SENATE BILL 831

By: Senator Kagan
Introduced and read first time: February 9, 2021
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Election Reform Act of 2021

FOR the purpose of altering certain provisions of law to require the State Board of Elections to make certain materials publicly available on its website before a certain meeting; requiring that certain meeting minutes be detailed and searchable; altering the method by which a political party is determined for the purpose of determining the composition of the local boards of elections; requiring a local board to designate the locations of ballot drop boxes in accordance with a certain provision of this Act; requiring each local board to make certain materials publicly available on its website at least a certain time before each meeting of the local board; requiring each local board to make available certain minutes and certain video streaming on its website and maintain certain meeting minutes and recordings on its website for a certain time period; authorizing a registered voter who has declined to affiliate with a political party to change to a party affiliation at any time an individual may register to vote; authorizing an individual to appear at a certain early voting center and apply to change a certain party affiliation under certain circumstances; requiring that a certain change in party affiliation take effect immediately and that an election judge issue the voter a certain ballot; requiring candidates for certain offices to participate in a certain number of public debates before certain elections; requiring the State Board to consider certain guidelines regarding the use of plain language in government communications when preparing certain guidelines and instructions relating to the petition process; requiring that a certain statement be written in plain language reasonably calculated to be understood by an individual with a certain level of reading comprehension; requiring that a certain requirement regarding ballot questions apply whether the ballot is in English or in another language; authorizing certain entities required to prepare and certify a question on a ballot to use certain guidelines in making a certain determination; establishing the Maryland Debate Commission; providing for the composition and staffing of the Commission; providing for the selection of the members of the Commission; requiring the State Board to adopt certain regulations; specifying the terms of the initial members of the Commission; prohibiting a member of the Commission from receiving certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
compensation, but authorizing the reimbursement of certain expenses; establishing
the duties of the Commission; providing that certain registered voters of a county
are eligible to vote in a primary election for candidates for circuit court judge;
altering the standards for certification of a voting system to require the voting
system to enable voters to view certain candidates on a ballot in a certain manner to
the extent practicable; requiring that candidates for a single office be arranged in a
certain manner except under certain circumstances; prohibiting an electronic voting
device from allowing a voter to select certain candidates until the voter views or
hears the names of certain candidates under certain circumstances; requiring a voter
who uses the State Board approved absentee ballot application to provide certain
information; requiring a local board to notify a voter of a certain error on an absentee
ballot application within a certain period of time; requiring that the notification be
sent by a certain method; requiring that a voter have a certain time period to return
a corrected application; repealing a provision of law requiring a local board to provide
an absentee ballot by facsimile transmission under certain circumstances; altering
certain provisions of law to require a local board to provide an absentee ballot by the
Internet only if requested by certain voters; prohibiting certain envelopes for an
absentee ballot or certain envelope templates from including certain language or
information in a certain manner; requiring a local board to include a privacy sleeve
with an absentee ballot under certain circumstances; requiring each local board, for
each election, to designate locations in the county at which a ballot drop box will be
located; prohibiting a person from placing a certain box except under certain
circumstances; requiring that a certain voter be allowed to deposit an absentee ballot
in a ballot drop box; requiring a local board, in collaboration with the State Board,
to ensure that early voting centers are located in a certain manner; altering the
number of days early voting centers are required to be open for voting; altering the
hours early voting centers are required to be open for voting; requiring each early
voting center to have a ballot drop box; altering the day for the start of the absentee
ballot canvass; requiring a local board to notify a voter in a certain manner of a
certain error on an absentee ballot within a certain time period; requiring a voter to
correct a certain error on an absentee ballot or return a certain ballot by a certain
date for the ballot to be counted; requiring a local board to notify a voter if two legally
sufficient ballots were received; altering the ballot that is required to be counted if
the local board receives more than one legally sufficient ballot in separate envelopes;
prohibiting a local board from rejecting an absentee ballot solely because the voter
failed to return the absentee ballot in a certain manner; specifying the time at which
a local board is required to start preparing and releasing a certain report of unofficial
results; requiring that a certain statement prepared by a board of canvassers include
the results of certain votes by precinct; specifying that the information included in a
certain report of the State Board by precinct is to include early, absentee, and
provisional votes; prohibiting a person from releasing a partial or complete
tabulation of absentee ballot votes before a certain time; establishing a certain
penalty; making conforming changes; altering certain definitions; defining certain
terms; and generally relating to the administration of elections in the State.

