

SENATE BILL 864

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By: **Senator Kagan**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

AN ACT concerning

Election Reform Act of 2023

FOR the purpose of prohibiting a person from knowingly and willfully making a threat to take the life of, kidnap, or cause physical injury to a county election director; establishing requirements and prohibitions related to a contract with an election service provider; authorizing the State Administrator of Elections to terminate, in whole or in part, a contract with an election service provider under certain circumstances; requiring judges of the circuit courts to be elected on a nonpartisan basis; establishing procedures for the nomination and election of circuit court judges on a nonpartisan basis; prohibiting a stray mark, blemish, or writing from being the sole basis for invalidating a ballot under certain circumstances; limiting the individuals to whom a local board of elections may provide an absentee ballot through the Internet; requiring a contractor who is responsible for distributing absentee ballots to voters to mail the ballots in a certain manner but not later than a certain number of days before the election; altering the procedures for the selection, voting, certification, and meetings of presidential electors; providing that presidential electors who take certain actions vacate the office; requiring the State Board of Elections to develop strategies and inform voters about casting absentee ballots by mail and requesting Internet ballots; requiring the State Board to analyze data on the reasons voters cast provisional ballots; and generally relating to the administration of elections.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–708
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(a), 9–210(a)(9), and 9–306(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2022 Replacement Volume and 2022 Supplement)

BY adding to

Article – Election Law

Section 1–101(ii–1) and (tt–1), 2–110, 8–504, 8–506, 8–507, and 8–509; 8–901 through 8–905 to be under the new subtitle “Subtitle 9. Election of Circuit Court Judges”; and 9–216.1 and 9–306.1

Annotated Code of Maryland
(2022 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5–203, 5–703(a), 5–703.1(a), 5–706, 8–503 through 8–505, 9–210(a)(6) and (g), and 9–306(b)

Annotated Code of Maryland
(2022 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 8–505

Annotated Code of Maryland

(2022 Replacement Volume and 2022 Supplement)

(As enacted by Chapters 43 and 44 of the Acts of the General Assembly of 2007)

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

Article – Criminal Law

3–708.

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

(2) “Local official” means an individual serving in a publicly elected office of a local government unit, as defined in § 10–101 of the State Government Article.

(3) (i) “State official” has the meaning stated in § 5–101 of the General Provisions Article.

(ii) “State official” includes the Governor, Governor–elect, Lieutenant Governor, and Lieutenant Governor–elect.

(4) “Threat” includes:

(i) an oral threat; or

(ii) a threat in any written form, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark.

(b) A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to:

- (1) a State official[.];
- (2) a local official[.];
- (3) a deputy State's Attorney[.];
- (4) an assistant State's Attorney[, or];
- (5) an assistant Public Defender; OR

(6) A COUNTY ELECTION DIRECTOR APPOINTED UNDER § 2-202 OF THE ELECTION LAW ARTICLE.

(c) A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a threat prohibited under subsection (b) of this section.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,500 or both.

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.

(II-1) “PRESIDENTIAL ELECTOR” MEANS AN ELECTOR FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

(TT-1) “UNAFFILIATED PRESIDENTIAL CANDIDATE” MEANS A CANDIDATE FOR PRESIDENT OF THE UNITED STATES WHO QUALIFIES FOR THE GENERAL ELECTION BALLOT BY MEANS OTHER THAN NOMINATION BY A POLITICAL PARTY.

2-110.

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

(2) “APPROPRIATE PERSONS” MEANS:

- (I) THE STATE BOARD;**
- (II) THE GOVERNOR;**
- (III) THE PRESIDENT OF THE SENATE;**
- (IV) THE SPEAKER OF THE HOUSE;**
- (V) THE ATTORNEY GENERAL; AND**
- (VI) THE DEPARTMENT OF INFORMATION TECHNOLOGY.**

(3) “COMPONENT” INCLUDES ANY HARDWARE OR SOFTWARE COMPONENT.

(4) “CONTRACT” MEANS AN AGREEMENT IN ANY FORM ENTERED INTO BY A GOVERNMENTAL ENTITY FOR A PROCUREMENT AS DEFINED IN § 11-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) “ELECTION SERVICE PROVIDER” MEANS ANY PERSON PROVIDING, SUPPORTING, OR MAINTAINING AN ELECTION SYSTEM ON BEHALF OF THE STATE BOARD OR A LOCAL BOARD, INCLUDING A CONTRACTOR OR VENDOR.

