

HOUSE BILL 1192

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11r2409

By: **Delegate Parrott**

Introduced and read first time: February 8, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Signature Verification of Absentee Ballots and Absentee Ballot**
3 **Applications and Ballot Canvassing**

4 FOR the purpose of requiring that certain guidelines for absentee voting provide for the
5 verification of signatures on absentee ballot applications and absentee ballots;
6 requiring that certain absentee ballot applications and requests require a voter to
7 indicate certain information; requiring an election director to verify the signature on
8 an absentee ballot application, a certain form, or a certain written request in a
9 certain manner; requiring the State Board of Elections to provide to each local board
10 of elections certain machines for certain purposes; requiring a local board to notify a
11 voter in a certain manner if the voter's signature cannot be verified and direct the
12 voter to provide certain identification; requiring a voter to provide a copy of certain
13 identification to the local board on notification by the local board; requiring that an
14 absentee ballot be counted only under certain circumstances; requiring a voter to
15 identify the reason why the voter's signature on an absentee ballot is inconsistent
16 with certain records under certain circumstances; requiring each local board to verify
17 the signature of an absentee ballot in a certain manner; requiring the State Board
18 to adopt certain regulations; requiring a local board to reject an absentee ballot if the
19 local board determines that the voter voted in person in the same election; providing
20 that a voter's provisional ballot may not be rejected for a certain reason if the voter's
21 absentee ballot is rejected for a certain reason; providing for a delayed effective date;
22 and generally relating to signature verification and the canvassing of absentee
23 ballots.

24 BY repealing and reenacting, with amendments,
25 Article – Election Law
26 Section 9–303, 9–305(a), 9–306, 11–302(d), and 11–303(d)(2)
27 Annotated Code of Maryland
28 (2017 Replacement Volume and 2020 Supplement)

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law
2 Section 9–310.1
3 Annotated Code of Maryland
4 (2017 Replacement Volume and 2020 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Election Law
7 Section 10–312(a)(2)
8 Annotated Code of Maryland
9 (2017 Replacement Volume and 2020 Supplement)

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

12 **Article – Election Law**

13 9–303.

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

16 (b) The guidelines shall provide for:

17 (1) the application process;

18 (2) late application for absentee ballots;

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

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

22 (5) the canvass process;

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

25 (7) observers of the process;

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

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

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

30 **AND**

1 **(11) VERIFICATION OF SIGNATURES ON ABSENTEE BALLOT**
2 **APPLICATIONS AND ABSENTEE BALLOTS.**

3 (c) The State Board shall:

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

6 (2) revise the guidelines if indicated.

7 9–305.

8 (a) **(1)** A voter may request an absentee ballot by completing and submitting:

9 **[(1)] (I)** the State Board approved absentee ballot application;

10 **[(2)] (II)** a form provided under federal law;

11 **[(3)] (III)** subject to subsection (b) of this section, a written request that
12 includes:

13 **[(i)] 1.** the voter’s name, residence address, and signature; and

14 **[(ii)] 2.** the address to which the ballot is to be mailed, if different
15 from the residence address; or

16 **[(4)] (IV)** the accessible online absentee ballot application provided by the
17 State Board.

18 **(2) THE STATE BOARD–APPROVED ABSENTEE BALLOT APPLICATION,**
19 **A WRITTEN REQUEST UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, AND THE**
20 **ONLINE ABSENTEE BALLOT APPLICATION SHALL REQUIRE THE VOTER TO INDICATE**
21 **THE VOTER’S PREFERRED METHOD TO RECEIVE COMMUNICATIONS IN ACCORDANCE**
22 **WITH § 9–310.1 OF THIS SUBTITLE, INCLUDING BY:**

23 **(I) MAIL;**

24 **(II) E–MAIL; OR**

25 **(III) TEXT MESSAGE.**

26 9–306.

27 (a) **[Promptly] SUBJECT TO SUBSECTION (B) OF THIS SECTION, PROMPTLY**
28 after receipt of an application, the election director shall review the application and

1 determine whether the applicant qualifies to vote by absentee ballot.

