

SENATE BILL 838

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By: **Senators Mautz, Bailey, Carozza, Hershey, Jennings, and Ready**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Signature Requirements and Verification**

3 FOR the purpose of prohibiting a local board of elections from removing an absentee ballot
4 from a return envelope or ballot/return envelope or counting the ballot unless the
5 return envelope or ballot/return envelope is signed by the voter and, except under
6 certain circumstances, a witness and the local board verify the voter’s signature; and
7 generally relating to absentee ballots.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 9–303 and 9–310(a)(5) and (c)

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2024 Supplement)

13 BY adding to

14 Article – Election Law

15 Section 9–310.1

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2024 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 9–303.

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

24 (b) The guidelines shall provide for:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) the application process;
- 2 (2) late application for absentee ballots;
- 3 (3) ballot security, including storage of returned ballots;
- 4 (4) determining timeliness of receipt of applications and ballots, including
5 applications and ballots for overseas voters;
- 6 (5) the canvass process;
- 7 (6) notice of the canvass to candidates, political parties, campaign
8 organizations, news media, and the general public;
- 9 (7) observers of the process;
- 10 (8) review of voted ballots and envelopes for compliance with the law and
11 for machine tabulation acceptability;
- 12 (9) standards for disallowance of ballots during the canvass;
- 13 (10) storage and retention of ballots following canvass and certification;
- 14 [and]
- 15 (11) the permanent absentee ballot list; AND

16 **(12) VERIFICATION OF SIGNATURES ON ABSENTEE BALLOT**
17 **ENVELOPES.**

18 (c) The State Board shall:

- 19 (1) in consultation with the local boards, assess the guidelines before each
20 primary election; and
- 21 (2) revise the guidelines if indicated.

22 9–310.

23 (a) (5) When voted and returned to the local board, an absentee ballot shall be
24 enclosed in a ballot envelope or ballot/return envelope, on which has been printed [an oath]
25 OATHS prescribed by the State Board.

26 (c) If an absentee ballot is sent by the Internet or facsimile transmission, the local
27 board shall provide the voter with an envelope template, the [oath] OATHS prescribed by
28 the State Board, and instructions for marking and returning the absentee ballot.

1 **9-310.1.**

2 (A) IN THIS SECTION, “UNIFORMED SERVICES” HAS THE MEANING STATED
3 IN 10 U.S.C. § 101.

4 (B) A LOCAL BOARD MAY NOT REMOVE AN ABSENTEE BALLOT FROM THE
5 RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE OR COUNT THE BALLOT
6 UNLESS:

7 (1) THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE IS
8 SIGNED BY:

9 (I) THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND

10 (II) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
11 A WITNESS OTHER THAN THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND

12 (2) THE VOTER’S SIGNATURE IS VERIFIED AS PROVIDED IN
13 SUBSECTION (D) OF THIS SECTION.

14 (C) THE WITNESS SIGNATURE REQUIREMENT UNDER SUBSECTION (B)(1)(II)
15 OF THIS SECTION DOES NOT APPLY TO AN ABSENTEE BALLOT THAT IS VOTED AND
16 RETURNED BY:

17 (1) AN ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES WHO IS
18 SERVING OVERSEAS; OR

19 (2) THE SPOUSE OR DEPENDENT OF AN ACTIVE DUTY MEMBER OF THE
20 UNIFORMED SERVICES WHO IS SERVING OVERSEAS IF THE SPOUSE OR DEPENDENT
21 LIVES OVERSEAS.

22 (D) EACH LOCAL BOARD SHALL VERIFY THE SIGNATURE OF THE VOTER ON
23 THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE BY COMPARING THE
24 SIGNATURE WITH THE VOTER’S REGISTRATION RECORD IN ACCORDANCE WITH
25 REGULATIONS ADOPTED BY THE STATE BOARD.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2025.