(6) “ELECTION SYSTEM” MEANS ANY INFORMATION SYSTEM USED FOR THE MANAGEMENT, SUPPORT, OR ADMINISTRATION OF AN ELECTION, INCLUDING:

- (I) THE VOTING SYSTEM;**
- (II) THE ONLINE VOTER REGISTRATION SYSTEM;**
- (III) THE VOTER REGISTRATION DATABASE;**
- (IV) THE ONLINE BALLOT REQUEST, DELIVERY, OR MARKING SYSTEMS;**
- (V) THE ELECTRONIC POLLBOOKS;**
- (VI) THE ELECTION MANAGEMENT SYSTEM; AND**
- (VII) THE SYSTEM FOR TABULATING OR REPORTING ELECTION RESULTS.**

(7) “FOREIGN NATIONAL” INCLUDES:

(I) AN INDIVIDUAL WHO IS A CITIZEN OF A FOREIGN COUNTRY;

AND

(II) AN INDIVIDUAL, A PARTNERSHIP, AN ASSOCIATION, A CORPORATION, AN ORGANIZATION, OR ANY OTHER COMBINATION OF INDIVIDUALS ORGANIZED UNDER THE LAWS OF OR HAVING ITS PRINCIPAL PLACE OF BUSINESS IN A FOREIGN COUNTRY.

(B) THE STATE BOARD MAY NOT APPROVE A CONTRACT WITH AN ELECTION SERVICE PROVIDER UNLESS THE CONTRACT INCLUDES A CLAUSE REQUIRING THE ELECTION SERVICE PROVIDER TO REPORT TO THE STATE ADMINISTRATOR IF:

(1) ANY STAGE IN THE MANUFACTURING OF A COMPONENT OF THE ELECTION SERVICE PROVIDER’S ELECTION SYSTEM OCCURRED OUTSIDE THE UNITED STATES; OR

(2) ANY MATERIAL CHANGE TO A COMPONENT IN ANY STAGE IN THE MANUFACTURING OF THE ELECTION SERVICE PROVIDER’S ELECTION SYSTEM OCCURRED OUTSIDE THE UNITED STATES AT ANY TIME FOR THE DURATION OF THE CONTRACT.

(C) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) THE SPECIFIC COMPONENTS OF THE ELECTION SYSTEM THAT WERE MANUFACTURED OUTSIDE THE UNITED STATES;

(2) THE FOREIGN NATION IN WHICH THE COMPONENTS WERE MANUFACTURED;

(3) A DESCRIPTION OF THE MANUFACTURING WORK PERFORMED OUTSIDE THE UNITED STATES; AND

(4) THE MEASURES TAKEN BY THE ELECTION SERVICE PROVIDER TO ENSURE THAT THE MANUFACTURING PROCESS IS SECURE.

(D) WITHIN 5 DAYS AFTER RECEIVING A REPORT UNDER SUBSECTION (B) OF THIS SECTION, THE STATE ADMINISTRATOR SHALL FORWARD A COPY OF THE REPORT TO THE APPROPRIATE PERSONS.

(E) ON A DETERMINATION BY THE STATE ADMINISTRATOR THAT A

FOREIGN NATIONAL HAS THE ABILITY TO CONTROL, INFLUENCE, OR DIRECT THE MANUFACTURING OF AN ELECTION SYSTEM IN ANY MANNER THAT WOULD COMPROMISE OR INFLUENCE, OR GIVE THE APPEARANCE OF COMPROMISING OR INFLUENCING, THE INDEPENDENCE AND INTEGRITY OF AN ELECTION, THE STATE ADMINISTRATOR MAY TERMINATE, IN WHOLE OR IN PART, THE CONTRACT WITH THE ELECTION SERVICE PROVIDER.

(F) WITHIN 7 DAYS AFTER THE STATE ADMINISTRATOR EXERCISES THE AUTHORITY TO TERMINATE, IN WHOLE OR IN PART, A CONTRACT WITH AN ELECTION SERVICE PROVIDER UNDER SUBSECTION (E) OF THIS SECTION, THE STATE ADMINISTRATOR SHALL NOTIFY THE APPROPRIATE PERSONS IN WRITING OF THE TERMINATION OF THE CONTRACT AND THE STATE ADMINISTRATOR'S REASONS FOR TERMINATING THE CONTRACT.

