

HOUSE BILL 1047

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1lr1459

By: **Delegate Wilkins**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Mail-In Voting Enhancement Act**

3 FOR the purpose of requiring that certain guidelines for absentee voting provide for voter
4 access to information concerning the status of the voter's absentee ballot; requiring
5 the State Board of Elections to ensure that ballot drop boxes are available during a
6 certain period before each election; requiring the State Board to make at least a
7 certain number of ballot drop boxes available for certain elections; requiring the
8 State Board to establish a certain formula for the purpose of allocating ballot drop
9 boxes among the counties; requiring each local board of elections to reimburse the
10 State Board for a certain percentage of the cost of the ballot drop boxes located in the
11 county; requiring the State Board to ensure that ballot drop boxes are compliant with
12 a certain federal law and generally consistent in design, size, and security features;
13 requiring each local board, subject to the approval of the State Board, to determine
14 the location of each ballot drop box; requiring a local board to ensure certain
15 accessibility when determining the location of ballot drop boxes; requiring a local
16 board to make certain efforts to ensure the security of ballot drop boxes; requiring
17 that a local board have certain access to certain security cameras; requiring a local
18 board to remove the ballots from each ballot drop box at least once each day that the
19 ballot drop box is open; requiring a local board to establish a certain electioneering
20 boundary around a ballot drop box; requiring a local board to consider certain factors
21 when determining the location of an electioneering boundary around a ballot drop
22 box; requiring a local board to post certain signs to notify the public of the location
23 of an electioneering boundary around a ballot drop box; prohibiting a person from
24 engaging in certain electioneering activities beyond an electioneering boundary
25 around a ballot drop box; requiring that electioneering be allowed on public property
26 up to the electioneering boundary around a ballot drop box; prohibiting a ballot drop
27 box from being located on private property unless the property owner agrees to allow
28 electioneering on the property up to the electioneering boundary around a ballot drop
29 box; requiring that campaign signs be allowed on public or private property where a
30 ballot drop box is located during a certain time period; defining a certain term;
31 requiring the State Board to allow a voter to access certain information concerning

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the voter's absentee ballot; authorizing a voter to access the information concerning
2 the voter's absentee ballot in a certain manner; authorizing a voter to request to
3 receive a postcard, an e-mail message, or a text message concerning the voter's
4 absentee ballot on the voter's absentee ballot application; requiring the State Board
5 to provide updated information concerning a voter's absentee ballot in a timely
6 manner; requiring the State Board to ensure the security, confidentiality, and
7 integrity of certain information; altering the circumstances under which a local
8 board is required to reject an absentee ballot; requiring the State Board to adopt
9 regulations requiring a local board to notify a voter of a certain problem with the
10 voter's absentee ballot and provide the voter an opportunity to correct the problem
11 and have the ballot counted; requiring that the regulations allow a voter to supply a
12 signature if the voter failed to sign a certain oath and to choose among multiple
13 methods of communicating with the local board to correct a problem with the voter's
14 absentee ballot; and generally relating to absentee voting.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 9–303 and 11–302
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2020 Supplement)

20 BY adding to
21 Article – Election Law
22 Section 9–310.1 and 9–311.1
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2020 Supplement)

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

27 **Article – Election Law**

28 9–303.

29 (a) The State Board shall establish guidelines for the administration of absentee
30 voting by the local boards.

31 (b) The guidelines shall provide for:

32 (1) the application process;

33 (2) late application for absentee ballots;

34 (3) ballot security, including storage of returned ballots;

35 (4) determining timeliness of receipt of applications and ballots, including
36 applications and ballots for overseas voters;

1 (5) the canvass process;

2 (6) notice of the canvass to candidates, political parties, campaign
3 organizations, news media, and the general public;

4 (7) observers of the process;

5 (8) review of voted ballots and envelopes for compliance with the law and
6 for machine tabulation acceptability;

7 (9) standards for disallowance of ballots during the canvass; [and]

8 (10) storage and retention of ballots following canvass and certification;

9 **AND**

10 **(11) VOTER ACCESS TO INFORMATION CONCERNING THE STATUS OF**
11 **THE VOTER'S ABSENTEE BALLOT.**

12 (c) The State Board shall:

13 (1) in consultation with the local boards, assess the guidelines before each
14 primary election; and

15 (2) revise the guidelines if indicated.

