

# SENATE BILL 683

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SB 333/19 – EHE

11r2201

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By: **Senator Kramer**

Introduced and read first time: February 3, 2021

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – Voting – Permanent Absentee Ballot List, Ballot Drop Boxes, and**  
3 **Report**

4 FOR the purpose of requiring a local board of elections to designate the locations of ballot  
5 drop boxes in accordance with certain criteria established by the State Board of  
6 Elections; requiring each local board to submit certain proposed locations to the State  
7 Administrator of Elections for approval; requiring the State Administrator to  
8 approve certain proposed ballot drop box locations under certain circumstances;  
9 requiring the State Administrator to require a local board to reconsider a certain  
10 proposed location and to provide to the local board a certain explanation under  
11 certain circumstances; authorizing the State Administrator to add ballot drop box  
12 locations in a county under certain circumstances; requiring the outgoing envelope  
13 of an absentee ballot to include a certain statement; requiring certain guidelines for  
14 absentee voting established by the State Board of Elections to provide for a  
15 permanent absentee ballot list; providing that all voters are eligible for permanent  
16 absentee ballot status; ~~authorizing~~ requiring a voter to complete and submit certain  
17 information to ~~apply for~~ request permanent absentee ballot status in a certain  
18 manner; requiring a local board to send a certain absentee ballot application to each  
19 eligible voter within a certain period of time; authorizing a voter to apply for  
20 permanent absentee ballot status at any time; prohibiting a voter who ~~has applied~~  
21 for requests permanent absentee ballot status from receiving an absentee ballot for  
22 the next election if the ~~application request~~ request is made after a certain deadline; requiring  
23 a voter to specify in ~~the permanent~~ a certain absentee ballot application one of  
24 certain methods by which the voter chooses to receive an absentee ballot and one of  
25 certain methods by which the voter chooses to be notified by the State Board under

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 a certain provision of this Act before each election; requiring that a certain absentee  
 2 ballot application include a statement explaining the process for returning a  
 3 completed absentee ballot if the voter chooses to receive an absentee ballot by a  
 4 certain method; requiring a voter who uses the online ~~permanent~~ absentee ballot  
 5 application to request permanent absentee ballot status or who uses any method to  
 6 request to receive a blank absentee ballot through the Internet to provide certain  
 7 information; requiring that a voter who submits a proper ~~application~~ request for  
 8 permanent absentee ballot status be placed on the permanent absentee ballot list;  
 9 requiring the State Board to send a certain written communication to each voter who  
 10 is on the permanent absentee ballot list as of a certain date in a certain manner at a  
 11 certain time; requiring that a certain written communication include certain  
 12 information; requiring the State Board to send a certain written communication  
 13 using a different method from the method chosen by the voter under certain  
 14 circumstances; requiring a local board of elections to send an absentee ballot to each  
 15 voter on the permanent absentee ballot list each time there is an election; requiring  
 16 that a voter who has permanent absentee ballot status be removed from the  
 17 permanent absentee ballot list under certain circumstances; requiring a voter ~~who~~  
 18 ~~has permanent absentee ballot status to provide certain notice to~~ to notify the local  
 19 board ~~under certain circumstances; if certain changes occur while the voter has~~  
 20 permanent absentee ballot status; requiring a local board to enclose a certain  
 21 notification with a certain confirmation notice sent to a voter who has permanent  
 22 absentee ballot status and gives notice of a change of address; requiring the State  
 23 Board to submit a certain report to certain committees of the General Assembly on  
 24 or before a certain date; defining a certain term; and generally relating to ~~a~~  
 25 ~~permanent absentee ballot list~~ voting.

26 BY repealing and reenacting, without amendments,

27 Article – Election Law

28 Section 1–101(a)

29 Annotated Code of Maryland

30 (2017 Replacement Volume and 2020 Supplement)

31 BY adding to

32 Article – Election Law

33 Section 1–101(d–1), 2–304, and 9–311.1

34 Annotated Code of Maryland

35 (2017 Replacement Volume and 2020 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article – Election Law

38 Section 9–303 and 9–310(a)

39 Annotated Code of Maryland

40 (2017 Replacement Volume and 2020 Supplement)

41 ~~BY adding to~~

42 ~~Article – Election Law~~

43 ~~Section 9–311.1~~

~~Annotated Code of Maryland  
(2017 Replacement Volume and 2020 Supplement)~~

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

**Article – Election Law**

1-101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

**(D-1) “BALLOT DROP BOX” MEANS A SECURE, DURABLE CONTAINER THAT IS OFFICIALLY DESIGNATED BY A LOCAL BOARD OR THE STATE BOARD EXCLUSIVELY FOR VOTERS TO DEPOSIT ELECTION-RELATED MATERIALS IN PERSON, INCLUDING:**

**(1) ABSENTEE BALLOTS;**

**(2) ABSENTEE BALLOT APPLICATIONS; AND**

**(3) VOTER REGISTRATION APPLICATIONS.**

2-304.