BY repealing and reenacting, without amendments,

Article – Election Law
SENATE BILL 831

Section 1–101(a), 6–201(a) and (d), and 9–306(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)

BY adding to
Article – Election Law
Section 1–101(d–1), 2–202(b)(12) and (c), 5–206, 8–104, 8–206, 9–210(b–1),
9–310.1, and 16–602
Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–102(d), 2–201, 2–202(b)(10) and (11), (c), and (d), 3–303, 3–305, 6–103(b),
6–201(c), 7–103(b) and (c), 9–102(d), 9–305, 9–306(b), 9–308.1, 9–310,
10–301, 10–301.1, 11–302, and 11–402
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

1–101.

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

(d–1) “BALLOT DROP BOX” MEANS A SECURE, DURABLE, OUTDOOR
CONTAINER THAT IS OFFICIALLY DESIGNATED BY A LOCAL BOARD EXCLUSIVELY
FOR VOTERS TO DEPOSIT COMPLETED ABSENTEE BALLOTS IN PERSON.

2–102.

(d) (1) IN THIS SUBSECTION, “MATERIALS” MEANS ITEMS TO BE
CONSIDERED AT THE NEXT OPEN MEETING, INCLUDING:

(I) AGENDAS;

(II) MEMORANDA;

(III) WRITTEN TESTIMONY; AND

(IV) PROPOSED MINUTES OF A PREVIOUS OPEN MEETING.
(2) The State Board shall make publicly available on its website:

(i) each ALL open meeting [agenda] MATERIALS:

1. at least 48 hours in advance of each meeting; or
2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) DETAILED AND SEARCHABLE meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) live video streaming of each portion of a meeting that is held in open session.

[(2)] (3) The State Board shall maintain on its website:

(i) meeting minutes made available under paragraph [(1)(ii)] (2)(II) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph [(1)(iii)] (2)(III) of this subsection for a minimum of 1 year after the date of the meeting.

[(3)] (4) The Department of Information Technology shall provide to the State Board the technical staff, support, and equipment necessary to stream live video of the open meetings of the State Board.

2–201.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “MAJORITY PARTY” MEANS THE POLITICAL PARTY THAT HAD THE HIGHEST NUMBER OF REGISTERED VOTERS IN THE COUNTY AS OF THE TIME THAT POLLS CLOSED ON THE DATE OF THE MOST RECENT STATEWIDE ELECTION.

(3) “PRINCIPAL MINORITY PARTY” MEANS THE POLITICAL PARTY THAT HAD THE SECOND HIGHEST NUMBER OF REGISTERED VOTERS IN THE COUNTY AS OF THE TIME THAT POLLS CLOSED ON THE DATE OF THE MOST RECENT STATEWIDE ELECTION.

[(a)] (B) (1) There is a county board of elections in each county of the State.
Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

[(b)] (C) (1) (i) Except as provided in paragraphs (2) and (3) of this subsection, each local board consists of five regular members.

(ii) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(2) (i) In Prince George’s County, the local board consists of five regular members and three substitute members.

(ii) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) (i) In Montgomery County, the local board consists of five regular members and two substitute members.

(ii) Three regular members and one substitute member shall be of the majority party, and two regular members and one substitute member shall be of the principal minority party.

[(c)] (D) Each regular member of a local board and each substitute member of a local board shall:

(1) be appointed in accordance with subsection [(g)] (H) of this section;

(2) be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) be eligible for reappointment.

[(d)] (E) (1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

[(e)] (F) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

[(f)] (G) The Governor may remove a member for incompetence, misconduct, or
other good cause, upon written charges stating the Governor's grounds for dismissal and
after affording the member notice and an ample opportunity to be heard.

[(g) (H)] (1) The Governor shall request the county central committee
representing the majority party or the principal minority party, as appropriate, to submit
a list of at least four eligible individuals from which the Governor may make an
appointment of a regular member of a local board or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines
them to be unfit or incompetent, in which case the Governor shall notify the State Board in
writing and request an additional list of at least four eligible nominees from the county
central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted
within 20 days of a request or if all the nominees on three lists are rejected, the Governor
may appoint any eligible person who is a member of the appropriate political party.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, each
appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent counties, if there is no resident
Senator of the particular county, the confirmation required under subparagraph (i) of this
paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another
appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection.
If a list is not provided, or the nominees on three lists are rejected, the Governor may
appoint an eligible individual as provided in paragraph (3) of this subsection.

[(h) (I)] (1) Except in Montgomery County and Prince George's County, if a
vacancy occurs on the local board, the Governor shall appoint an eligible person from the
same political party as the predecessor member to fill the vacancy in accordance with
subsection [(g)] (H) of this section for the remainder of the unexpired term and until a
successor is appointed and qualifies.

(2) An appointment made while the General Assembly is not in session
shall be considered temporary until the appointee is confirmed by the General Assembly.

