

HOUSE BILL 496

G1

6lr1734

By: **Delegates Qi and Schmidt**

Introduced and read first time: January 27, 2026

Assigned to: Government, Labor, and Elections

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Unaffiliated Voters – Open Primary Elections**

3 FOR the purpose of authorizing a voter unaffiliated with a political party to vote the ballot
4 for unaffiliated voters or the ballot of the political party of the voter's choice in a
5 primary election; prohibiting a voter unaffiliated with a political party who votes the
6 ballot of a political party in a primary election from automatically becoming affiliated
7 with the political party whose ballot the voter voted; and generally relating to voting
8 by unaffiliated voters in primary elections.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 3–202(a)(4), 3–203(c), 8–202, and 9–305(a)
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2025 Supplement)

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

16 **Article – Election Law**

17 3–202.

18 (a) (4) In the section of the statewide voter registration application that asks
19 the voter whether the voter wants to affiliate with a political party, the application shall
20 list the recognized political parties in the State and include the following statement: “You
21 must register with a political party if you want to take part in that political party’s [primary
22 election,] caucus[,] or convention. Check one box only.”.

23 3–203.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) An automatic voter registration system:

(1) may not require any information that duplicates the information required to complete an applicable transaction;

(2) shall require only the minimum amount of information necessary for both an applicable transaction and a voter registration to:

(i) prevent duplicate voter registration; and

(ii) enable election officials to review the eligibility of an applicant and to administer voter registration and other aspects of the election process; and

(3) shall inform an applicant that if the applicant does not select a political party affiliation, the individual will be designated as not affiliated with a political party [and will be unable to vote in a party primary election].

8–202.

(a) A principal political party, as determined by the statement of registration issued by the State Board:

(1) shall use the primary election to:

(i) nominate its candidates for public office; and

(ii) elect all members of the local central committees of the political party; and

(2) may use the primary election in the year of a presidential election to elect delegates to a national presidential nominating convention.

(b) Except for a nominee for President or Vice President, the name of a nominee of a principal political party may not appear on the ballot in a general election if the individual has not:

(1) been nominated in the primary election; or

(2) been designated to fill a vacancy in nomination in accordance with Title 5 of this article.

(c) If a political party chooses to permit voters [not] affiliated with [the] A **DIFFERENT POLITICAL** party to vote in the **POLITICAL** party's primary election, the chairman of the **POLITICAL** party's State central committee shall so notify the State Board at least 6 months before the date of the primary election.

(D) (1) IN A PRIMARY ELECTION, A VOTER WHO IS NOT AFFILIATED WITH A POLITICAL PARTY MAY VOTE:

(I) THE BALLOT FOR UNAFFILIATED VOTERS, IF THERE IS A BALLOT FOR UNAFFILIATED VOTERS IN THE COUNTY FOR THE PRIMARY ELECTION; OR

(II) THE BALLOT OF THE POLITICAL PARTY OF THE VOTER'S CHOICE.

(2) A VOTER WHO IS NOT AFFILIATED WITH A POLITICAL PARTY WHO VOTES THE BALLOT OF A POLITICAL PARTY IN A PRIMARY ELECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT AUTOMATICALLY BECOME AFFILIATED WITH THE POLITICAL PARTY WHOSE BALLOT THE VOTER VOTED.

(3) AN UNAFFILIATED VOTER MAY NOT VOTE MORE THAN ONE BALLOT IN A PRIMARY ELECTION.

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) IF THE VOTER IS REQUESTING A BALLOT FOR A PRIMARY ELECTION AND THE VOTER IS UNAFFILIATED WITH A POLITICAL PARTY, THE VOTER'S CHOICE OF THE BALLOT FOR UNAFFILIATED VOTERS OR THE BALLOT OF THE POLITICAL PARTY THE VOTER WISHES TO VOTE; AND

[(ii)] (III) the address to which the ballot is to be mailed, if different from the residence address; or

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.