5-203.

(a) (1) This subsection does not apply to a candidate for:

- (i) President or Vice President of the United States; or
- (ii) any federal office who seeks nomination by petition.

(2) Unless the individual is a registered voter affiliated with the political party, an individual may not be a candidate for:

- (i) an office of that political party; or
- (ii) except as provided in subsection (b) of this section, nomination by that political party.

(b) The requirements for party affiliation specified under subsection (a) of this section do not apply to a candidate for[:

- (1) a judicial office; or
- (2)] a county board of education.

5-703.

(a) Except for a candidate for **CIRCUIT COURT JUDGE OR** a nonpartisan county board of education, this section applies to any candidate for public office subject to this title.

5-703.1.

(a) Except for a candidate for **CIRCUIT COURT JUDGE OR** a nonpartisan county board of education, this section applies to any candidate for public office subject to this title.

5–706.

(a) This section does not apply to:

(1) a candidate selected by a political party to fill a vacancy in nomination under Subtitle 9 or Subtitle 10 of this title; or

(2) a candidate defeated in a presidential preference primary.

(b) (1) [Except as provided in subsection (c) of this section, the] **THE** name of a candidate who is defeated for the nomination for a public office may not appear on the ballot at the next succeeding general election as a candidate for any office.

(2) A candidate who is defeated for the nomination for a public office may not file a certificate of candidacy as a write-in candidate at the next succeeding general election as a candidate for any office.

[(c) The name of a candidate for the office of judge of the circuit court who is defeated in the primary election in each contest for the office of circuit court judge in which the candidate appears on the ballot may not appear on the ballot at the succeeding general election as a candidate for any office.]

8–503.

[(a) Each political party shall nominate or provide for the nomination of candidates for presidential elector of the party in accordance with party rules.

(b) The number of candidates nominated by each political party shall be the number that this State is entitled to elect.]

(A) (1) FOR EACH PRESIDENTIAL ELECTOR, A POLITICAL PARTY CONTESTING THE POSITION, OR AN UNAFFILIATED PRESIDENTIAL CANDIDATE, SHALL SUBMIT TO THE STATE BOARD THE NAMES OF TWO QUALIFIED INDIVIDUALS.

(2) ONE OF THE INDIVIDUALS SHALL BE DESIGNATED “PRESIDENTIAL ELECTOR NOMINEE” AND THE OTHER “ALTERNATE PRESIDENTIAL ELECTOR NOMINEE”.

[(c)] **(B) (1) The names and residential addresses of [individuals nominated as candidates for presidential elector] THE PRESIDENTIAL ELECTORS SUBMITTED TO THE STATE BOARD IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION** by a political party shall be certified to the State Board by the presiding officers of the political party.

(2) The names and residential addresses of [individuals nominated as

candidates for presidential elector] **THE PRESIDENTIAL ELECTORS SUBMITTED TO THE STATE BOARD IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION** by a candidate for President of the United States who is nominated by petition shall be certified to the State Board by the candidate.

(3) The **PRESIDENTIAL** electors shall be certified to the State Board at least 30 days before the general election.

8-504.

(A) EACH PRESIDENTIAL ELECTOR NOMINEE AND ALTERNATE PRESIDENTIAL ELECTOR NOMINEE OF A POLITICAL PARTY SHALL EXECUTE THE FOLLOWING PLEDGE: “IF SELECTED FOR THE POSITION OF PRESIDENTIAL ELECTOR, I AGREE TO SERVE AND TO MARK MY BALLOTS FOR PRESIDENT AND VICE PRESIDENT FOR THE NOMINEES FOR THOSE OFFICES OF THE PARTY THAT NOMINATED ME.”.

(B) EACH PRESIDENTIAL ELECTOR NOMINEE AND ALTERNATE PRESIDENTIAL ELECTOR NOMINEE OF AN UNAFFILIATED PRESIDENTIAL CANDIDATE SHALL EXECUTE THE FOLLOWING PLEDGE: “IF SELECTED FOR THE POSITION OF PRESIDENTIAL ELECTOR AS A NOMINEE OF AN UNAFFILIATED PRESIDENTIAL CANDIDATE, I AGREE TO SERVE AND TO MARK MY BALLOTS FOR THAT CANDIDATE AND FOR THAT CANDIDATE’S VICE-PRESIDENTIAL RUNNING MATE.”.

