

SENATE BILL 949

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EMERGENCY BILL

6lr3287
CF HB 1069

By: **Senator Kagan**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Canvassing of Absentee Ballots – Preemption by Federal**
3 **Judicial Action**

4 FOR the purpose of requiring the State Administrator of Elections to establish a uniform
5 tabulation policy for absentee ballots with federal contests in certain elections if
6 there is an occurrence of federal judicial action regarding the timely receipt of certain
7 absentee ballots that preempts a certain State law and regulation; requiring the
8 State Administrator to provide certain additional notice to voters regarding absentee
9 ballots under certain circumstances using certain methods; and generally relating to
10 the canvassing of absentee ballots.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That:

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

15 (b) (1) If there is an occurrence of federal judicial action regarding the timely
16 receipt of absentee ballots with federal contests that preempts regulations adopted by the
17 State Board of Elections in COMAR 33.11.03.08, in accordance with § 11–302 of the
18 Election Law Article, that prescribe timely receipt of absentee ballots in the State, the State
19 Administrator of Elections shall establish a uniform tabulation policy for absentee ballots
20 with federal contests to implement and comply with the federal action.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) (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.

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 yea 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.