2 **(B) (1) (I) FOR THE STATE BOARD—APPROVED ABSENTEE BALLOT**
3 **APPLICATION, THE FORM PROVIDED UNDER FEDERAL LAW, OR A WRITTEN**
4 **REQUEST, THE ELECTION DIRECTOR SHALL VERIFY THE SIGNATURE OF A VOTER ON**
5 **THE APPLICATION, FORM, OR WRITTEN REQUEST BY COMPARING THE SIGNATURE**
6 **WITH THE SIGNATURE ON THE VOTER’S REGISTRATION RECORD IN ACCORDANCE**
7 **WITH REGULATIONS ADOPTED BY THE STATE BOARD.**

8 **(II) THE STATE BOARD SHALL PROVIDE TO EACH LOCAL BOARD**
9 **MACHINES REQUIRED TO ELECTRONICALLY VERIFY SIGNATURES AS REQUIRED IN**
10 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

11 **(2) (I) IF THE ELECTION DIRECTOR IS UNABLE TO VERIFY A**
12 **VOTER’S SIGNATURE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION,**
13 **THE LOCAL BOARD SHALL:**

14 **1. NOTIFY THE VOTER BY THE VOTER’S PREFERRED**
15 **METHOD OF COMMUNICATION INDICATED IN ACCORDANCE WITH § 9–305 OF THIS**
16 **SUBTITLE; AND**

17 **2. DIRECT THE VOTER TO PROVIDE AN ADDITIONAL**
18 **FORM OF IDENTIFICATION IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS**
19 **PARAGRAPH.**

20 **(II) ON NOTIFICATION BY THE LOCAL BOARD UNDER**
21 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE VOTER SHALL PROVIDE TO THE**
22 **LOCAL BOARD A COPY OF ANY OF THE FORMS OF IDENTIFICATION LISTED IN §**
23 **10–312 OF THIS ARTICLE.**

24 **[(b)] (C)** If the applicant qualifies to vote by absentee ballot, the local board shall
25 provide the ballot by one of the following methods requested by the voter:

26 (1) mail;

27 (2) facsimile transmission;

28 (3) the Internet; or

29 (4) by hand during an in–person transaction.

30 **[(c)] (D)** Once ballots are available, the local board shall provide the ballot to a
31 qualified applicant:

32 (1) as soon as practicable after receipt of the request; or

1 (2) immediately for an in-person transaction with a voter or the voter's
2 duly authorized agent.

3 **[(d)] (E)** (1) If the members of the local board determine that the applicant is
4 not entitled to vote by absentee ballot, the local board shall notify the applicant as soon as
5 practicable after receipt of the application of the reasons for the rejection.

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

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

11 **[(e)] (F)** Not more than one absentee ballot may be issued to a voter unless the
12 election director of the local board has reasonable grounds to believe that an absentee ballot
13 previously issued to the voter has been lost, destroyed, or spoiled.

14 **9-310.1.**

15 **(A) AN ABSENTEE BALLOT CAST IN ACCORDANCE WITH THIS SUBTITLE**
16 **SHALL BE COUNTED ONLY IF:**

17 **(1) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE**
18 **VOTER TO WHOM THE BALLOT WAS ISSUED; AND**

19 **(2) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION (C) OF**
20 **THIS SECTION.**

21 **(B) IF A VOTER IS UNABLE TO PROVIDE A SIGNATURE THAT MATCHES THE**
22 **SIGNATURE ON THE VOTER'S REGISTRATION RECORD, THE VOTER SHALL IDENTIFY**
23 **THE REASON WHY THE PROVIDED SIGNATURE IS INCONSISTENT WITH THE**
24 **SIGNATURE ON RECORD.**

25 **(C) (1) EACH LOCAL BOARD SHALL VERIFY THE SIGNATURE OF A VOTER**
26 **ON THE RETURN IDENTIFICATION ENVELOPE BY COMPARING THE SIGNATURE WITH**
27 **THE SIGNATURE ON THE VOTER'S REGISTRATION RECORD IN ACCORDANCE WITH**
28 **REGULATIONS ADOPTED BY THE STATE BOARD.**

29 **(2) THE STATE BOARD SHALL PROVIDE TO EACH LOCAL BOARD**
30 **MACHINES REQUIRED TO ELECTRONICALLY VERIFY SIGNATURES AS REQUIRED IN**
31 **PARAGRAPH (1) OF THIS SUBSECTION.**