16 **9-310.1.**

17 **(A) IN THIS SECTION, "BALLOT DROP BOX" MEANS A SECURE, DURABLE,**
18 **OUTDOOR CONTAINER THAT IS OFFICIALLY DESIGNATED BY A LOCAL BOARD**
19 **EXCLUSIVELY FOR VOTERS TO DEPOSIT COMPLETED ABSENTEE BALLOTS IN**
20 **PERSON.**

21 **(B) THE STATE BOARD SHALL ENSURE THAT BALLOT DROP BOXES ARE**
22 **AVAILABLE DURING THE PERIOD BEGINNING AT LEAST 30 DAYS BEFORE EACH**
23 **ELECTION THROUGH ELECTION DAY.**

24 **(C) (1) FOR EACH STATEWIDE PRIMARY AND STATEWIDE GENERAL**
25 **ELECTION, THE STATE BOARD SHALL MAKE AT LEAST 300 BALLOT DROP BOXES**
26 **AVAILABLE.**

27 **(2) FOR EACH SPECIAL PRIMARY AND SPECIAL GENERAL ELECTION,**
28 **THE STATE BOARD SHALL MAKE AN APPROPRIATE NUMBER OF BALLOT DROP BOXES**
29 **AVAILABLE.**

1 **(D) THE STATE BOARD SHALL ESTABLISH AN EQUITABLE FORMULA BASED**
2 **ON THE NUMBER OF REGISTERED VOTERS IN EACH COUNTY FOR THE PURPOSE OF**
3 **ALLOCATING BALLOT DROP BOXES AMONG THE COUNTIES.**

4 **(E) EACH LOCAL BOARD SHALL REIMBURSE THE STATE BOARD FOR 50% OF**
5 **THE COST OF THE BALLOT DROP BOXES LOCATED IN THE COUNTY.**

6 **(F) THE STATE BOARD SHALL ENSURE THAT BALLOT DROP BOXES ARE:**

7 **(1) COMPLIANT WITH THE FEDERAL AMERICANS WITH DISABILITIES**
8 **ACT; AND**

9 **(2) GENERALLY CONSISTENT IN DESIGN, SIZE, AND SECURITY**
10 **FEATURES.**

11 **(G) (1) SUBJECT TO THE APPROVAL OF THE STATE BOARD, EACH LOCAL**
12 **BOARD SHALL DETERMINE THE LOCATION OF EACH BALLOT DROP BOX.**

13 **(2) IN DETERMINING THE LOCATION OF BALLOT DROP BOXES, A**
14 **LOCAL BOARD SHALL ENSURE ACCESSIBILITY BY:**

15 **(I) DIVERSE DEMOGRAPHIC COMMUNITIES, INCLUDING**
16 **PEOPLE OF DIFFERENT INCOMES, RACES, AND AGES;**

17 **(II) DIVERSE GEOGRAPHIC COMMUNITIES, INCLUDING RURAL,**
18 **SUBURBAN, AND URBAN COMMUNITIES;**

19 **(III) PUBLIC TRANSPORTATION; AND**

20 **(IV) INDIVIDUALS WITH DISABILITIES.**

21 **(H) (1) A LOCAL BOARD SHALL MAKE EVERY POSSIBLE EFFORT TO**
22 **ENSURE THE SECURITY OF BALLOT DROP BOXES, INCLUDING THROUGH THE USE OF**
23 **THE FOLLOWING WHEN FEASIBLE:**

24 **(I) MONITORING BY SECURITY CAMERAS; AND**

25 **(II) PERIODIC IN-PERSON VISITS BY APPROPRIATE**
26 **PERSONNEL.**

27 **(2) A LOCAL BOARD SHALL HAVE IMMEDIATE ACCESS TO A SECURITY**
28 **CAMERA USED FOR MONITORING A BALLOT DROP BOX UNDER PARAGRAPH (1)(I) OF**
29 **THIS SUBSECTION.**

1 **(I) A LOCAL BOARD SHALL REMOVE THE BALLOTS FROM EACH BALLOT**
2 **DROP BOX AT LEAST ONCE EACH DAY THAT THE BALLOT DROP BOX IS OPEN.**

3 **(J) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, A LOCAL BOARD SHALL ESTABLISH AN ELECTIONEERING BOUNDARY**
5 **AS NEAR AS PRACTICABLE TO 100 FEET AROUND A BALLOT DROP BOX.**

6 **(II) IN MONTGOMERY COUNTY, THE LOCAL BOARD MAY**
7 **ESTABLISH THE ELECTIONEERING BOUNDARY AT ANY POINT BETWEEN 25 FEET AND**
8 **100 FEET AROUND A BALLOT DROP BOX.**