[(i) (J)] (1) This subsection applies only in Montgomery County and Prince
George's County.

(2) In the event of the absence of a regular member or a vacancy in the
office of a regular member, the substitute member of the same political party shall exercise
the powers and duties of a regular member until the regular member returns or the vacancy
is filled as prescribed in this subsection.

(3) Subject to paragraph (4) of this subsection, if a member of a local board
dies, resigns, is removed, or becomes ineligible:

(i) the substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) the Governor shall appoint an eligible person from the same political party to be the new substitute member.

(4) In Prince George’s County, if a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

(5) If a substitute member of a local board becomes a regular member as provided in paragraph (3)(i) of this subsection, dies, resigns, is removed, or becomes ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) the adjournment of the next session of the General Assembly; or

(ii) the appointment of another individual to fill the same vacancy.

[j] (K) A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

2–202.

(b) Each local board, in accordance with the provisions of this article and regulations adopted by the State Board, shall:

(10) maintain and dispose of its records in accordance with the plan adopted by the State Board under § 2–106 of this title; [and]

(11) administer voter registration and absentee voting for nursing homes and assisted living facilities in accordance with procedures established by the State Administrator, subject to the approval of the State Board; AND

(12) DESIGNATE THE LOCATIONS OF BALLOT DROP BOXES IN ACCORDANCE WITH § 9–310.1 OF THIS ARTICLE.

(C) (1) IN THIS SUBSECTION, “MATERIALS” MEANS ITEMS TO BE CONSIDERED AT THE NEXT OPEN MEETING, INCLUDING:

(I) AGENDAS;

(II) MEMORANDA;
(III) WRITTEN TESTIMONY; AND

(IV) PROPOSED MINUTES OF A PREVIOUS OPEN MEETING.

(2) EACH LOCAL BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

(I) ALL OPEN MEETING MATERIALS:

1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;
   OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE;

(II) DETAILED AND SEARCHABLE MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; AND

(III) LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(3) EACH LOCAL BOARD SHALL MAINTAIN ON ITS WEBSITE:

(I) MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

(II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION FOR A MINIMUM OF 2 YEARS AFTER THE DATE OF THE MEETING.

[(c) (D)] In Garrett County, following each decennial census of the United States, the local board shall:

(1) evaluate the population of the county commissioner districts to determine whether the districts are of substantially equal population; and

(2) recommend to the Garrett County Delegation to the General Assembly any adjustments of the boundaries of those districts that are necessary to maintain districts of substantially equal population.
In Montgomery County, the local board shall require an affirmative vote of not fewer than three duly confirmed regular members of the local board, at least one of whom shall be a member of the principal minority party, to appoint an election director.

3–303.

(A) A REGISTERED VOTER WHO HAS DECLINED TO AFFILIATE WITH A POLITICAL PARTY MAY CHANGE TO A PARTY AFFILIATION AT ANY TIME AN INDIVIDUAL MAY REGISTER TO VOTE UNDER THIS TITLE.

(B) Notification of a change of party affiliation or a change to or from a decline may be made:

(1) by information provided on a voter registration application by the same methods provided for registration under Subtitle 2 of this title;

(2) by written notice, signed by the voter and sent by mail or otherwise delivered to the local board in the county where the voter’s current voter registration address is located or to which the voter has moved;

(3) by making application in person at the office of the local board in the county where the voter’s current voter registration address is located or to which the voter has moved;

(4) by information on a voter authority card or other appropriate form filled out in a polling place; or

(5) by changing a name or address with the Motor Vehicle Administration.

(C) Party affiliation changes or changes to or from a decline:

(1) shall be processed at any time that registration is open; and

(2) except as provided in subsection [(c)] (D) of this section, may not be processed when registration is closed.

(D) If a local board receives a request for a party affiliation change after the close of registration, the local board shall make the change and it shall become effective for the next election provided:

(1) there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by the State Board, that the request was mailed on or before the close of registration for that election; or
(2) the request was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board on or before the close of registration for that election.

3–305.

(a) During early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply:

(1) to register to vote; or

(2) to change the voter’s address on an existing voter registration; OR

(3) if the voter is unaffiliated with a political party, to change party affiliation on an existing voter registration.

(b) (1) When applying to register to vote during early voting, the applicant shall provide proof of residency.

(2) The applicant shall prove residency by showing the election judge:

   (i) a Maryland driver’s license or Maryland identification card that contains the applicant’s current address; or

   (ii) if the applicant does not have a driver’s license or identification card that contains the applicant’s current address, a copy of an official document that:

         1. meets the requirements established by the State Board; and

         2. contains the applicant’s name and current address.