(C) THE EXECUTED PLEDGES SHALL ACCOMPANY THE SUBMISSION OF THE CORRESPONDING PRESIDENTIAL ELECTOR NAMES TO THE STATE BOARD.

[8-504.] 8-505.

(a) (1) At the general election for President and Vice President of the United States there shall be elected, in accordance with subsection (b) of this section, the number of presidential electors to which this State is entitled.

(2) Presidential electors shall be elected at large by the voters of the entire State.

(b) (1) The names of the candidates for the office of presidential elector may not be printed on the ballot.

(2) A vote for the candidates for President and Vice President of a political party shall be considered to be and counted as a vote for each of the presidential electors of the political party [nominated] **SUBMITTED** in accordance with § 8-503 of this subtitle.

(3) A VOTE FOR AN UNAFFILIATED PRESIDENT AND VICE PRESIDENT SHALL BE CONSIDERED TO BE AND COUNTED AS A VOTE FOR EACH OF THE

PRESIDENTIAL ELECTORS SUBMITTED BY THE UNAFFILIATED PRESIDENTIAL CANDIDATE TO THE STATE BOARD IN ACCORDANCE WITH § 8-503 OF THIS SUBTITLE.

8-506.

IN SUBMITTING THIS STATE'S CERTIFICATE OF ASCERTAINMENT AS REQUIRED BY 3 U.S.C. § 5, THE GOVERNOR SHALL CERTIFY THE STATE'S PRESIDENTIAL ELECTORS AND STATE IN THE CERTIFICATE THAT:

(1) THE PRESIDENTIAL ELECTORS WILL SERVE AS PRESIDENTIAL ELECTORS UNLESS A VACANCY OCCURS IN THE OFFICE OF ELECTOR BEFORE THE END OF THE MEETING AT WHICH PRESIDENTIAL ELECTOR VOTES ARE CAST, IN WHICH CASE A SUBSTITUTE PRESIDENTIAL ELECTOR WILL FILL THE VACANCY; AND

(2) IF A SUBSTITUTE PRESIDENTIAL ELECTOR IS APPOINTED TO FILL A VACANCY, THE GOVERNOR WILL SUBMIT AN AMENDED CERTIFICATE OF ASCERTAINMENT STATING THE NAMES ON THE FINAL LIST OF THE PRESIDENTIAL ELECTORS.

8-507.

(A) THE STATE ADMINISTRATOR SHALL PRESIDE AT THE MEETING OF PRESIDENTIAL ELECTORS DESCRIBED IN § 8-508 OF THIS SUBTITLE.

(B) THE POSITION OF A PRESIDENTIAL ELECTOR NOT PRESENT TO VOTE IS VACANT.

(C) THE STATE ADMINISTRATOR SHALL APPOINT AN INDIVIDUAL AS A SUBSTITUTE PRESIDENTIAL ELECTOR TO FILL A VACANCY AS FOLLOWS:

(1) IF THE ALTERNATE PRESIDENTIAL ELECTOR IS PRESENT TO VOTE, BY APPOINTING THE ALTERNATE PRESIDENTIAL ELECTOR FOR THE VACANT POSITION;

(2) IF THE ALTERNATE PRESIDENTIAL ELECTOR FOR THE VACANT POSITION IS NOT PRESENT TO VOTE, BY APPOINTING A PRESIDENTIAL ELECTOR CHOSEN BY LOT FROM AMONG THE ALTERNATE PRESIDENTIAL ELECTORS PRESENT TO VOTE WHO WERE NOMINATED BY THE SAME POLITICAL PARTY OR THE UNAFFILIATED PRESIDENTIAL CANDIDATE;

(3) IF THE NUMBER OF ALTERNATE PRESIDENTIAL ELECTORS PRESENT TO VOTE IS INSUFFICIENT TO FILL ANY VACANT POSITION IN ACCORDANCE

