

HOUSE BILL 212

G1
HB 1192/21 – W&M

2lr1905

By: **Delegate Parrott**

Introduced and read first time: January 13, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Signature Verification of Absentee Ballots and Absentee Ballot**
3 **Applications and Ballot Canvassing**

4 FOR the purpose of establishing requirements and procedures for the verification of
5 signatures on absentee ballot applications and requests and absentee ballots;
6 altering the reasons for which local boards of elections are required to reject absentee
7 and provisional ballots during the canvass; and generally relating to signature
8 verification and the canvassing of ballots.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 9–303, 9–305(a), 9–306, 11–302(d), and 11–303(d)(2)
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Election Law
16 Section 9–310.1
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Election Law
21 Section 10–312(a)(2)
22 Annotated Code of Maryland
23 (2017 Replacement Volume and 2021 Supplement)

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

26 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9–303.

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

4 (b) The guidelines shall provide for:

5 (1) the application process;

6 (2) late application for absentee ballots;

7 (3) ballot security, including storage of returned ballots;

8 (4) determining timeliness of receipt of applications and ballots, including
9 applications and ballots for overseas voters;

10 (5) the canvass process;

11 (6) notice of the canvass to candidates, political parties, campaign
12 organizations, news media, and the general public;

13 (7) observers of the process;

14 (8) review of voted ballots and envelopes for compliance with the law and
15 for machine tabulation acceptability;

16 (9) standards for disallowance of ballots during the canvass;

17 (10) storage and retention of ballots following canvass and certification;

18 [and]

19 (11) the permanent absentee ballot list; **AND**

20 **(12) VERIFICATION OF SIGNATURES ON ABSENTEE BALLOT**
21 **APPLICATIONS AND ABSENTEE BALLOTS.**

22 (c) The State Board shall:

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

25 (2) revise the guidelines if indicated.

26 9–305.

- 1 (a) (1) A voter may request an absentee ballot by completing and submitting:
2 [(1)] (I) the State [Board approved] ~~BOARD-APPROVED~~ absentee ballot
3 application;
4 [(2)] (II) a form provided under federal law;
5 [(3)] (III) subject to subsection (b) of this section, a written request that
6 includes:
7 [(i)] 1. the voter's name, residence address, and signature; and
8 [(ii)] 2. the address to which the ballot is to be mailed, if different
9 from the residence address; or
10 [(4)] (IV) the accessible online absentee ballot application provided by the
11 State Board.

12 (2) ~~THE STATE BOARD-APPROVED ABSENTEE BALLOT APPLICATION,~~
13 ~~A WRITTEN REQUEST UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, AND THE~~
14 ~~ONLINE ABSENTEE BALLOT APPLICATION SHALL REQUIRE THE VOTER TO INDICATE~~
15 ~~THE VOTER'S PREFERRED METHOD TO RECEIVE COMMUNICATIONS, IN~~
16 ~~ACCORDANCE WITH § 9-310.1 OF THIS SUBTITLE, FROM AMONG THE FOLLOWING~~
17 ~~METHODS:~~

- 18 (I) MAIL;
19 (II) E-MAIL; OR
20 (III) TEXT MESSAGE.

21 9-306.

22 (a) [Promptly] ~~SUBJECT TO SUBSECTION (B) OF THIS SECTION, PROMPTLY~~
23 ~~after receipt of an application, the election director shall review the application and~~
24 ~~determine whether the applicant qualifies to vote by absentee ballot.~~

25 (B) (1) (I) ~~FOR THE STATE BOARD-APPROVED ABSENTEE BALLOT~~
26 ~~APPLICATION, THE FORM PROVIDED UNDER FEDERAL LAW, OR A WRITTEN~~
27 ~~REQUEST, THE ELECTION DIRECTOR SHALL VERIFY THE SIGNATURE OF A VOTER ON~~
28 ~~THE APPLICATION, FORM, OR WRITTEN REQUEST BY COMPARING THE SIGNATURE~~
29 ~~WITH THE SIGNATURE ON THE VOTER'S REGISTRATION RECORD IN ACCORDANCE~~
30 ~~WITH REGULATIONS ADOPTED BY THE STATE BOARD.~~

31 (II) ~~THE STATE BOARD SHALL PROVIDE TO EACH LOCAL BOARD~~

1 MACHINES REQUIRED TO ELECTRONICALLY VERIFY SIGNATURES AS REQUIRED IN
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3 (2) (I) IF THE ELECTION DIRECTOR IS UNABLE TO VERIFY A
4 VOTER'S SIGNATURE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION,
5 THE LOCAL BOARD SHALL:

6 1. NOTIFY THE VOTER BY THE VOTER'S PREFERRED
7 METHOD OF COMMUNICATION INDICATED IN ACCORDANCE WITH § 9-305 OF THIS
8 SUBTITLE; AND

9 2. DIRECT THE VOTER TO PROVIDE AN ADDITIONAL
10 FORM OF IDENTIFICATION IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS
11 PARAGRAPH.