(c) (1) When an individual applies to register to vote at an early voting center, the election judge shall determine whether the applicant resides in the county in which the applicant applied and is qualified to become a registered voter.

(2) If the voter is a resident of the county and is qualified to register to vote, the election judge shall:

   (i) issue the voter a voter authority card;

   (ii) have the voter sign the voter authority card; and

   (iii) issue the voter a ballot.

(d) (1) When a voter applies to change the voter’s address during early voting,
the election judge shall determine whether the voter resides in the county in which the
voter seeks to vote.

(2) If the voter is a resident of the county, the election judge shall:

(i) issue the voter a voter authority card;

(ii) have the voter sign the voter authority card; and

(iii) issue the voter the appropriate ballot for the voter’s new address.

(E) WHEN A VOTER APPLIES TO CHANGE THE VOTER’S PARTY AFFILIATION
AS AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION DURING EARLY VOTING
DURING A PARTY ELECTION:

(1) THE CHANGE SHALL TAKE EFFECT IMMEDIATELY; AND

(2) THE ELECTION JUDGE SHALL ISSUE THE VOTER THE
APPROPRIATE BALLOT FOR THE VOTER’S PARTY.

(F) The State Board shall adopt regulations and procedures in accordance
with the requirements of this section for the administration of voter registration during
early voting.

5–206.

(A) THIS SECTION DOES NOT APPLY TO AN UNOPPOSED CANDIDATE.

(B) EACH CANDIDATE FOR THE FOLLOWING OFFICES SHALL PARTICIPATE
IN AT LEAST ONE PUBLIC DEBATE BEFORE THE PRIMARY ELECTION AND, IF
APPLICABLE, THE GENERAL ELECTION:

(1) GOVERNOR;

(2) UNITED STATES SENATOR; AND

(3) REPRESENTATIVE IN CONGRESS.

6–103.

(b) (1) The State Board shall:

(i) prepare guidelines and instructions relating to the petition
process; and
(ii) design and arrange to have sample forms available to the public conforming to this title for each purpose for which a petition is authorized by law.

(2) **When preparing guidelines and instructions for compliance with the plain language requirement of § 6–201(c)(2)(I) of this subtitle, the State Board shall consider any generally accepted guidelines regarding compliance with the federal Plain Writing Act of 2010.**

(3) The guidelines, instructions, and forms shall be provided to the public, on request, without charge.

6–201.

(a) A petition shall contain:

(1) an information page; and

(2) signature pages containing not less than the total number of signatures required by law to be filed.

(c) Each signature page shall contain:

(1) a description of the subject and purpose of the petition, conforming to the requirements of regulations;

(2) if the petition seeks to place a question on the ballot, either:

   (i) a fair and accurate summary of the substantive provisions of the proposal **written in plain language in compliance with the federal Plain Writing Act of 2010, reasonably calculated to be understood by an individual who has attained not higher than a grade 6 level of reading comprehension**; or

   (ii) the full text of the proposal;

(3) a statement, to which each signer subscribes, that:

   (i) the signer supports the purpose of that petition process; and

   (ii) based on the signer’s information and belief, the signer is a registered voter in the county specified on the page and is eligible to have his or her signature counted;

(4) spaces for signatures and the required information relating to the signers;
(5) a space for the name of the county in which each of the signers of that page is a registered voter;

(6) a space for the required affidavit made and executed by the circulator; and

(7) any other information required by regulation.

(d) If the petition seeks to place a question on the ballot and the sponsor elects to print a summary of the proposal on each signature page as provided in subsection (c)(2)(i) of this section:

(1) the circulator shall have the full text of the proposal present at the time and place that each signature is affixed to the page; and

(2) the signature page shall state that the full text is available from the circulator.

7–103.

(b) (1) Each question shall appear on the ballot containing the following information:

[(1)] (I) a question number or letter as determined under subsection (d) of this section;

[(2)] (II) a brief designation of the type or source of the question;

[(3)] (III) a brief descriptive title in boldface type;

[(4)] (IV) a condensed statement of the purpose of the question WRITTEN IN PLAIN LANGUAGE IN COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF 2010, REASONABLY CALCULATED TO BE UNDERSTOOD BY AN INDIVIDUAL WHO HAS ATTAINED NO HIGHER THAN A GRADE 6 LEVEL OF READING COMPREHENSION; and

[(5)] (V) the voting choices that the voter has.

(2) THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY WHETHER THE BALLOT IS IN ENGLISH OR IN ANOTHER LANGUAGE.

(c) (1) The Secretary of State shall prepare and certify to the State Board, not later than the 95th day before the general election, the information required under subsection (b) of this section, for all statewide ballot questions and all questions relating to an enactment of the General Assembly which is petitioned to referendum.
(2) The State Board shall prepare and certify to the appropriate local board, not later than the 105th day before the general election, the information required under subsection (b) of this section for all questions that have been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly.