WITH ITEM (1) OR (2) OF THIS SUBSECTION, BY APPOINTING ANY IMMEDIATELY AVAILABLE INDIVIDUAL WHO IS QUALIFIED TO SERVE AS A PRESIDENTIAL ELECTOR AND CHOSEN THROUGH NOMINATION BY AND PLURALITY VOTE OF THE REMAINING PRESIDENTIAL ELECTORS, INCLUDING NOMINATION AND VOTE BY A SINGLE PRESIDENTIAL ELECTOR IF ONLY ONE REMAINS;

(4) IF THERE IS A TIE BETWEEN AT LEAST TWO NOMINEES FOR SUBSTITUTE PRESIDENTIAL ELECTOR IN A VOTE CONDUCTED UNDER ITEM (3) OF THIS SUBSECTION, BY APPOINTING A PRESIDENTIAL ELECTOR CHOSEN BY LOT FROM AMONG THOSE NOMINEES; OR

(5) IF ALL PRESIDENTIAL ELECTOR POSITIONS ARE VACANT AND CANNOT BE FILLED IN ACCORDANCE WITH ITEM (1), (2), (3), OR (4) OF THIS SUBSECTION, BY APPOINTING A SINGLE PRESIDENTIAL ELECTOR, WITH REMAINING VACANT POSITIONS TO BE FILLED IN ACCORDANCE WITH ITEM (3) OR (4) OF THIS SUBSECTION.

(D) TO QUALIFY AS A SUBSTITUTE PRESIDENTIAL ELECTOR UNDER SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL WHO HAS NOT EXECUTED THE PLEDGE REQUIRED UNDER § 8-504 OF THIS SUBTITLE SHALL EXECUTE THE FOLLOWING PLEDGE: "I AGREE TO SERVE AND TO MARK MY BALLOTS FOR PRESIDENT AND VICE PRESIDENT CONSISTENT WITH THE PLEDGE OF THE INDIVIDUAL TO WHOSE PRESIDENTIAL ELECTOR POSITION I HAVE SUCCEEDED."

8-509.

(A) AFTER THE VOTE OF THIS STATE'S PRESIDENTIAL ELECTORS IS COMPLETED, IF THE FINAL LIST OF PRESIDENTIAL ELECTORS DIFFERS FROM ANY LIST THAT THE GOVERNOR PREVIOUSLY INCLUDED ON A CERTIFICATE OF ASCERTAINMENT PREPARED AND TRANSMITTED UNDER 3 U.S.C. § 5, THE STATE ADMINISTRATOR IMMEDIATELY SHALL PREPARE AN AMENDED CERTIFICATE OF ASCERTAINMENT AND TRANSMIT IT TO THE GOVERNOR FOR THE GOVERNOR'S SIGNATURE.

(B) THE GOVERNOR IMMEDIATELY SHALL DELIVER THE SIGNED AMENDED CERTIFICATE OF ASCERTAINMENT TO THE STATE ADMINISTRATOR AND A SIGNED DUPLICATE ORIGINAL OF THE AMENDED CERTIFICATE OF ASCERTAINMENT TO ALL INDIVIDUALS ENTITLED TO RECEIVE THIS STATE'S CERTIFICATE OF ASCERTAINMENT, INDICATING THAT THE AMENDED CERTIFICATE OF ASCERTAINMENT IS TO BE SUBSTITUTED FOR THE CERTIFICATE OF ASCERTAINMENT PREVIOUSLY SUBMITTED.

(C) (1) THE STATE ADMINISTRATOR SHALL PREPARE A CERTIFICATE OF

THE VOTE.

(2) THE PRESIDENTIAL ELECTORS ON THE FINAL LIST SHALL SIGN THE CERTIFICATE.

(3) THE STATE ADMINISTRATOR SHALL PROCESS AND TRANSMIT THE SIGNED CERTIFICATE WITH THE AMENDED CERTIFICATE OF ASCERTAINMENT UNDER 3 U.S.C. §§ 9 THROUGH 11.

SUBTITLE 9. ELECTION OF CIRCUIT COURT JUDGES.

8-901.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES TO PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF JUDGES OF THE CIRCUIT COURTS.

8-902.

(A) (1) JUDGES OF THE CIRCUIT COURTS SHALL BE ELECTED ON A NONPARTISAN BASIS.

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

(B) CANDIDATES FOR ELECTION TO THE CIRCUIT COURT SHALL, WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:

- (1) FILE CERTIFICATES OF CANDIDACY;
- (2) BE CERTIFIED TO THE BALLOT;
- (3) APPEAR ON THE BALLOT;
- (4) BE VOTED ON; AND
- (5) BE NOMINATED AND ELECTED.

