (1) THE STATE BOARD SHALL:

13 (I) IN CONSULTATION WITH THE LOCAL BOARDS, DESIGNATE  
14 LOCATIONS AT WHICH VOTERS MAY RETURN VOTE-BY-MAIL BALLOTS; AND

15 (II) PROVIDE THE LOCAL BOARDS WITH A SUFFICIENT NUMBER  
16 OF BALLOT DROP BOXES TO CONVENIENTLY SERVE THE VOTERS OF THE COUNTY.

17 (2) EACH BALLOT DROP BOX SHALL BE A SECURE, DURABLE,  
18 OUTDOOR CONTAINER THAT IS USED EXCLUSIVELY FOR VOTERS TO DEPOSIT  
19 COMPLETED VOTE-BY-MAIL BALLOTS IN PERSON.

20 (3) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:

21 (I) SPECIFY THE DATES AND TIMES THAT THE LOCATIONS  
22 WHERE A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT SHALL BE OPEN;

23 (II) PROVIDE SECURITY REQUIREMENTS FOR THE LOCATIONS  
24 WHERE A VOTER MAY RETURN A VOTE-BY-MAIL BALLOT; AND

25 (III) REQUIRE THAT THE LOCATIONS WHERE A VOTER MAY  
26 RETURN A VOTE-BY-MAIL BALLOT BE OPEN ON THE DAY OF THE ELECTION A  
27 MINIMUM OF 13 HOURS AND UNTIL AT LEAST 8 P.M.

28 (4) AT EACH LOCATION AT WHICH A VOTE-BY-MAIL BALLOT MAY BE  
29 RETURNED, THE LOCAL BOARD SHALL PROMINENTLY DISPLAY A SIGN STATING

1 THAT THE LOCATION IS AN OFFICIAL VOTE-BY-MAIL BALLOT RETURN SITE.

2 (E) (1) A VOTE-BY-MAIL BALLOT MUST BE RECEIVED BY THE LOCAL  
3 BOARD OR DEPOSITED AT A LOCATION SPECIFIED IN SUBSECTION (D) OF THIS  
4 SECTION BY THE DEADLINE ESTABLISHED BY THE STATE BOARD BY REGULATION.

5 (2) A VOTER WHO IS AT A LOCATION FOR THE RETURN OF  
6 VOTE-BY-MAIL BALLOTS BY 8 P.M. ON THE DAY OF THE ELECTION SHALL BE  
7 ALLOWED TO DEPOSIT THE BALLOT.

8 (F) IN ACCORDANCE WITH § 9-307 OF THIS ARTICLE, A PERSON MAY PICK  
9 UP AND DELIVER A VOTE-BY-MAIL BALLOT ON BEHALF OF AN INDIVIDUAL TO A  
10 LOCAL BOARD, A VOTE-BY-MAIL BALLOT RETURN LOCATION UNDER SUBSECTION  
11 (D) OF THIS SECTION, A POST OFFICE, OR A MAILBOX.

12 (G) A VOTE-BY-MAIL BALLOT THAT IS POSTMARKED ON OR BEFORE  
13 ELECTION DAY SHALL BE CONSIDERED TIMELY.

14 **9-503.**

15 (A) AN INDIVIDUAL MAY REQUEST A REPLACEMENT VOTE-BY-MAIL BALLOT  
16 IF A VOTE-BY-MAIL BALLOT WAS MAILED TO THE INDIVIDUAL UNDER § 9-502 OF  
17 THIS SUBTITLE, BUT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT  
18 RECEIVED BY THE VOTER.

19 (B) IF THE LOCAL BOARD RECEIVES A REQUEST FOR A REPLACEMENT  
20 VOTE-BY-MAIL BALLOT UNDER SUBSECTION (A) OF THIS SECTION, THE LOCAL  
21 BOARD SHALL:

22 (1) VERIFY THE REGISTRATION OF THE VOTER;

23 (2) VERIFY THAT A VOTE-BY-MAIL BALLOT HAS NOT BEEN RETURNED  
24 BY THE VOTER;

25 (3) NOTE IN THE ELECTION REGISTRY THAT THE VOTER HAS  
26 REQUESTED A REPLACEMENT VOTE-BY-MAIL BALLOT;

27 (4) MARK THE RETURN IDENTIFICATION ENVELOPE CLEARLY TO  
28 IDENTIFY THE VOTE-BY-MAIL BALLOT AS A REPLACEMENT VOTE-BY-MAIL BALLOT;  
29 AND

30 (5) ISSUE THE REPLACEMENT VOTE-BY-MAIL BALLOT AND A  
31 REPLACEMENT VOTE-BY-MAIL BALLOT REQUEST FORM.

1 (C) (1) A REPLACEMENT VOTE-BY-MAIL BALLOT MAY BE:

2 (I) MAILED;

3 (II) TRANSMITTED ELECTRONICALLY; OR

4 (III) MADE AVAILABLE AT THE LOCAL BOARD.