(3) (i) The county attorney of the appropriate county shall prepare and certify to the State Board, not later than the 95th day before the general election, the information required under subsection (b) of this section for each question to be voted on in a single county or part of a county, except a question covered by paragraph (1) or paragraph (2) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the jurisdiction shall prepare and certify that information to the State Board not later than the first Friday in August.

(4) (i) The municipal attorney of the appropriate municipal corporation shall prepare and certify to the State Board, not later than the 95th day before the general election, the information required under subsection (b) of this section for each question to be voted on in the municipal corporation, except a question covered by paragraphs (1) through (3) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the county in which the municipal corporation is located shall prepare and certify that information to the State Board not later than the first Friday in August.

(5) An entity that is required to prepare and certify a question may use any generally accepted guidelines regarding compliance with the Federal Plain Writing Act of 2010 in determining whether the question is in compliance with the plain language requirements of subsection (b)(1)(iv) of this section.

(6) The information required under subsection (b) of this section for a question that is being placed on the ballot by petition may be prepared before the petition is certified under § 6–208 of this article.

8–104.

(A) In this section, “Commission” means the Maryland Debate Commission.

(B) There is a Maryland Debate Commission.

(C) (1) The Commission consists of the following members:
(I) THE CHAIR OF THE DEMOCRATIC STATE CENTRAL COMMITTEE OF MARYLAND, OR THE CHAIR’S DESIGNEE;

(II) THE CHAIR OF THE REPUBLICAN STATE CENTRAL COMMITTEE OF MARYLAND, OR THE CHAIR’S DESIGNEE;

(III) THREE JOURNALISTS FROM TELEVISION, RADIO, PRINT MEDIA, OR ONLINE MEDIA THAT OPERATE IN THE STATE;

(IV) THREE REPRESENTATIVES FROM DIFFERENT NONPARTISAN ORGANIZATIONS IN THE STATE THAT FOCUS EFFORTS ON INCREASING VOTER REGISTRATION AND VOTER ENGAGEMENT; AND

(V) ONE MEMBER OF THE GENERAL PUBLIC WHO IS NOT AFFILIATED WITH A POLITICAL PARTY.

(2) (I) THE STATE BOARD SHALL CHOSE THE FOLLOWING MEMBERS OF THE COMMISSION, AT RANDOM, FROM THE POOL OF ELIGIBLE APPLICANTS SUBMITTED TO THE STATE BOARD BY THE APPLICANTS:

1. THE JOURNALIST MEMBERS UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION; AND

2. THE NONPARTISAN ORGANIZATION MEMBERS UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION.

(II) THE COMMISSION MEMBERS SHALL, BY MAJORITY VOTE, CHOOSE THE MEMBER WHO IS UNAFFILIATED WITH A POLITICAL PARTY FROM THE POOL OF ELIGIBLE APPLICANTS SUBMITTED TO THE STATE BOARD BY THE APPLICANTS.

(III) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH.

(D) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TERM OF A MEMBER IS 5 YEARS.


(III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS CHOSEN AND QUALIFIES.
(IV) A member who is chosen after a term has begun serves only for the remainder of the term and until a successor is chosen and qualifies.

(2) The terms of the Chair of the Democratic State Central Committee of Maryland and the Chair of the Republican State Central Committee of Maryland or their designees shall correspond with the terms for Chair of each respective committee.

(E) The State Board shall provide staff for the Commission.

(F) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(G) The Commission shall:

(1) develop guidelines for the conduct of debates, establish debate criteria, and host debates before each primary and general election for candidates for the following offices:

(I) Governor;

(II) Lieutenant Governor;

(III) Attorney General;

(IV) Comptroller; and

(V) members of Congress; and

(2) consider the following practices in the administration of debates:

(I) making debates publicly available on the Internet;

(II) maximizing viewership of hosted debates;

(III) scheduling debates not earlier than 90 days
BEFORE AND NOT LATER THAN 14 DAYS BEFORE THE FIRST DAY OF EARLY VOTING;

(IV) DETERMINING THRESHOLDS FOR CANDIDATE PARTICIPATION;

(V) GENERATING QUESTIONS WITHOUT THE CANDIDATES’ PRIOR KNOWLEDGE;

(VI) CHOOSING NONPARTISAN MODERATORS; AND

(VII) CONSIDERING QUESTIONS SUBMITTED BY THE GENERAL PUBLIC.

8–206.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN A PRIMARY ELECTION TO NOMINATE CANDIDATES FOR JUDGE OF THE CIRCUIT COURT, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN THOSE CONTESTS FOR NOMINATION.