12 (II) ON NOTIFICATION BY THE LOCAL BOARD UNDER
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE VOTER SHALL PROVIDE TO THE
14 LOCAL BOARD A COPY OF ANY OF THE FORMS OF IDENTIFICATION LISTED IN §
15 10-312 OF THIS ARTICLE.

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

- 18 (1) mail;
- 19 (2) facsimile transmission;
- 20 (3) the Internet; or
- 21 (4) by hand during an in-person transaction.

22 [(c)] (D) Once ballots are available, the local board shall provide the ballot to a
23 qualified applicant:

- 24 (1) as soon as practicable after receipt of the request; or
- 25 (2) immediately for an in-person transaction with a voter or the voter's
26 duly authorized agent.

27 [(d)] (E) (1) If the members of the local board determine that the applicant is
28 not entitled to vote by absentee ballot, the local board shall notify the applicant as soon as
29 practicable after receipt of the application of the reasons for the rejection.

30 (2) (i) The local board may delegate the determination under
31 paragraph (1) of this subsection to the staff of the local board.

1 (ii) If the determination has been delegated, the applicant may
2 appeal the rejection to the members of the local board, who shall decide the appeal as
3 expeditiously as practicable.

4 ~~[(e)]~~ (F) Not more than one absentee ballot may be issued to a voter unless the
5 election director of the local board has reasonable grounds to believe that an absentee ballot
6 previously issued to the voter has been lost, destroyed, or spoiled.

7 **9-310.1.**

8 (A) AN ABSENTEE BALLOT CAST IN ACCORDANCE WITH THIS SUBTITLE
9 SHALL BE COUNTED ONLY IF:

10 (1) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE
11 VOTER TO WHOM THE BALLOT WAS ISSUED; AND

12 (2) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION (C) OF
13 THIS SECTION.

14 (B) IF A VOTER IS UNABLE TO PROVIDE A SIGNATURE THAT MATCHES THE
15 SIGNATURE ON THE VOTER'S REGISTRATION RECORD, THE VOTER SHALL IDENTIFY
16 THE REASON WHY THE PROVIDED SIGNATURE IS INCONSISTENT WITH THE
17 SIGNATURE ON RECORD.

18 (C) (1) EACH LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER
19 ON THE RETURN IDENTIFICATION ENVELOPE BY COMPARING THE SIGNATURE WITH
20 THE SIGNATURE ON THE VOTER'S REGISTRATION RECORD IN ACCORDANCE WITH
21 REGULATIONS ADOPTED BY THE STATE BOARD.

22 (2) THE STATE BOARD SHALL PROVIDE TO EACH LOCAL BOARD
23 MACHINES REQUIRED TO ELECTRONICALLY VERIFY SIGNATURES AS REQUIRED IN
24 PARAGRAPH (1) OF THIS SUBSECTION.

25 (D) (1) IF THE LOCAL BOARD IS UNABLE TO VERIFY A VOTER'S
26 SIGNATURE IN ACCORDANCE WITH THIS SECTION, THE LOCAL BOARD SHALL:

27 (I) NOTIFY THE VOTER BY THE VOTER'S PREFERRED METHOD
28 OF COMMUNICATION INDICATED IN ACCORDANCE WITH § 9-305 OF THIS SUBTITLE;
29 AND

30 (II) DIRECT THE VOTER EITHER:

31 1. TO PROVIDE AN ADDITIONAL FORM OF

- 1 (i) the voter failed to sign the oath on the ballot envelope;
- 2 (ii) the local board received more than one ballot from the same
3 individual for the same election in the same ballot envelope; [or]
- 4 (iii) the local board determines that an absentee ballot is
5 intentionally marked with an identifying mark that is clearly evident and placed on the
6 ballot for the purpose of identifying the ballot; OR

7 **(IV) THE LOCAL BOARD DETERMINES THAT THE VOTER VOTED**
8 **IN PERSON AT A POLLING PLACE IN THE SAME ELECTION.**

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

- 11 (i) count only the ballot with the latest properly signed oath; and
- 12 (ii) reject any other ballot.

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

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

18 11-303.

19 (d) (2) **(I)** The local board shall reject a provisional ballot if:

20 [(i)] **1.** pursuant to paragraph (4) of this subsection, the local
21 board determines that the individual who cast the provisional ballot is not qualified to vote
22 that provisional ballot;

23 [(ii)] **2.** the individual failed to sign the oath on the provisional
24 ballot application;

25 [(iii)] **3. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
26 **PARAGRAPH,** the individual cast more than one ballot for the same election; or

27 [(iv)] **4.** the local board determines that a provisional ballot is
28 intentionally marked with an identifying mark that is clearly evident and placed on the
29 ballot for the purpose of identifying the ballot.

30 **(II) IF A VOTER'S ABSENTEE BALLOT IS REJECTED UNDER §**
31 **11-302(D)(3)(IV) OF THIS SUBTITLE, THE VOTER'S PROVISIONAL BALLOT MAY NOT**

1 **BE REJECTED BECAUSE THE VOTER CAST MORE THAN ONE BALLOT FOR THE SAME**
2 **ELECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 January 1, 2024.