8-903.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,

IN EACH YEAR THAT ONE OR MORE JUDGES ARE TO BE ELECTED TO THE CIRCUIT COURT FOR A COUNTY, CANDIDATES SHALL BE NOMINATED AT THE PRIMARY ELECTION.

(2) IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN § 5-502 OF THIS ARTICLE, THE NUMBER OF CANDIDATES HAVING FILED CERTIFICATES OF CANDIDACY IN ANY CONTEST DOES NOT EXCEED THE NUMBER OF OFFICES TO BE FILLED, A CERTIFICATE OF NOMINATION SHALL BE ISSUED TO EACH CANDIDATE.

(B) (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.

(2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND IT IS TOO LATE FOR THE BALLOTS TO BE REPRINTED, ANY VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

(C) (1) THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF TOTAL VOTES CAST IN THE PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

(2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST NUMBER OF TOTAL VOTES CAST NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR THE LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A NOMINATED CANDIDATE.

8-904.

(A) AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL ELECTION, IF A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON THE BALLOT.

(B) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND IT IS TOO LATE FOR THE BALLOTS TO BE REPRINTED, AND IF THAT NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE BEEN ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.

8-905.

(A) IN A GENERAL ELECTION FOR JUDGE OF THE CIRCUIT COURT FOR A

COUNTY, A VOTER MAY VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE NUMBER OF JUDGES TO BE ELECTED IN THAT COUNTY'S ELECTION.

(B) (1) THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE GENERAL ELECTION SHALL BE DECLARED ELECTED.

(2) (I) IF TWO OR MORE NOMINEES EACH RECEIVE THE LOWEST NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT.

(II) A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE FILLED:

1. AS IF THE VACANCY OCCURRED DURING THE TERM OF OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND

2. BY THE SELECTION OF ONE OF THE NOMINEES WHO TIES IN THE GENERAL ELECTION.

9-210.

(a) The offices to be voted on shall be arranged on the ballot in the following order, as applicable:

(6) [judicial offices, in the following order:

(i) judge of the circuit court; and

(ii)] appellate judges, continuance in office, in the following order:

[1.] **(I)** Supreme Court of Maryland; and

[2.] **(II)** Appellate Court of Maryland;

(9) offices filled by nonpartisan election.

(g) (1) Except for contests for [judicial office or] an office to be filled by nonpartisan election, the party affiliation of a candidate who is a nominee of a political party shall be indicated on the ballot.

(2) (i) A candidate who is not a nominee of a political party or affiliated with a partisan organization shall be designated as an "unaffiliated".

(ii) A candidate who is affiliated with a partisan organization shall

be designated under “other candidates”.

(3) The names of candidates for judge of the circuit court or for a county board of education, and the names of incumbent appellate judges, shall be placed on the ballot without a party label or other distinguishing mark or location which might indicate party affiliation.

9-216.1.

(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A STRAY MARK, BLEMISH, OR WRITING MAY NOT BE THE SOLE BASIS FOR INVALIDATING A BALLOT IF THE EXPRESS INTENT OF THE VOTER IS CLEAR.

(2) A STRAY MARK OR BLEMISH INCLUDES A TEAR, A FOLD, A FOOD SPILL, OR AN ERRANT PUNCTUATION MARK.

(B) A LOCAL BOARD MAY REJECT A BALLOT IF THE BOARD DETERMINES THAT A BALLOT IS INTENTIONALLY MARKED WITH AN IDENTIFYING MARK THAT IS CLEARLY EVIDENT AND PLACED ON THE BALLOT FOR THE PURPOSE OF IDENTIFYING THE BALLOT, IN ACCORDANCE WITH §§ 11-302 AND 11-303 OF THIS ARTICLE.

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;

(III) A VOTER WHO IS HAVING A MEDICAL EMERGENCY OR IS HOSPITALIZED;

(IV) A VOTER WHO HAS AN UNFORESEEN AND SHORT-NOTICE TRAVEL COMMITMENT; AND

(V) ANY OTHER VOTER WHO WOULD BE UNABLE TO VOTE IF THE VOTER COULD NOT RECEIVE AN ABSENTEE BALLOT ELECTRONICALLY.

