SENATE BILL 233

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(PRE–FILED)

By: Senator Simonaire
Requested: September 3, 2020
Introduced and read first time: January 13, 2021
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Election Law – Absentee Ballots – Envelope Prohibitions, Ballot Status
Information, and Signature Verification

FOR the purpose of requiring that certain guidelines for absentee voting provide for voter access to information concerning the status of the voter’s absentee ballot or absentee ballot application; prohibiting an envelope enclosing an absentee ballot from including certain language or information in a certain manner; prohibiting ballot/return and return envelopes from including certain language or information in a certain manner; prohibiting an envelope template provided by a local board for an absentee ballot sent by Internet or facsimile transmission from containing certain language or information in a certain manner; requiring the State Board of Elections to implement a certain absentee ballot tracking system to allow a voter access to certain information concerning the status of the voter’s absentee ballot or absentee ballot application; authorizing a voter to access the information concerning the status of the voter’s absentee ballot or absentee ballot application in a certain manner; requiring the State Board to make certain information available; requiring the State Board to provide updated information concerning the status of a voter’s absentee ballot or absentee ballot application to the voter in a timely manner; requiring the State Board to ensure the security, confidentiality, and integrity of certain information; requiring that access to information about an individual absentee ballot or absentee ballot application be restricted to the individual who requests the ballot; requiring the State Board, on or before a certain date and in a certain manner, to study and make recommendations concerning the verification of signatures on absentee ballots; requiring the State Board to report to certain committees of the General Assembly on or before a certain date; and generally relating to absentee ballots.

BY repealing and reenacting, with amendments,

Article – Election Law
Section 9–303 and 9–310

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
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Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)

BY adding to
Article – Election Law
Section 9–311.1
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

9–303.

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

(b) The guidelines shall provide for:

(1) the application process;
(2) late application for absentee ballots;
(3) ballot security, including storage of returned ballots;
(4) determining timeliness of receipt of applications and ballots, including applications and ballots for overseas voters;
(5) the canvass process;
(6) notice of the canvass to candidates, political parties, campaign organizations, news media, and the general public;
(7) observers of the process;
(8) review of voted ballots and envelopes for compliance with the law and for machine tabulation acceptability;
(9) standards for disallowance of ballots during the canvass; [and]
(10) storage and retention of ballots following canvass and certification;

AND
(11) VOTER ACCESS TO INFORMATION CONCERNING THE STATUS OF THE VOTER’S ABSENTEE BALLOT OR ABSENTEE BALLOT APPLICATION.

(c) The State Board shall:

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

(2) revise the guidelines if indicated.

9–310.

(a) (1) This subsection applies only to an absentee ballot that is sent by mail.

(2) (I) An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the State Board.

(II) The form and content prescribed under subparagraph (I) of this paragraph may not include language or information that visibly identifies the party affiliation of the voter.

(3) (i) A local board may use either two envelopes or three envelopes.

(ii) If two envelopes are used, the inner envelope shall be designated the “ballot/return envelope”, and, when issued, it shall fit inside the envelope designated the “outgoing envelope”.

(iii) If three envelopes are used, the innermost envelope shall be designated the “ballot envelope”, which shall fit inside the envelope designated the “return envelope”, both of which, when issued, shall fit inside the envelope designated the “outgoing envelope”.

(iv) The ballot/return envelope described under subparagraph (ii) of this paragraph and the return envelope described under subparagraph (iii) of this paragraph provided to a voter voting by absentee ballot:

1. shall include prepaid postage; AND

2. MAY NOT INCLUDE ANY LANGUAGE OR INFORMATION THAT VISIBLY IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.

(4) (i) An absentee ballot shall be accompanied by instructions for postage of the ballot/return envelope or the return envelope.

(ii) The instructions for postage shall include:
1. a statement that the ballot/return envelope or return envelope includes prepaid postage and may be mailed as is; and

2. directions for how a voter may attach postage for the purpose of reducing the costs of the local board.

(5) When voted and returned to the local board, an absentee ballot shall be enclosed in a ballot envelope or ballot/return envelope, on which has been printed an oath prescribed by the State Board.

(b) The State Board shall reimburse each local board for 50% of the cost of prepaid postage included on ballot/return envelopes or return envelopes provided to a voter voting by absentee ballot under subsection [(a)(3)(iv)] (A)(3)(IV)1 of this section.

(c) (1) If an absentee ballot is sent by the Internet or facsimile transmission, the local board shall provide the voter with an envelope template, the oath prescribed by the State Board, and instructions for marking and returning the absentee ballot.

(2) An envelope template provided under paragraph (1) of this subsection may not include language or information that visibly identifies the party affiliation of the voter.

9–311.1.

(A) The State Board shall implement an absentee ballot tracking system that is integrated with the selected postal service to allow a voter to access the following information concerning the status of the voter’s absentee ballot or absentee ballot application:

(1) the date and time the voter’s absentee ballot application was received by the local board;

(2) the date and time the local board sent a blank absentee ballot to the voter;

(3) the progress of the voter’s blank or completed absentee ballot through the selected postal service, including evidence of the date and time that:

(I) the blank absentee ballot was accepted for mailing by the selected postal service;

(II) if applicable, the blank absentee ballot was handled by an intermediate facility between the local board and the voter;
(III) The blank absentee ballot was delivered to the voter;

(IV) The voter’s completed absentee ballot was accepted for mailing by the selected postal service; and

(V) If applicable, the voter’s completed absentee ballot was handled by an intermediate facility between the voter and the local board;

(4) The date and time the voter’s completed absentee ballot was received by the local board;

(5) Whether the voter’s absentee ballot was counted; and

(6) If the voter’s absentee ballot was not counted, the reason the ballot was not counted.

(B) A voter may access the information concerning the status of the voter’s absentee ballot or absentee ballot application:

(1) Through the State Board’s website;

(2) Through a third-party website approved by the State Board; or

(3) If requested, by receiving a postcard, an e-mail message, or a text message from the State Board or third-party website.

(C) The State Board shall make available the information required for a voter to request to receive notification information under this section from a third-party website.

(D) The State Board shall provide updated information concerning the status of a voter’s absentee ballot or absentee ballot application to the voter in a timely manner.

(E) (1) The State Board shall ensure the security, confidentiality, and integrity of the information provided to a voter under this section.
(2) Access to information regarding the content of an individual absentee ballot or absentee ballot application shall be restricted to the individual who requests or casts the ballot.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2021, the State Board of Elections shall:

(1) by reviewing similar practices in other states, study and make recommendations for verifying signatures on absentee ballots; and

(2) report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1257 of the State Government Article, on the recommendations made under item (1) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.