

Chapter 440

(Senate Bill 949)

AN ACT concerning

**Election Law – ~~Canvassing of Absentee Ballots – Preemption by Federal~~
~~Judicial Action~~ State and Federal Requirements**

FOR the purpose of requiring ~~the State Administrator of Elections to establish a uniform tabulation policy for absentee ballots with federal contests in certain elections if there is an occurrence of federal judicial action regarding the timely receipt of certain absentee ballots that preempts a certain State law and regulation; requiring the State Administrator to provide certain additional notice to voters regarding absentee ballots under certain circumstances using certain methods;~~ the State Board of Elections and each local board of elections to refer to absentee ballots that are delivered to a voter by the Internet using a certain term in communications with voters and the general public; providing that absentee ballots are considered timely and may be counted under certain circumstances; prohibiting absentee ballots that are not timely from being counted; establishing requirements regarding absentee ballots that apply if federal law or a federal court establish requirements for the timeliness of absentee ballots that differ from State requirements; and generally relating to ~~the canvassing of~~ absentee ballots.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–301(c) and 9–304
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

BY adding to
Article – Election Law
Section 9–310.1
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

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

~~(a) This section applies only to the primary election and general elections in 2026 and 2028.~~

~~(b) (1) If there is an occurrence of federal judicial action regarding the timely receipt of absentee ballots with federal contests that preempts regulations adopted by the State Board of Elections in COMAR 33.11.03.08, in accordance with § 11-302 of the Election Law Article, that prescribe timely receipt of absentee ballots in the State, the State~~

~~Administrator of Elections shall establish a uniform tabulation policy for absentee ballots with federal contests to implement and comply with the federal action.~~

~~(2) A uniform tabulation policy established under paragraph (1) of this subsection shall ensure that the votes for all other contests except federal contests on an absentee ballot that was mailed on or before election day as verified by the postmark and is received by a local board of elections office in accordance with the regulations adopted by the State Board under COMAR 33.11.03.08, shall be canvassed in accordance with State law and regulations.~~

~~(e) (1) If there is an occurrence of federal judicial action that requires the implementation of subsection (b) of this section, the State Administrator shall provide additional notice to voters in the State of the requirements:~~

~~(i) under federal law for the timely receipt of absentee ballots with federal contests; and~~

~~(ii) under State law for the timely receipt of absentee ballots with State and local contests.~~

~~(2) The notice required under paragraph (1) of this subsection shall, at a minimum, encourage an early return of absentee ballots by urging voters to:~~

~~(i) mail the ballot at least 1 week before election day; or~~

~~(ii) place the ballot in an official ballot drop box on or before election day.~~

~~(3) The State Administrator shall use multiple methods to provide the notice required under this subsection, including written notice with instructions for sample ballots and ballots, a social media campaign, and mass media communications.~~

Article – Election Law

9–301.

(c) The State Board and each local board shall:

(1) notwithstanding the use of the term “absentee” in this article, refer to absentee ballots as “mail-in ballots” and absentee voting as “mail-in voting” in all communications with voters and the general public; [and]

(2) REFER TO ABSENTEE BALLOTS THAT ARE DELIVERED TO A VOTER BY THE INTERNET AS “PRINT-AT-HOME BALLOTS” IN ALL COMMUNICATIONS WITH VOTERS AND THE GENERAL PUBLIC; AND

[(2)] (3) include in public communications regarding “mail-in voting” a statement that “mail-in voting” is referred to as absentee voting in the Maryland Constitution, the Annotated Code of Maryland, and the Code of Maryland Regulations.

9-304.

[An] SUBJECT TO § 9-310.1(C) OF THIS SUBTITLE, AN individual may vote by absentee ballot except to the extent preempted under an applicable federal law.

9-310.1.

(A) AN ABSENTEE BALLOT IS CONSIDERED TIMELY AND MAY BE COUNTED IF THE BALLOT:

(1) IS RECEIVED AT AN EARLY VOTING CENTER BEFORE THE POLLS CLOSE AT THE EARLY VOTING CENTER ON THE LAST DAY OF EARLY VOTING;

(2) IS RECEIVED AT A LOCAL BOARD OFFICE BEFORE THE POLLS CLOSE ON ELECTION DAY;

(3) IS RECEIVED AT A POLLING PLACE BEFORE THE POLLS CLOSE ON ELECTION DAY;

(4) IS DEPOSITED IN A BALLOT DROP BOX BEFORE THE POLLS CLOSE ON ELECTION DAY; OR

(5) IS RECEIVED BY MAIL AT A LOCAL BOARD OFFICE NOT LATER THAN 10 A.M. ON THE SECOND FRIDAY AFTER AN ELECTION AND WAS MAILED ON OR BEFORE ELECTION DAY, AS VERIFIED:

(I) BY A POSTMARK; OR

(II) IF THE RETURN ENVELOPE DOES NOT CONTAIN A POSTMARK OR THE POSTMARK IS ILLEGIBLE, BY THE VOTER’S AFFIDAVIT THAT THE BALLOT WAS MAILED ON OR BEFORE ELECTION DAY.

(B) AN ABSENTEE BALLOT THAT DOES NOT MEET THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION IS NOT TIMELY AND MAY NOT BE COUNTED.

(C) (1) THIS SUBSECTION APPLIES ONLY IF FEDERAL LAW OR A FEDERAL COURT ESTABLISHES REQUIREMENTS FOR THE TIMELINESS OF ABSENTEE BALLOTS WITH FEDERAL CONTESTS THAT DIFFER FROM THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.

(2) VOTES IN NONFEDERAL CONTESTS ON A BALLOT THAT IS CONSIDERED TIMELY UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COUNTED UNLESS A LAW OR REGULATION REQUIRES THAT A VOTE IN A CONTEST BE REJECTED FOR A REASON UNRELATED TO THE TIMELINESS OF THE BALLOT.

(3) THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE CONDUCT OF THE ABSENTEE BALLOT CANVASS THAT COMPLY WITH THE FEDERAL REQUIREMENTS AND PARAGRAPH (2) OF THIS SUBSECTION.

(4) (I) THE STATE BOARD SHALL PROVIDE NOTICE TO VOTERS OF THE REQUIREMENTS:

1. UNDER FEDERAL LAW FOR THE TIMELY RECEIPT OF ABSENTEE BALLOTS WITH FEDERAL CONTESTS; AND

2. UNDER STATE LAW FOR THE TIMELY RECEIPT OF ABSENTEE BALLOTS WITH NONFEDERAL CONTESTS.

(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL, AT A MINIMUM, ENCOURAGE AN EARLY RETURN OF ABSENTEE BALLOTS BY URGING VOTERS TO:

1. MAIL THE VOTER'S BALLOT AT LEAST 1 WEEK BEFORE ELECTION DAY; OR

2. PLACE THE VOTER'S BALLOT IN A BALLOT DROP BOX ON OR BEFORE ELECTION DAY.

(III) THE STATE BOARD SHALL USE MULTIPLE METHODS TO PROVIDE THE NOTICE REQUIRED UNDER THIS PARAGRAPH, INCLUDING WRITTEN NOTICE WITH INSTRUCTIONS FOR SAMPLE BALLOTS AND BALLOTS, A SOCIAL MEDIA CAMPAIGN, AND MASS MEDIA COMMUNICATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. ~~It shall remain effective for a period of 3 years from the date it is enacted and, at the end of the 3-year period, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Approved by the Governor, May 12, 2026.