9–102.

(d) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates;

(VI) ENABLE, TO THE EXTENT PRACTICABLE, A VOTER TO VIEW ALL CANDIDATES FOR A SINGLE OFFICE ON THE SAME PAGE OR SCREEN BEFORE CASTING A VOTE;

[(vi)] (VII) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and
[(vii)] (VIII) provide a voter–verifiable paper record that:

1. is an individual document that is physically separated from any other similar document and not part of a continuous roll;
2. is sufficiently durable to withstand repeated handling for the purposes of mandatory random audits and recounts; and
3. uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and
(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission; and

(3) the public interest will be served by the certification of the voting system.


(B–1) (1) THE CANDIDATES FOR A SINGLE OFFICE SHALL BE ARRANGED SO THAT THE NAMES OF THE CANDIDATES:

(I) APPEAR ON THE SAME PAGE OF A PAPER BALLOT; OR

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF AN ELECTRONIC VOTING DEVICE IS BEING USED, APPEAR ON THE SAME PAGE OF THE BALLOT SHOWN ON THE SCREEN.

(2) IF A VOTER IS USING AN ELECTRONIC VOTING DEVICE TO VOTE, AND THE LIST OF NAMES OF THE CANDIDATES FOR A SINGLE OFFICE EXCEEDS THE NUMBER OF NAMES THAT CAN FIT ON A SINGLE SCREEN, THE ELECTRONIC VOTING DEVICE MAY NOT ALLOW A VOTER TO SELECT ALL THE CANDIDATES FOR THAT OFFICE UNTIL THE VOTER VIEWS OR HEARS ALL THE NAMES OF THE CANDIDATES FOR THAT OFFICE.

9–305.

(a) A voter may request an absentee ballot by completing and submitting:

(1) the State Board approved absentee ballot application;
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(2) a form provided under federal law;

(3) subject to subsection (b) of this section, a written request that includes:
   (i) the voter’s name, residence address, and signature; and
   (ii) the address to which the ballot is to be mailed, if different from
        the residence address; or

(4) the accessible online absentee ballot application provided by the State
    Board.

(b) A voter who uses THE STATE BOARD APPROVED ABSENTEE BALLOT
APPLICATION OR the online absentee ballot application to request that an absentee ballot
be sent by any method or who uses any method to request to receive a blank absentee ballot
through the Internet shall provide the following information:

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

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

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

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

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

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

(D) (1) IF AN APPLICATION FOR AN ABSENTEE BALLOT CONTAINS AN
ERROR THAT WOULD INVALIDATE THE APPLICATION, A LOCAL BOARD SHALL NOTIFY
THE VOTER OF THE ERROR NOT MORE THAN 3 DAYS AFTER THE DATE ON WHICH THE
ERROR WAS DETERMINED.
(2) A local board shall send the notification required
under paragraph (1) of this subsection by first-class mail, e-mail,
telephone, or text message.

(3) A voter whose application contains an error under this
subsection shall have until the day before the deadline by which
absentee ballots are required to be issued to correct the error and
return the corrected application to the local board.

9–306.

(a) Promptly after receipt of an application, the election director shall review the
application and determine whether the applicant qualifies to vote by absentee ballot.

(b) (1) If the applicant qualifies to vote by absentee ballot, the local board shall
provide the ballot by one of the following methods requested by the voter:

[(1)] (I) mail;
[(2)] facsimile transmission;
[(3)] (II) the Internet, only if requested by a voter listed in
paragraph (2) of this subsection; or
[(4)] (III) by hand during an in-person transaction.

(2) The local board shall provide an absentee ballot sent
by the Internet if requested by:

(I) an absent uniformed services voter or overseas
voter as defined in the federal uniformed and overseas citizens
absentee voting act;

(II) a voter with a disability as defined in the
Americans with disabilities act who is unable to mark a ballot
independently by hand; and

(III) any other voter who would be unable to vote if the
voter could not receive an absentee ballot electronically.

9–308.1.

(a) In this section:

(1) “online ballot marking tool” includes a system that allows a voter to:
(i) access a blank ballot through the Internet;

(ii) electronically mark the ballot with the voter’s selections; and

(iii) print a paper copy of the marked ballot for mailing to a local board; and

(2) “online ballot marking tool” does not include a system that is capable of storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic means through the Internet.

(b) The State Board may provide an accessible optional online ballot marking tool for use by a voter who requested to have the absentee ballot sent by the Internet UNDER § 9–306(B)(2) OF THIS SUBTITLE.

(c) (1) Except as provided in paragraph (2) of this subsection, the State Board shall certify that an online ballot marking tool satisfies all of the certification requirements under § 9–102(d) of this title before approving an online ballot marking tool for use by voters.

