

# HOUSE BILL 955

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By: **Delegate Washington**

Introduced and read first time: February 2, 2021

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,  
12 Article – Election Law  
13 Section 9–306 and 9–308.1  
14 Annotated Code of Maryland  
15 (2017 Replacement Volume and 2020 Supplement)

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

18 **Article – Election Law**

19 9–306.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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.

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1                   (2)    A local board shall compare the vote in each contest on the ballot  
2 marked by the voter to the vote in each contest on the ballot generated from the bar code  
3 during the canvass.

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

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
8 1, 2021.