

HB2100/703123/1

BY: Delegate R. Long

AMENDMENTS TO HOUSE BILL 2100
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Elections – Legislative and Congressional Districts and Absentee Voting**”; in line 6, strike “and”; in line 8, after “plan” insert “; altering the circumstances under which an individual may vote by absentee ballot; and generally relating to elections in the State”; and after line 14, insert:

“BY repealing and reenacting, with amendments,

Article – Election Law

Section 9–303, 9–304, 9–305, and 10–102

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)”

BY repealing

Article – Election Law

Section 9–311.1

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 25, insert:

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

Article – Election Law

9-303.

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

(b) The guidelines shall provide for:

(1) the application process;

(2) late application for absentee ballots;

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

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

(5) the canvass process;

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

(7) observers of the process;

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

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

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

(11) the permanent absentee ballot list].

(c) The State Board shall:

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

(2) revise the guidelines if indicated.

9-304.

(A) AN INDIVIDUAL MAY VOTE BY ABSENTEE BALLOT AT AN ELECTION IF THE INDIVIDUAL:

(1) MAY BE ABSENT ON ELECTION DAY FROM THE COUNTY IN WHICH THE INDIVIDUAL IS REGISTERED TO VOTE;

(2) BECAUSE OF ACCIDENT, ILLNESS, OR PHYSICAL DISABILITY, WILL BE UNABLE TO GO TO THE POLLING PLACE ON ELECTION DAY;

(3) BECAUSE OF CONFINEMENT IN OR RESTRICTION TO AN INSTITUTION, WILL BE PREVENTED FROM GOING TO THE POLLING PLACE ON ELECTION DAY;

(4) BECAUSE OF A DEATH OR SERIOUS ILLNESS IN THE INDIVIDUAL'S IMMEDIATE FAMILY, WILL BE UNABLE TO GO TO THE POLLING PLACE ON ELECTION DAY;

(5) IS A FULL-TIME STUDENT AT AN INSTITUTION OF HIGHER EDUCATION LOCATED OUTSIDE THE INDIVIDUAL'S PRECINCT BUT WITHIN THE

(Over)

COUNTY OF REGISTRATION, AND ACADEMIC REQUIREMENTS PREVENT THE INDIVIDUAL FROM GOING TO THE POLLING PLACE ON ELECTION DAY; OR

(6) BECAUSE OF EMPLOYMENT BY OR SERVICE AS AN OFFICIAL OF THE STATE BOARD OR A LOCAL BOARD, IS REQUIRED TO BE ABSENT FROM THE PRECINCT IN WHICH THE INDIVIDUAL IS REGISTERED TO VOTE ON ELECTION DAY.

(B) Subject to § 9–310.1(c) of this subtitle, an individual may vote by absentee ballot [except to the extent preempted] IF AUTHORIZED under an applicable federal law.

9–305.

- (a) A voter may request an absentee ballot by completing and submitting:
- (1) the State Board approved absentee ballot application;
 - (2) a form provided under federal law;
 - (3) subject to subsection (b) of this section, a written request that includes:
 - (i) the voter's name, residence address, and signature; [and]
 - (ii) the address to which the ballot is to be mailed, if different from the residence address; AND

(III) THE REASON, AS AUTHORIZED IN § 9–304 OF THIS SUBTITLE, FOR ABSENTEE VOTING; or

(4) the accessible online absentee ballot application provided by the State Board.

(b) A voter who uses the online absentee ballot application to request that an absentee ballot be sent by any method or who uses any method to request to receive a blank absentee ballot through the Internet shall provide the following information:

(1) a Maryland driver's license number or Maryland identification card number, the last four digits of the applicant's Social Security number, and other information identified by the State Board that is not generally available to the public but is readily available to the applicant; or

(2) if the applicant is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act or a voter with a disability and does not have a Maryland driver's license or Maryland identification card, the last four digits of the applicant's Social Security number.

(c) The State-approved absentee ballot application shall include a statement explaining the process for returning a completed absentee ballot if the voter chooses to receive an absentee ballot by facsimile transmission or the Internet.

(d) An application for an absentee ballot must be received by a local board:

(1) if the voter requests the absentee ballot be sent by mail or facsimile transmission, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) if the voter requests the absentee ballot be sent by the Internet, not later than the Friday preceding the election, at the time specified in the guidelines; or

(3) if the voter or the voter's duly authorized agent applies for an absentee ballot in person at the local board office, not later than the closing of the polls on election day.

(e) (1) Except as provided in paragraph (2) of this subsection, the local board shall send a written notice regarding a request for a State-approved absentee ballot application with a specimen ballot mailed under § 8–102 of this article and any other mailing to voters or eligible voters to further awareness of the option of mail-in voting.