(2) An online ballot marking tool is not required to satisfy the requirements of:

(i) § 9–102(d)(2) of this title if the U.S. Election Assistance Commission has not approved specific performance and test standards for online ballot marking tools; or

(ii) § 9–102(d)(1)(iii) of this title.

(d) (1) This subsection applies if an online ballot marking tool utilizes a bar code that is used to generate a ballot that is acceptable for machine tabulation.

(2) A local board shall compare the vote in each contest on the ballot marked by the voter to the vote in each contest on the ballot generated from the bar code during the canvass.

(3) If there is a discrepancy in any contest between the vote on the ballot marked by the voter and the vote on the ballot generated from the bar code, the vote on the ballot marked by the voter shall be considered valid and shall be counted.

9–310.

(A) IN THIS SECTION, “PRIVACY SLEEVE” MEANS A SPECIALLY DESIGNED SLEEVE IN WHICH AN ABSENTEE BALLOT IS PLACED TO OBSCURE THE BALLOT CONTENTS SO THAT THE BALLOT MAY NOT BE SEEN THROUGH AN OUTGOING OR
RETURN ENVELOPE.

[1] (a) (B) (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 AND A PRIVACY SLEEVE or three envelopes.

(ii) If two envelopes AND A PRIVACY SLEEVE are used, THE PRIVACY SLEEVE SHALL BE USED TO ENCASE THE ABSENTEE BALLOT AND SHALL FIT INSIDE the inner envelope THAT 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 LANGUAGE OR INFORMATION THAT VISIBLY IDENTIFIES THE ADDRESS, THE PARTY AFFILIATION, OR THE ZIP CODE 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)] (C) 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)] (B)(3)(IV)1 of this section.

[(c)] (D) (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 address, the party affiliation, or the zip code of the voter.

9–310.1.

(A) Subject to § 10–301.1(E) of this article, for each election, each local board shall designate locations in the county at which a ballot drop box will be placed.

(B) A person may not place a box that may be used to collect completed absentee ballots unless:

(1) The box is officially designated as a ballot drop box by a local board; and

(2) The person has been directed by the local board to place the box.

10–301.

(a) On an election day, a polling place shall be open from 7 a.m. until 8 p.m.

(b) A voter who has appeared at a polling place by the closing hour to cast a ballot shall be allowed to vote.

(C) A voter in line to deposit an absentee ballot at a ballot drop box by the closing hour shall be allowed to deposit the absentee ballot.

10–301.1.
(a) Except as provided under Title 9, Subtitle 3 of this article, during any regularly scheduled primary or general election a voter may vote:

(1) in the voter’s assigned precinct on election day; or

(2) at an early voting center in the voter’s county of residence on any early voting day in accordance with this section.

(b) (1) [Each] **Subject to paragraph (8) of this subsection, each** county shall have at least one early voting center established in the county as prescribed in this subsection.

(2) A county with fewer than 125,000 registered voters shall have one early voting center established in the county.

(3) A county with more than 125,000 registered voters but fewer than 200,000 registered voters shall have three early voting centers established in the county.

(4) A county with more than 200,000 registered voters but fewer than 300,000 registered voters shall have four early voting centers established in the county.

(5) A county with more than 300,000 registered voters but fewer than 450,000 registered voters shall have seven early voting centers established in the county.

(6) A county with more than 450,000 registered voters shall have eleven early voting centers.

(7) In addition to the early voting centers required in this subsection, each county may establish one additional early voting center if the State Board, in collaboration with the local board, and the governing body of the county agree to establish an additional early voting center.

(8) **Each local board, in collaboration with the State Board, shall ensure that early voting centers are geographically dispersed throughout the county so that not less than 80% of the registered voters in the county live within a 5-mile radius of an early voting center.**

(c) No later than 6 months before a primary election, the State Board, in collaboration with the local board in each county, shall designate each early voting center in that county.

(d) Each early voting center shall be open for voting as follows:

(1) beginning the second [Thursday] **Monday** before a primary or general
election through the [Thursday before] **MONDAY IMMEDIATELY PRECEDING** the election; and

(2) during the [following] hours:

(i) in a presidential general election, during the hours between 8 a.m. and 8 p.m. each early voting day; and

(ii) in all other elections, during the hours between 10 a.m. and 8 p.m. each early voting day] **BETWEEN 7 A.M. AND 8 P.M. EACH EARLY VOTING DAY.**

(e) Each early voting center shall:

(1) satisfy the requirements of § 10–101 of this title; **AND**

(2) **HAVE ONE BALLOT DROP BOX.**

(f) Beginning 30 days prior to each early voting period the State Board and each local board shall undertake steps to inform the public about early voting and the location of early voting centers in each county, including:

(1) a series of public service media announcements;

(2) mailings to all registered voters in each county; and

(3) other measures as appropriate.

