

HOUSE BILL 859

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HB 706/19 – W&M

0lr1777

By: **Delegates Washington, Cardin, Ivey, Korman, and Williams**

Introduced and read first time: February 3, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballot Requests, Delivery, and Marking**

3 FOR the purpose of requiring the State Board of Elections approved absentee ballot
4 application to require the applicant to provide certain information; repealing a
5 provision of law requiring a local board of elections to provide an absentee ballot by
6 facsimile transmission if requested by a voter; altering a certain provision of law to
7 require a local board to provide an absentee ballot by the Internet only if requested
8 by certain voters, rather than to any voter on request; authorizing the State Board
9 to provide an accessible optional online ballot marking tool for use by certain voters,
10 rather than by any voter, who request to have an absentee ballot sent by the Internet;
11 and generally relating to absentee ballot requests, delivery, and marking.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 9–305, 9–306, and 9–308.1
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2019 Supplement)

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

19 **Article – Election Law**

20 9–305.

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

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

23 (2) a form provided under federal law;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (i) the voter's name, residence address, and signature; and

3 (ii) the address to which the ballot is to be mailed, if different from
4 the residence address; or

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

7 (b) A voter who uses **THE STATE BOARD APPROVED ABSENTEE BALLOT**
8 **APPLICATION OR** the online absentee ballot application to request that an absentee ballot
9 be sent by any method or who uses any method to request to receive a blank absentee ballot
10 through the Internet shall provide the following information:

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

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

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

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

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

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

28 9-306.

29 (a) Promptly after receipt of an application, the election director shall review the
30 application and determine whether the applicant qualifies to vote by absentee ballot.

31 (b) **(1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
32 **SUBSECTION, IF** the applicant qualifies to vote by absentee ballot, the local board shall
33 provide the ballot by one of the following methods requested by the voter:

- 1 ~~[(1)]~~ (I) mail; OR
- 2 [(2) facsimile transmission;
- 3 (3) the Internet; or
- 4 (4)] (II) by hand during an in-person transaction.

5 (2) (I) **THIS PARAGRAPH APPLIES ONLY TO:**

6 1. AN ABSENT UNIFORMED SERVICES VOTER OR
7 OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS
8 ABSENTEE VOTING ACT;

9 2. A VOTER WITH A DISABILITY AS DEFINED IN THE
10 AMERICANS WITH DISABILITIES ACT WHO IS UNABLE TO MARK A BALLOT
11 INDEPENDENTLY BY HAND; AND

12 3. ANY OTHER VOTER WHO WOULD BE UNABLE TO VOTE
13 IF THE VOTER COULD NOT RECEIVE AN ABSENTEE BALLOT ELECTRONICALLY.

14 (II) **THE LOCAL BOARD SHALL PROVIDE AN ABSENTEE BALLOT**
15 **BY ONE OF THE FOLLOWING METHODS REQUESTED BY THE VOTER:**

- 16 1. MAIL;
- 17 2. BY HAND DURING AN IN-PERSON TRANSACTION; OR
- 18 3. THE INTERNET.

19 (c) Once ballots are available, the local board shall provide the ballot to a
20 qualified applicant:

- 21 (1) as soon as practicable after receipt of the request; or
- 22 (2) immediately for an in-person transaction with a voter or the voter's
23 duly authorized agent.

24 (d) (1) If the members of the local board determine that the applicant is not
25 entitled to vote by absentee ballot, the local board shall notify the applicant as soon as
26 practicable after receipt of the application of the reasons for the rejection.

27 (2) (i) The local board may delegate the determination under
28 paragraph (1) of this subsection to the staff of the local board.

1 (ii) If the determination has been delegated, the applicant may
2 appeal the rejection to the members of the local board, who shall decide the appeal as
3 expeditiously as practicable.

4 (e) Not more than one absentee ballot may be issued to a voter unless the election
5 director of the local board has reasonable grounds to believe that an absentee ballot
6 previously issued to the voter has been lost, destroyed, or spoiled.

7 9–308.1.

8 (a) In this section:

9 (1) “online ballot marking tool” includes a system that allows a voter to:

10 (i) access a blank ballot through the Internet;

11 (ii) electronically mark the ballot with the voter’s selections; and

12 (iii) print a paper copy of the marked ballot for mailing to a local
13 board; and

14 (2) “online ballot marking tool” does not include a system that is capable of
15 storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic
16 means through the Internet.

17 (b) The State Board may provide an accessible optional online ballot marking tool
18 for use by a voter who requested to have the absentee ballot sent by the Internet **UNDER §**
19 **9–306(B)(2) OF THIS SUBTITLE.**

20 (c) (1) Except as provided in paragraph (2) of this subsection, the State Board
21 shall certify that an online ballot marking tool satisfies all of the certification requirements
22 under § 9–102(d) of this title before approving an online ballot marking tool for use by
23 voters.

24 (2) An online ballot marking tool is not required to satisfy the requirements
25 of:

26 (i) § 9–102(d)(2) of this title if the U.S. Election Assistance
27 Commission has not approved specific performance and test standards for online ballot
28 marking tools; or

29 (ii) § 9–102(d)(1)(iii) of this title.

30 (d) (1) This subsection applies if an online ballot marking tool utilizes a bar
31 code that is used to generate a ballot that is acceptable for machine tabulation.

32 (2) A local board shall compare the vote in each contest on the ballot

1 marked by the voter to the vote in each contest on the ballot generated from the bar code
2 during the canvass.

3 (3) If there is a discrepancy in any contest between the vote on the ballot
4 marked by the voter and the vote on the ballot generated from the bar code, the vote on the
5 ballot marked by the voter shall be considered valid and shall be counted.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
7 1, 2020.