32 **(D) (1) IF THE LOCAL BOARD IS UNABLE TO VERIFY A VOTER'S**

1 SIGNATURE IN ACCORDANCE WITH THIS SECTION, THE LOCAL BOARD SHALL:

2 (I) NOTIFY THE VOTER BY THE VOTER'S PREFERRED METHOD
3 OF COMMUNICATION INDICATED IN ACCORDANCE WITH § 9-305 OF THIS SUBTITLE;
4 AND

5 (II) DIRECT THE VOTER EITHER:

6 1. TO PROVIDE AN ADDITIONAL FORM OF
7 IDENTIFICATION IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION; OR

8 2. TO VOTE IN PERSON.

9 (2) ON NOTIFICATION BY THE LOCAL BOARD UNDER PARAGRAPH (1)
10 OF THIS SUBSECTION, FOR THE VOTER'S ABSENTEE BALLOT TO BE COUNTED, THE
11 VOTER MUST PROVIDE TO THE LOCAL BOARD A COPY OF ANY OF THE FORMS OF
12 IDENTIFICATION LISTED IN § 10-312 OF THIS ARTICLE.

13 (E) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
14 SECTION.

15 10-312.

16 (a) (2) An individual whose right to vote is challenged at the polls may
17 establish the individual's identity by presenting any of the following forms of identification:

18 (i) the individual's voter registration card;

19 (ii) the individual's Social Security card;

20 (iii) the individual's valid Maryland driver's license;

21 (iv) any identification card issued to the individual by a political
22 subdivision of the State, the State, the federal government, or any unit of a political
23 subdivision of the State, the State, or the federal government;

24 (v) any employee identification card of the individual that contains
25 a photograph of the individual and is issued by the employer of the individual in the
26 ordinary course of the employer's business; or

27 (vi) a copy of a current bill, bank statement, government check,
28 paycheck, or other government document that shows the name and current address of the
29 individual.

30 11-302.

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

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

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

7 (i) the voter failed to sign the oath on the ballot envelope;

8 (ii) the local board received more than one ballot from the same
9 individual for the same election in the same ballot envelope; [or]

10 (iii) the local board determines that an absentee ballot is
11 intentionally marked with an identifying mark that is clearly evident and placed on the
12 ballot for the purpose of identifying the ballot; **OR**

13 **(IV) THE LOCAL BOARD DETERMINES THAT THE VOTER VOTED**
14 **IN PERSON AT A POLLING PLACE IN THE SAME ELECTION.**

15 (4) If the local board receives more than one legally sufficient ballot, in
16 separate envelopes, from the same individual, the local board shall:

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

18 (ii) reject any other ballot.

19 (5) If the intent of the voter is not clearly demonstrated, the local board
20 shall reject only the vote for that office or question.

21 (6) If an absentee voter casts a vote for an individual who has ceased to be
22 a candidate, the vote for that candidate may not be counted, but that vote does not
23 invalidate the remainder of the ballot.

24 11-303.

25 (d) (2) **(I)** The local board shall reject a provisional ballot if:

26 **[(i)] 1.** pursuant to paragraph (4) of this subsection, the local
27 board determines that the individual who cast the provisional ballot is not qualified to vote
28 that provisional ballot;

29 **[(ii)] 2.** the individual failed to sign the oath on the provisional
30 ballot application;

1 [(iii)] 3. **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
2 **PARAGRAPH**, the individual cast more than one ballot for the same election; or

3 [(iv)] 4. the local board determines that a provisional ballot is
4 intentionally marked with an identifying mark that is clearly evident and placed on the
5 ballot for the purpose of identifying the ballot.

6 **(II) IF A VOTER'S ABSENTEE BALLOT IS REJECTED UNDER §**
7 **11-302(D)(3)(IV) OF THIS SUBTITLE, THE VOTER'S PROVISIONAL BALLOT MAY NOT**
8 **BE REJECTED BECAUSE THE VOTER CAST MORE THAN ONE BALLOT FOR THE SAME**
9 **ELECTION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 January 1, 2024.