9-306.1.

IF A CONTRACTOR IS RESPONSIBLE FOR DISTRIBUTING ABSENTEE BALLOTS TO VOTERS BY MAIL, THE CONTRACTOR SHALL MAIL REQUESTED BALLOTS:

(1) IN A TIMELY MANNER; BUT

(2) NOT LATER THAN 47 DAYS BEFORE THE APPLICABLE ELECTION DAY.

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

Article – Election Law

[8-505.] 8-508.

(a) (1) The individuals elected to the office of presidential elector shall meet in the State House in the City of Annapolis on the day provided by the Constitution and laws of the United States.

(2) The conduct of the meeting shall be consistent with the requirements of federal law.

(b) (1) Before proceeding to perform the duties of their office, the presidential electors who are present shall fill any vacancy in the office of elector **IN ACCORDANCE WITH § 8-507 OF THIS SUBTITLE**, whether the vacancy is caused by absence or other reason.

(2) An individual appointed to fill a vacancy is entitled to all rights and privileges of the duly elected electors.

(c) (1) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution before the Clerk of the Supreme Court of Maryland or, in the Clerk's absence, before one of the Clerk's deputies, the presidential electors shall cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the State of Maryland.

(2) THE STATE ADMINISTRATOR SHALL PROVIDE EACH PRESIDENTIAL ELECTOR WITH A PRESIDENTIAL AND A VICE-PRESIDENTIAL BALLOT.

(3) EACH PRESIDENTIAL ELECTOR SHALL MARK THE PRESIDENTIAL ELECTOR'S PRESIDENTIAL AND VICE-PRESIDENTIAL BALLOTS WITH THE PRESIDENTIAL ELECTOR'S SIGNATURE AND THE PRESIDENTIAL ELECTOR'S LEGIBLY PRINTED NAME.

(D) (1) EACH PRESIDENTIAL ELECTOR SHALL PRESENT BOTH COMPLETED BALLOTS TO THE STATE ADMINISTRATOR.

(2) THE STATE ADMINISTRATOR SHALL EXAMINE THE BALLOTS PRESENTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND ACCEPT AS CAST ALL BALLOTS OF PRESIDENTIAL ELECTORS WHOSE VOTES ARE CONSISTENT WITH THEIR PLEDGES EXECUTED UNDER § 8-504 OR § 8-507(D) OF THIS SUBTITLE.

(3) THE STATE ADMINISTRATOR MAY NOT COUNT EITHER A PRESIDENTIAL ELECTOR'S PRESIDENTIAL OR VICE-PRESIDENTIAL BALLOT IF THE PRESIDENTIAL ELECTOR HAS NOT MARKED BOTH BALLOTS OR HAS MARKED A BALLOT IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE.

(E) A PRESIDENTIAL ELECTOR WHO REFUSES TO PRESENT A BALLOT, PRESENTS AN UNMARKED BALLOT, OR PRESENTS A BALLOT MARKED IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE EXECUTED UNDER § 8-504 OR § 8-507(D) OF THIS SUBTITLE VACATES THE OFFICE OF ELECTOR, CREATING A VACANT POSITION TO BE FILLED UNDER § 8-507 OF THIS SUBTITLE.

(F) THE STATE ADMINISTRATOR SHALL DISTRIBUTE BALLOTS AND COLLECT BALLOTS FROM A SUBSTITUTE PRESIDENTIAL ELECTOR AND REPEAT THE PROCESS UNDER THIS SECTION, DECLARING AND FILLING VACANT POSITIONS AS REQUIRED, AND RECORDING APPROPRIATELY COMPLETED BALLOTS FROM THE SUBSTITUTED PRESIDENTIAL ELECTORS, UNTIL ALL OF THIS STATE'S ELECTORAL VOTES HAVE BEEN CAST AND RECORDED.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law**[8–505.] 8–508.**

(a) (1) The individuals elected to the office of presidential elector shall meet in the State House in the City of Annapolis on the day provided by the Constitution and laws of the United States.

(2) The conduct of the meeting shall be consistent with the requirements of federal law.

(b) (1) Before proceeding to perform the duties of their office, the presidential electors who are present shall fill any vacancy in the office of elector **IN ACCORDANCE WITH § 8–507 OF THIS SUBTITLE**, whether the vacancy is caused by absence or other reason.

