

HOUSE BILL 641

G1

4lr1290

By: **Delegates Williams and Wilkins**

Introduced and read first time: January 25, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Curbside Voting**

3 FOR the purpose of requiring each local board of elections to designate certain locations for
4 curbside voting; establishing requirements governing curbside voting, including
5 requirements related to the designation of curbside voting locations and how to vote
6 at a curbside voting location; and generally relating to curbside voting.

7 BY adding to

8 Article – Election Law

9 Section 1–101(p–1) and 10–316

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 9–102(d)(1)

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2023 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 1–101.

21 (P–1) “CURBSIDE VOTING” MEANS THE PROCESS BY WHICH A VOTER
22 COMPLETES AND CASTS A BALLOT AT AN OUTSIDE LOCATION DESIGNATED UNDER §
23 10–316(D) OF THIS ARTICLE AND UNDER OBSERVATION OF ELECTION JUDGES.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9–102.

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

4 (1) the voting system will:

5 (i) protect the secrecy of the ballot;

6 (ii) protect the security of the voting process;

7 (iii) count and record all votes accurately;

8 (iv) accommodate any ballot used under this article;

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

10 (vi) be capable of creating a paper record of all votes cast in order
11 that an audit trail is available in the event of a recount, including a manual recount; [and]

12 (vii) provide a voter–verifiable paper record that:

13 1. is an individual document that is physically separated
14 from any other similar document and not part of a continuous roll;

15 2. is sufficiently durable to withstand repeated handling for
16 the purposes of mandatory random audits and recounts; and

17 3. uses ink that does not fade, smear, or otherwise degrade
18 and obscure or obliterate the paper record over time; AND

19 (VIII) ACCOMMODATE CURBSIDE VOTING;

20 10–316.

21 (A) (1) AT LEAST 6 MONTHS BEFORE EACH STATEWIDE PRIMARY
22 ELECTION, EACH LOCAL BOARD SHALL, SUBJECT TO THE APPROVAL OF THE STATE
23 BOARD, DESIGNATE A LOCATION FOR CURBSIDE VOTING OUTSIDE:

24 (I) ONE EARLY VOTING CENTER OR OTHER BUILDING DURING
25 EARLY VOTING; AND

26 (II) ON ELECTION DAY:

27 1. THE OFFICE OF THE LOCAL BOARD; OR

1 **2. IF USING THE OFFICE OF THE LOCAL BOARD IS NOT**
2 **PRACTICABLE, ONE POLLING PLACE.**

3 **(2) A LOCAL BOARD SHALL TAKE INTO ACCOUNT THE FOLLOWING**
4 **FACTORS WHEN DETERMINING A LOCATION FOR CURBSIDE VOTING:**

5 **(I) ACCESSIBILITY OF THE LOCATION TO HISTORICALLY**
6 **DISENFRANCHISED COMMUNITIES;**

7 **(II) PROXIMITY OF THE LOCATION TO DENSE CONCENTRATIONS**
8 **OF VOTERS;**

9 **(III) ACCESSIBILITY OF THE LOCATION BY PUBLIC**
10 **TRANSPORTATION; AND**

11 **(IV) MAXIMIZING VOTER PARTICIPATION, INCLUDING THROUGH**
12 **THE USE OF COMMUNITY CENTERS AND PUBLIC GATHERING PLACES AS LOCATIONS**
13 **FOR CURBSIDE VOTING.**

14 **(3) CURBSIDE VOTING SHALL BE MADE AVAILABLE AT THE LOCATION**
15 **ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO ALL REGISTERED**
16 **VOTERS ON REQUEST, INCLUDING REGISTERED VOTERS WITH DISABILITIES AS**
17 **DEFINED IN THE FEDERAL AMERICANS WITH DISABILITIES ACT, ON THE DAYS AND**
18 **DURING THE HOURS THAT EARLY VOTING CENTERS AND POLLING PLACES ARE**
19 **OPEN.**

20 **(4) THE CURBSIDE VOTING LOCATION SHALL BE EQUIPPED TO:**

21 **(I) ALLOW THE VOTER TO COMPLETE THE BALLOT WITHOUT**
22 **ASSISTANCE, UNLESS ASSISTANCE IS REQUESTED BY THE VOTER; AND**

23 **(II) PRESERVE THE SECRECY OF THE VOTER'S BALLOT WHILE**
24 **VOTING.**

25 **(B) AT EACH CURBSIDE VOTING LOCATION, THE LOCAL BOARD SHALL:**

26 **(1) POST SIGNS INFORMING VOTERS OF:**

27 **(I) THE LOCATION OF CURBSIDE VOTING; AND**

28 **(II) HOW TO NOTIFY AN ELECTION JUDGE THAT THE VOTER IS**
29 **WAITING AT THE CURBSIDE VOTING LOCATION; AND**

1 **(2) ENSURE THAT VOTERS RECEIVE PROMPT SERVICE FROM THE**
2 **ELECTION JUDGES.**

3 **(C) (1) A VOTER SEEKING TO USE CURBSIDE VOTING SHALL:**

4 **(I) REQUEST CURBSIDE VOTING FROM AN ELECTION JUDGE AT**
5 **THE CURBSIDE VOTING LOCATION; AND**

6 **(II) PROVIDE AN ELECTION JUDGE WITH THE INFORMATION**
7 **REQUIRED TO CHECK IN THE VOTER THROUGH THE POLLBOOK AT THE CURBSIDE**
8 **VOTING LOCATION.**

9 **(2) AN ELECTION JUDGE SHALL GIVE A VOTER USING CURBSIDE**
10 **VOTING THE CHOICE TO VOTE BY MARKING A PAPER BALLOT OR BY USING A BALLOT**
11 **MARKING DEVICE AT THE CURBSIDE VOTING LOCATION.**

12 **(3) IF THE VOTER CHOOSES TO VOTE USING A PAPER BALLOT, AFTER**
13 **MARKING THE BALLOT, THE VOTER SHALL DEPOSIT THE BALLOT IN THE CONTAINER**
14 **PROVIDED BY THE ELECTION JUDGE TO BE COUNTED.**

15 **(D) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
16 **SECTION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 January 1, 2025.