

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:

2 (1) may not require any information that duplicates the information
3 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:

6 (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

12 8-202.

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

15 (1) shall use the primary election to:

16 (i) nominate its candidates for public office; and

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

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

24 (1) been nominated in the primary election; or

25 (2) been designated to fill a vacancy in nomination in accordance with Title
26 5 of this article.

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

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

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

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

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

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

14 9–305.

15 (a) A voter may request an absentee ballot by completing and submitting:

16 (1) the State Board approved absentee ballot application;

17 (2) a form provided under federal law;

18 (3) subject to subsection (b) of this section, a written request that includes:

19 (i) the voter's name, residence address, and signature; [and]

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

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

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

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