(g) Except as expressly provided in this section, any provision of this article that applies to voting on election day also applies to early voting.

(h) The State Board shall adopt regulations and guidelines in accordance with the requirements of this section for the conduct of early voting.

11–302.

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

(b) (1) A local board may not open any envelope of an absentee ballot [prior to] **BEFORE** 8 a.m. on the [Wednesday following] **DAY THAT IS 15 DAYS BEFORE** election day.

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

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

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

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

(2) A local board may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board.

(3) [The] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE local board shall reject an absentee ballot if:

(i) the voter failed to sign the oath on the ballot envelope;

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

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

(4) (I) IF AN ABSENTEE BALLOT CONTAINS AN ERROR THAT WOULD INVALIDATE THE BALLOT, WITHIN 3 DAYS AFTER THE DATE ON WHICH THE ERROR ON THE BALLOT WAS DETERMINED, A LOCAL BOARD SHALL SEND THE VOTER A NOTICE THAT DESCRIBES:

1. THE ERROR ON THE BALLOT;

2. THE PROCESS AND TIMELINE FOR CORRECTING THE ERROR; AND

3. THE CONSEQUENCES OF FAILING TO CORRECT THE ERROR.

(II) THE LOCAL BOARD SHALL SEND THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY:

1. FIRST-CLASS MAIL; AND

2. A. E-MAIL;

B. TELEPHONE; OR
C. TEXT MESSAGE.

(III) A VOTER MUST CORRECT THE ERROR ON AN ABSENTEE BALLOT OR RETURN A CORRECTED ABSENTEE BALLOT TO THE LOCAL BOARD NOT LATER THAN 10 DAYS AFTER ELECTION DAY IN ORDER FOR THE ABSENTEE BALLOT TO BE COUNTED.

[(4)] (5) If the local board receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the local board shall:

(i) NOTIFY THE VOTER THAT TWO LEGALLY SUFFICIENT BALLOTS WERE RECEIVED; AND

(II) 1. count only the ballot with the [latest] FIRST properly signed oath; and

[(ii)] 2. reject any other ballot.

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

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

(E) A LOCAL BOARD MAY NOT REJECT AN ABSENTEE BALLOT SOLELY BECAUSE THE VOTER FAILED TO RETURN THE ABSENTEE BALLOT USING TWO ENVELOPES AND A PRIVACY SLEEVE OR THREE ENVELOPES IN ACCORDANCE WITH THIS SECTION.

[(e)] (F) At BEGINNING ON ELECTION DAY, AT the end of each day of canvassing, a local board shall prepare and release a report of the unofficial results of the absentee ballot vote tabulation.

11–402.

(a) Unless otherwise provided by the Maryland Constitution, and except as provided in subsection (b) of this section, each board of canvassers shall prepare a statement of election results by precinct for each candidate or question voted on at the election and declare:

(1) who is elected or nominated for office:

(i) in county government; or
(ii) for any other office voted for only within that county, if the certificate of candidacy for that office was issued by the local board; and

(2) whether or not a question is adopted or approved.

(b) The statement prepared by the board of canvassers under this section [may not] SHALL report the **EARLY**, absentee, AND **PROVISIONAL** vote separately by precinct.

(c) Each local board shall publish a sufficient number of copies of the complete election results, tabulated by precinct, and shall make the copies available to the public at cost.

(d) (1) In addition to the statement of election results specified under subsection (a) of this section, the State Board shall make available in an electronic format a report of election results for each candidate or question voted on at the election:

(i) by precinct, **INCLUDING THE EARLY, ABSENTEE, AND PROVISIONAL VOTE**;

(ii) by State legislative district, including any subdistrict;

(iii) by county legislative district; and

(iv) for each county as a whole.

(2) The State Board may make the report specified under paragraph (1) of this subsection available to the public at cost.

16–602.

(A) A PERSON MAY NOT RELEASE A PARTIAL OR COMPLETE TABULATION OF THE VOTES CAST BY ABSENTEE BALLOT BEFORE THE CLOSING OF THE POLLS ON ELECTION DAY.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 2 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Maryland Debate Commission established under § 8–104 of the Election Law Article, as enacted by Section 1 of this Act, shall expire as follows:

(1) two members who are journalists and one member from a nonpartisan organization in 2022;

(2) one member who is a journalist and two members from nonpartisan
organizations in 2023; and

(3) the member of the general public who is unaffiliated with a political party in 2024.

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