(2) A local board is not required to send the notice required under paragraph (1) of this subsection:

(i) to a voter⌈:

1. who has permanent absentee ballot status under § 9–311.1 of this subtitle; or

2.] more than once per election; or

(ii) for a vote-by-mail election.

⌋9–311.1.

(a) All voters are eligible for permanent absentee ballot status.

(b) To request permanent absentee ballot status, a voter shall complete and submit:

(1) the State Board-approved absentee ballot application and indicate on the form that the voter wishes to have permanent absentee ballot status;

(2) a written request that includes the voter's name, residence address, and signature; or

(3) the online absentee ballot application provided by the State Board and indicate on the form that the voter wishes to have permanent absentee ballot status.

(c) (1) A voter may apply for permanent absentee ballot status at any time.

(2) A voter who requests permanent absentee ballot status may not receive an absentee ballot for the next election if the request is made after the applicable deadline specified in § 9–305(c) of this subtitle.

(d) A voter shall specify in an absentee ballot application submitted in accordance with subsection (b) of this section:

(1) one of the following methods by which the voter chooses to receive an absentee ballot:

(i) mail;

(ii) facsimile transmission; or

(iii) the Internet; and

(2) one of the following methods by which the voter chooses to be contacted by the State Board under subsection (g) of this section before each election:

(i) nonforwardable mail;

(ii) e-mail; or

(iii) text message.

(e) A voter who uses the online absentee ballot application to request permanent absentee ballot status or who uses any method to request to receive a blank absentee ballot through the Internet shall provide the information required under § 9–305(b) of this subtitle.

(f) A voter who submits a proper request for permanent absentee ballot status shall be placed on the permanent absentee ballot list.

(g) (1) During the period beginning 120 days before an election and ending 90 days before the election, the State Board shall send a written communication to each voter who is on the permanent absentee ballot list using the method chosen by the voter under subsection (d)(2) of this section.

(2) The communication required under paragraph (1) of this subsection shall include:

(i) confirmation that the voter is included on the permanent absentee ballot list;

(ii) the address of the voter;

(iii) the method by which the voter has chosen to receive an absentee ballot; and

(iv) a statement that the voter must notify the local board if any of the changes listed in subsection (j) of this section have occurred.

(3) If the State Board is unable to contact a voter using the method of communication chosen by the voter under subsection (d)(2) of this section, the State Board shall attempt to contact the voter using another method.

(4) If the communication required under paragraph (1) of this subsection is sent by mail, the envelope shall include a statement, prominently placed, requesting that the recipient return the communication to the State Board if the intended recipient no longer lives at that address.

(h) A local board shall send an absentee ballot to each voter on the permanent absentee ballot list each time there is an election.

(i) A voter who has permanent absentee ballot status shall be removed from the permanent absentee ballot list if:

(1) the voter requests to be removed from the list;

(2) the voter is removed from the statewide voter registration list under Title 3, Subtitle 5 of this article;

(3) the voter fails to return an absentee ballot for two consecutive statewide general elections; or

(4) any mail sent to the voter by the State Board or a local board is returned undeliverable.

(j) A voter shall notify the local board if any of the following changes occur while the voter has permanent absentee ballot status:

(1) the voter no longer wishes to have permanent absentee ballot status;

(2) the address to which the voter's absentee ballot should be sent has changed; or

(3) the voter wishes to receive an absentee ballot by a different method from the method previously indicated by the voter.

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(k) If a voter who has permanent absentee ballot status gives notice of a change of address under § 3–304 of this article, the local board shall enclose with the confirmation notice sent to the voter under § 3–502(b) of this article a notification that:

(1) the voter remains included on the permanent absentee ballot list;
and

(2) the voter’s absentee ballot will be sent to the voter’s new address.]

10–102.

(a) If the polling place assigned to an elderly or disabled voter is not structurally barrier free, the voter may request a reassignment by the local board.

(b) (1) To qualify for a reassignment by the local board, the voter shall submit a request in writing to the local board not later than the close of registration for the election.

(2) The request may be made on a form prescribed by the State Board.

(c) On receipt of a request from an elderly or disabled voter under subsection (b) of this section, the local board shall either:

(1) assign the voter to an election district, ward, or precinct in the voter’s county that contains a structurally barrier free polling place; or

(2) issue the voter an absentee ballot:

(I) in accordance with the procedures established under Title 9, Subtitle 3 of this article; AND

**(II) NOTWITHSTANDING THE VOTER’S LACK OF ELIGIBILITY
FOR AN ABSENTEE BALLOT UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE.**

(d) Any ballot issued to a voter under subsection (c)(2) of this section shall be identical to the ballot used in the polling place originally assigned to the voter.”;

and in lines 26 and 30, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.

On page 3, after line 18, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2027.”.