5 (2) A LOCAL BOARD MAY NOT BE REQUIRED TO MAIL A REPLACEMENT  
6 VOTE-BY-MAIL BALLOT IF THE REQUEST FOR THE REPLACEMENT BALLOT WAS  
7 MADE LATER THAN 5 DAYS BEFORE THE DAY OF THE ELECTION.

8 **9-504.**

9 (A) A VOTE-BY-MAIL BALLOT SHALL BE COUNTED ONLY IF:

10 (1) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION  
11 ENVELOPE;

12 (2) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE  
13 VOTER TO WHOM THE BALLOT WAS ISSUED; AND

14 (3) IF THE BALLOT IS A REPLACEMENT BALLOT, THE REPLACEMENT  
15 VOTE-BY-MAIL BALLOT REQUEST FORM WAS COMPLETED, SIGNED, AND INCLUDED  
16 WITH THE RETURNED REPLACEMENT BALLOT.

17 (B) THE STATE BOARD:

18 (1) SHALL ADOPT REGULATIONS AUTHORIZING A LOCAL BOARD TO  
19 BEGIN TABULATING VOTE-BY-MAIL BALLOTS BEFORE ELECTION DAY; AND

20 (2) MAY ADOPT REGULATIONS REQUIRING A LOCAL BOARD TO VERIFY  
21 THE SIGNATURE OF A VOTER ON THE RETURN IDENTIFICATION ENVELOPE BY  
22 COMPARING THE SIGNATURE WITH THE SIGNATURE ON THE VOTER'S REGISTRATION  
23 RECORD.

24 **9-505.**

25 (A) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
26 SUBTITLE.

1           **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION**  
2 **SHALL INCLUDE BEST PRACTICES FOR THE ADMINISTRATIVE, TECHNOLOGICAL,**  
3 **LEGAL, SECURITY, AND FISCAL REQUIREMENTS OF CONDUCTING ELECTIONS BY**  
4 **MAIL.**

5 10–101.

6           (a) (1) **(I)** Each local board shall designate [a polling place that meets the  
7 requirements of this subsection for each precinct in the county as established by the local  
8 board in accordance with Title 2 of this article.] **A NUMBER OF POLLING PLACES NOT**  
9 **LESS THAN THE NUMBER OF POLLING PLACES ESTABLISHED IN THE COUNTY IN THE**  
10 **2020 STATEWIDE GENERAL ELECTION.**

11                               **(II) SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, A**  
12 **LOCAL BOARD SHALL REVIEW AND MAKE A DETERMINATION OF THE APPROPRIATE**  
13 **NUMBER OF POLLING PLACES BEFORE EACH STATEWIDE ELECTION.**

14           (2) [Each polling place] **POLLING PLACES** shall:

15                               (i) provide an environment that is suitable to the proper conduct of  
16 an election;

17                               (ii) be [located as conveniently as practicable for the majority of  
18 registered voters assigned to that polling place] **GEOGRAPHICALLY DISPERSED**  
19 **THROUGHOUT THE COUNTY TO ENSURE CONVENIENT ACCESS FOR THE VOTERS OF**  
20 **THE COUNTY;**

21                               (iii) except as authorized in paragraph (4) of this subsection, be in a  
22 public building;

23                               (iv) [be in the precinct that it serves unless no suitable location for a  
24 polling place can be found within that precinct, in which case the board may establish the  
25 polling place in an adjacent precinct] **ALLOW ANY REGISTERED VOTER IN THE COUNTY**  
26 **TO CAST A REGULAR BALLOT; and**

27                               (v) whenever practicable, be selected and arranged to avoid  
28 architectural and other barriers that impede access or voting by elderly and physically  
29 disabled voters.

30 10–301.1.

31           (e) Each early voting center shall satisfy the requirements of § 10–101 of this  
32 title.

33 11–101.

1 (a) In this title the following words have the meanings indicated.

2 (c) (1) “Canvass” means the entire process of vote tallying, vote tabulation,  
3 and vote verification or audit, culminating in the production and certification of the official  
4 election results.

5 (2) For absentee ballots, the “canvass” includes the opening of any envelope  
6 accompanying an absentee ballot and the assembly and review of absentee ballots in  
7 preparation for vote tallying.

8 (3) For provisional ballots, the “canvass” includes the review of the  
9 provisional ballot applications described in § 11–303 of this title and the assembly and  
10 review of provisional ballots in preparation for vote tallying.

11 (4) For votes cast during early voting, the “canvass” includes the tabulation  
12 of votes cast during early voting.

13 (5) For votes cast [in a special election conducted] by mail under Title 9,  
14 Subtitle 5 of this article, the “canvass” includes:

15 (i) the opening of any envelope accompanying a vote-by-mail ballot  
16 and the assembly and review of vote-by-mail ballots in preparation for vote tabulation;  
17 and

18 (ii) the tabulation of vote-by-mail ballots.

19 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,  
20 2021, the State Board shall report to the Senate Education, Health, and Environmental  
21 Affairs Committee and the House Committee on Ways and Means, in accordance with §  
22 2–1257 of the State Government Article, on the implementation of this Act.

23 SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act  
24 shall be applicable to the statewide primary election held in 2022 and each election  
25 thereafter.

26 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
27 1, 2021.