

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1205 (Delegate Mautz)
Ways and Means

Elections - 2020 Presidential General Election - Report on Use of Mail-in Ballots

This bill requires the State Board of Elections (SBE) to submit a report to the General Assembly by July 4, 2021, providing specified information, explanations, and opinions relating to the use of mail-in ballots in the 2020 presidential general election. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: The bill's requirement can be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires SBE to submit a report to the General Assembly by July 4, 2021, on the use of mail-in ballots in the 2020 presidential general election. The report must include:

- the number of mail-in ballots requested, mailed to voters in each county, and cast;
- an explanation of (1) the process used to validate the authenticity of mail-in ballots and the signatures on mail-in ballots; (2) the process used to verify that individuals did not vote both by mail and in person; (3) the deadline adopted to determine whether mail-in ballots were timely and how it was enforced; (4) the use of ballot drop boxes, their numbers and locations in each county, and the number of mail-in ballots collected in the ballot drop boxes at each location and in each county; (5) the

law and regulations governing individuals collecting ballots from voters and depositing the ballots in ballot drop boxes; and (6) how mail-in ballots deposited in ballot drop boxes by voters who reside outside the county in which the ballot drop box is located are transferred to, and counted and reported by, the appropriate local board; and

- the opinion of SBE on (1) the appropriate use of mail-in ballots and when they may be sent to voters and (2) the use of ballot drop boxes.

Current Law: An individual may vote by absentee (mail-in) ballot except to the extent preempted by federal law. An absentee ballot may be requested in writing (there are State and federal forms that can be used) or online through the SBE website. The voter may choose to receive the ballot by mail, by fax, through the Internet, or by hand at a local board of elections office. The voter may return the ballot by (1) mailing it, postmarked on or before Election Day or (2) delivering it in person to an early voting center or to the local board of elections or an Election Day polling place by the close of polls on Election Day.

Chapters 36 and 37 of 2020 require SBE and the local boards of elections to refer to absentee ballots as “mail-in ballots” and absentee voting as “mail-in voting” in all communications with voters and the general public, despite the use of the term “absentee” in the Election Law Article of the Maryland Code.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Department of Legislative Services

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