9 **(2) WHEN DETERMINING THE LOCATION OF THE ELECTIONEERING**
10 **BOUNDARY, A LOCAL BOARD SHALL CONSIDER THE SURROUNDINGS OF THE BALLOT**
11 **DROP BOX AND THE EFFECT THAT PLACEMENT OF THE BOUNDARY WILL HAVE ON**
12 **PUBLIC SAFETY AND THE FLOW OF PEDESTRIAN AND VEHICULAR TRAFFIC.**

13 **(3) A LOCAL BOARD SHALL POST SIGNS CONTAINING THE WORDS “NO**
14 **ELECTIONEERING BEYOND THIS POINT” TO NOTIFY THE PUBLIC OF THE LOCATION**
15 **OF THE ELECTIONEERING BOUNDARY.**

16 **(4) A PERSON MAY NOT CANVASS, ELECTIONEER, OR POST ANY**
17 **CAMPAIGN MATERIAL BEYOND THE ELECTIONEERING BOUNDARY AROUND A**
18 **BALLOT DROP BOX.**

19 **(K) (1) ELECTIONEERING SHALL BE ALLOWED ON PUBLIC PROPERTY**
20 **WHERE A BALLOT DROP BOX IS LOCATED UP TO THE ELECTIONEERING BOUNDARY**
21 **ESTABLISHED UNDER SUBSECTION (J) OF THIS SECTION.**

22 **(2) A BALLOT DROP BOX MAY NOT BE LOCATED ON PRIVATE**
23 **PROPERTY UNLESS THE PROPERTY OWNER AGREES TO ALLOW ELECTIONEERING ON**
24 **THE PROPERTY UP TO THE ELECTIONEERING BOUNDARY ESTABLISHED UNDER**
25 **SUBSECTION (J) OF THIS SECTION.**

26 **(3) CAMPAIGN SIGNS SHALL BE ALLOWED ON PUBLIC OR PRIVATE**
27 **PROPERTY WHERE A BALLOT DROP BOX IS LOCATED, AT A MINIMUM, DURING THE**
28 **PERIOD FROM 5 P.M. ON THE DAY IMMEDIATELY BEFORE THE DAY THE BALLOT DROP**
29 **BOX OPENS FOR PUBLIC USE UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING**
30 **ELECTION DAY.**

31 **9-311.1.**

1 **(A) THE STATE BOARD SHALL ALLOW A VOTER TO ACCESS THE FOLLOWING**
2 **INFORMATION CONCERNING THE VOTER'S ABSENTEE BALLOT:**

3 **(1) THE DATE AND TIME WHEN THE VOTER'S ABSENTEE BALLOT**
4 **APPLICATION WAS RECEIVED BY THE LOCAL BOARD;**

5 **(2) THE DATE AND TIME WHEN THE LOCAL BOARD DELIVERED THE**
6 **VOTER'S ABSENTEE BALLOT TO THE UNITED STATES POSTAL SERVICE;**

7 **(3) THE DATE THAT THE VOTER'S ABSENTEE BALLOT IS EXPECTED TO**
8 **BE DELIVERED TO THE VOTER, BASED ON INFORMATION PROVIDED BY THE UNITED**
9 **STATES POSTAL SERVICE;**

10 **(4) WHETHER THE VOTER'S BALLOT HAS BEEN RETURNED AS**
11 **UNDELIVERABLE TO THE LOCAL BOARD BY THE UNITED STATES POSTAL SERVICE;**

12 **(5) THE DATE AND TIME WHEN THE VOTER'S COMPLETED ABSENTEE**
13 **BALLOT WAS RECEIVED BY THE LOCAL BOARD;**

14 **(6) IF THE LOCAL BOARD HAS NOT RECEIVED THE VOTER'S**
15 **COMPLETED ABSENTEE BALLOT BY A DATE SPECIFIED BY THE STATE BOARD, A**
16 **REMINDER OF THE DEADLINE FOR THE VOTER TO RETURN THE VOTER'S ABSENTEE**
17 **BALLOT;**

18 **(7) WHETHER THE VOTER'S ABSENTEE BALLOT WAS COUNTED; AND**

19 **(8) IF THE VOTER'S ABSENTEE BALLOT WAS NOT COUNTED:**

20 **(I) THE REASON THE BALLOT WAS NOT COUNTED; AND**

21 **(II) ANY ACTIONS THE VOTER MAY TAKE FOR THE BALLOT TO BE**
22 **COUNTED.**

23 **(B) A VOTER MAY ACCESS THE INFORMATION CONCERNING THE VOTER'S**
24 **ABSENTEE BALLOT:**

25 **(1) THROUGH THE STATE BOARD'S WEBSITE; OR**

26 **(2) IF REQUESTED, BY RECEIVING A POSTCARD, AN E-MAIL MESSAGE,**
27 **OR A TEXT MESSAGE FROM THE STATE BOARD.**

1 **(C) A VOTER MAY REQUEST TO RECEIVE A POSTCARD, AN E-MAIL MESSAGE,**
2 **OR A TEXT MESSAGE CONCERNING THE VOTER'S ABSENTEE BALLOT ON THE VOTER'S**
3 **ABSENTEE BALLOT APPLICATION.**