(2) An individual appointed to fill a vacancy is entitled to all rights and privileges of the duly elected electors.

(c) (1) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution before the Clerk of the Supreme Court of Maryland or, in the Clerk's absence, before one of the Clerk's deputies, the presidential electors shall cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the national popular vote total defined in § 8–5A–01 of this title.

(2) THE STATE ADMINISTRATOR SHALL PROVIDE EACH PRESIDENTIAL ELECTOR WITH A PRESIDENTIAL AND VICE–PRESIDENTIAL BALLOT.

(3) EACH PRESIDENTIAL ELECTOR SHALL MARK THE PRESIDENTIAL ELECTOR'S PRESIDENTIAL AND VICE–PRESIDENTIAL BALLOTS WITH THE PRESIDENTIAL ELECTOR'S SIGNATURE AND THE PRESIDENTIAL ELECTOR'S LEGIBLY PRINTED NAME.

(D) (1) EACH PRESIDENTIAL ELECTOR SHALL PRESENT BOTH COMPLETED BALLOTS TO THE STATE ADMINISTRATOR.

(2) THE STATE ADMINISTRATOR SHALL EXAMINE THE BALLOTS PRESENTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND ACCEPT AS CAST ALL BALLOTS OF PRESIDENTIAL ELECTORS WHOSE VOTES ARE CONSISTENT WITH THEIR PLEDGES EXECUTED FOR THE CANDIDATES FOR PRESIDENT AND VICE PRESIDENT WHO ARE THE NATIONAL POPULAR VOTE WINNERS AS DEFINED IN § 8–5A–01 OF THIS TITLE.

(3) THE STATE ADMINISTRATOR MAY NOT COUNT EITHER A PRESIDENTIAL ELECTOR'S PRESIDENTIAL OR VICE–PRESIDENTIAL BALLOT IF THE

PRESIDENTIAL ELECTOR HAS NOT MARKED BOTH BALLOTS OR HAS MARKED A BALLOT IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE.

(E) A PRESIDENTIAL ELECTOR WHO REFUSES TO PRESENT A BALLOT, PRESENTS AN UNMARKED BALLOT, OR PRESENTS A BALLOT MARKED IN VIOLATION OF THE PRESIDENTIAL ELECTOR'S PLEDGE EXECUTED UNDER § 8-504 OR § 8-507(D) OF THIS SUBTITLE VACATES THE OFFICE OF ELECTOR, CREATING A VACANT POSITION TO BE FILLED UNDER § 8-507 OF THIS SUBTITLE.

(F) THE STATE ADMINISTRATOR SHALL DISTRIBUTE BALLOTS AND COLLECT BALLOTS FROM A SUBSTITUTE PRESIDENTIAL ELECTOR AND REPEAT THE PROCESS UNDER THIS SECTION, DECLARING AND FILLING VACANT POSITIONS AS REQUIRED, AND RECORDING APPROPRIATELY COMPLETED BALLOTS FROM THE SUBSTITUTED PRESIDENTIAL ELECTORS, UNTIL ALL OF THIS STATE'S ELECTORAL VOTES HAVE BEEN CAST AND RECORDED.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 31, 2024, the State Board of Elections shall:

- (1) develop and implement strategies to inform voters about:
 - (i) casting absentee ballots by mail and how voting by mail is the most efficient absentee voting method; and
 - (ii) the rare circumstances under which Internet absentee ballots may be requested; and
- (2) report on the strategies developed and implemented under item (1) of this section to the Senate Education, Energy, and the Environment Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article.

SECTION 5. AND BE IT FURTHER ENACTED, That, within 90 days after each primary election day and general election day in 2024 and 2026, the State Board of Elections shall submit a report to the Senate Education, Energy, and the Environment Committee and the House Ways and Means Committee, in accordance with § 2-1257 of the State Government Article, that analyzes data from the electronic pollbooks on the reasons voters cast provisional ballots.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of Section 1 of Chapters 43 and 44 of the Acts of the General Assembly of 2007.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 6 of this Act, this Act shall take effect October 1, 2023. Section 2 of this Act shall remain effective until the taking effect of Section 1 of Chapters 43 and 44 of the Acts of the

General Assembly of 2007. If the contingency stated in Section 1 of Chapters 43 and 44 of the Acts of the General Assembly of 2007 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.