4 **(D) THE STATE BOARD SHALL PROVIDE UPDATED INFORMATION**
5 **CONCERNING A VOTER'S ABSENTEE BALLOT IN A TIMELY MANNER.**

6 **(E) THE STATE BOARD SHALL ENSURE THE SECURITY, CONFIDENTIALITY,**
7 **AND INTEGRITY OF THE INFORMATION PROVIDED TO A VOTER UNDER THIS SECTION.**

8 11-302.

9 (a) Following an election, each local board shall meet at its designated counting
10 center to canvass the absentee ballots cast in that election in accordance with the
11 regulations and guidelines established by the State Board.

12 (b) (1) A local board may not open any envelope of an absentee ballot prior to
13 8 a.m. on the Wednesday following election day.

14 (2) A local board may not delay the commencement of the canvass to await
15 the receipt of late-arriving, timely absentee ballots.

16 (c) (1) An absentee ballot shall be deemed timely received if it is received in
17 accordance with the regulations and guidelines established by the State Board.

18 (2) An absentee ballot that is received after the deadline specified by the
19 regulations and guidelines may not be counted.

20 (d) (1) The State Board shall adopt regulations that reflect the policy that the
21 clarity of the intent of the voter is the overriding consideration in determining the validity
22 of an absentee ballot or the vote cast in a particular contest.

23 (2) A local board may not reject an absentee ballot except by unanimous
24 vote and in accordance with regulations of the State Board.

25 (3) The local board shall reject an absentee ballot if:

26 (i) the voter failed to sign the oath on the ballot envelope **AND**
27 **FAILED TO CORRECT THE OMISSION BEFORE THE CONCLUSION OF THE CANVASS;**

28 (ii) the local board received more than one ballot from the same
29 individual for the same election in the same ballot envelope; or

30 (iii) the local board determines that an absentee ballot is
31 intentionally marked with an identifying mark that is clearly evident and placed on the
32 ballot for the purpose of identifying the ballot.

1 **(4) (I) THE STATE BOARD SHALL ADOPT REGULATIONS**
2 **REQUIRING A LOCAL BOARD TO:**

3 **1. NOTIFY A VOTER OF A PROBLEM WITH THE VOTER'S**
4 **ABSENTEE BALLOT THAT WOULD CAUSE THE BALLOT TO BE REJECTED BUT WHICH**
5 **IS CAPABLE OF BEING CORRECTED BY THE VOTER; AND**

6 **2. PROVIDE THE VOTER AN OPPORTUNITY TO CORRECT**
7 **THE PROBLEM AND HAVE THE BALLOT COUNTED.**

8 **(II) THE REGULATIONS UNDER THIS PARAGRAPH SHALL ALLOW**
9 **A VOTER TO:**

10 **1. SUPPLY A SIGNATURE IF THE VOTER FAILED TO SIGN**
11 **THE OATH ON THE BALLOT ENVELOPE; AND**

12 **2. CHOOSE AMONG MULTIPLE METHODS OF**
13 **COMMUNICATING WITH THE LOCAL BOARD TO CORRECT A PROBLEM WITH THE**
14 **VOTER'S ABSENTEE BALLOT, INCLUDING:**

15 **A. TEXT MESSAGE;**

16 **B. AN ONLINE PORTAL;**

17 **C. A MAILED FORM; AND**

18 **D. AN IN-PERSON VISIT TO THE LOCAL BOARD OFFICE.**

19 **[(4)] (5)** If the local board receives more than one legally sufficient ballot,
20 in separate envelopes, from the same individual, the local board shall:

21 (i) count only the ballot with the latest properly signed oath; and

22 (ii) reject any other ballot.

23 **[(5)] (6)** If the intent of the voter is not clearly demonstrated, the local
24 board shall reject only the vote for that office or question.

25 **[(6)] (7)** If an absentee voter casts a vote for an individual who has ceased
26 to be a candidate, the vote for that candidate may not be counted, but that vote does not
27 invalidate the remainder of the ballot.

28 (e) At the end of each day of canvassing, a local board shall prepare and release

1 a report of the unofficial results of the absentee ballot vote tabulation.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2021.