**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LOCAL BOARD SHALL DESIGNATE LOCATIONS IN THE COUNTY AT WHICH A BALLOT DROP BOX WILL BE PLACED IN ACCORDANCE WITH CRITERIA FOR BALLOT DROP BOX LOCATIONS ESTABLISHED BY THE STATE BOARD.**

**(B) (1) EACH LOCAL BOARD SHALL SUBMIT THE PROPOSED LOCATIONS IN THE COUNTY FOR EACH BALLOT DROP BOX TO THE STATE ADMINISTRATOR FOR APPROVAL.**

**(2) THE STATE ADMINISTRATOR SHALL APPROVE A BALLOT DROP BOX LOCATION THAT COMPLIES WITH THE CRITERIA ESTABLISHED BY THE STATE BOARD.**

**(3) IF A PROPOSED BALLOT DROP BOX LOCATION DOES NOT COMPLY WITH THE CRITERIA, THE STATE ADMINISTRATOR SHALL:**

**(I) REQUIRE THAT THE LOCAL BOARD RECONSIDER THE PROPOSED LOCATION FOR ONE OR MORE BALLOT DROP BOXES; AND**

1                   **(II) PROVIDE TO THE LOCAL BOARD A DETAILED EXPLANATION**  
2 **OF WHY THE PROPOSED LOCATION IS NOT IN COMPLIANCE WITH THE CRITERIA.**

3                   **(4) IF THE STATE ADMINISTRATOR FINDS THAT THE PROPOSED**  
4 **BALLOT DROP BOX LOCATIONS SUBMITTED TO THE STATE ADMINISTRATOR AFTER**  
5 **RECONSIDERATION BY THE LOCAL BOARD UNDER PARAGRAPH (3) OF THIS**  
6 **SUBSECTION ARE NOT IN COMPLIANCE WITH THE CRITERIA, THE STATE**  
7 **ADMINISTRATOR MAY ADD BALLOT DROP BOX LOCATIONS IN THE COUNTY.**

8 9–303.

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

11           (b) The guidelines shall provide for:

12                   (1) the application process;

13                   (2) late application for absentee ballots;

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

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

17                   (5) the canvass process;

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

20                   (7) observers of the process;

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

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

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

25 **AND**

26                   **(11) THE PERMANENT ABSENTEE BALLOT LIST.**

27           (c) The State Board shall:

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

1 (2) revise the guidelines if indicated.

2 9-310.

3 (a) (1) This subsection applies only to an absentee ballot that is sent by mail.

4 (2) (I) An absentee ballot shall be enclosed in specially printed  
5 envelopes, the form and content of which shall be prescribed by the State Board.

6 (II) **THE OUTGOING ENVELOPE SHALL INCLUDE A STATEMENT,**  
7 **PROMINENTLY PLACED, REQUESTING THAT THE RECIPIENT RETURN THE ABSENTEE**  
8 **BALLOT TO THE LOCAL BOARD IF THE INTENDED RECIPIENT NO LONGER LIVES AT**  
9 **THAT ADDRESS.**

10 (3) (i) A local board may use either two envelopes or three envelopes.

11 (ii) If two envelopes are used, the inner envelope shall be designated  
12 the “ballot/return envelope”, and, when issued, it shall fit inside the envelope designated  
13 the “outgoing envelope”.

14 (iii) If three envelopes are used, the innermost envelope shall be  
15 designated the “ballot envelope”, which shall fit inside the envelope designated the “return  
16 envelope”, both of which, when issued, shall fit inside the envelope designated the “outgoing  
17 envelope”.

18 (iv) The ballot/return envelope described under subparagraph (ii) of  
19 this paragraph and the return envelope described under subparagraph (iii) of this  
20 paragraph provided to a voter voting by absentee ballot shall include prepaid postage.

21 (4) (i) An absentee ballot shall be accompanied by instructions for  
22 postage of the ballot/return envelope or the return envelope.

23 (ii) The instructions for postage shall include:

24 1. a statement that the ballot/return envelope or return  
25 envelope includes prepaid postage and may be mailed as is; and

26 2. directions for how a voter may attach postage for the  
27 purpose of reducing the costs of the local board.

28 (5) When voted and returned to the local board, an absentee ballot shall be  
29 enclosed in a ballot envelope or ballot/return envelope, on which has been printed an oath  
30 prescribed by the State Board.

31 **9-311.1.**

1 (A) ALL VOTERS ARE ELIGIBLE FOR PERMANENT ABSENTEE BALLOT  
2 STATUS.

3 (B) ~~A VOTER MAY APPLY FOR~~ TO REQUEST PERMANENT ABSENTEE BALLOT  
4 STATUS BY COMPLETING AND SUBMITTING A VOTER SHALL COMPLETE AND SUBMIT:

5 (1) THE STATE BOARD-APPROVED ~~PERMANENT~~ ABSENTEE BALLOT  
6 APPLICATION AND INDICATE ON THE FORM THAT THE VOTER WISHES TO HAVE  
7 PERMANENT ABSENTEE BALLOT STATUS;

8 (2) A WRITTEN REQUEST THAT INCLUDES THE VOTER'S NAME,  
9 RESIDENCE ADDRESS, AND SIGNATURE; OR

10 (3) THE ONLINE ~~PERMANENT~~ ABSENTEE BALLOT APPLICATION  
11 PROVIDED BY THE STATE BOARD AND INDICATE ON THE FORM THAT THE VOTER  
12 WISHES TO HAVE PERMANENT ABSENTEE BALLOT STATUS.

13 (C) (1) AT LEAST 60 DAYS BEFORE A PRIMARY ELECTION, A LOCAL BOARD  
14 SHALL SEND THE STATE BOARD-APPROVED ABSENTEE BALLOT APPLICATION TO  
15 EACH ELIGIBLE VOTER.

16 (2) A VOTER MAY APPLY FOR PERMANENT ABSENTEE BALLOT STATUS  
17 AT ANY TIME.

18 ~~(2)~~ (3) A VOTER WHO ~~HAS APPLIED FOR~~ REQUESTS PERMANENT  
19 ABSENTEE BALLOT STATUS MAY NOT RECEIVE AN ABSENTEE BALLOT FOR THE NEXT  
20 ELECTION IF THE ~~APPLICATION~~ REQUEST IS MADE AFTER THE APPLICABLE  
21 DEADLINE SPECIFIED IN § 9-305(C) OF THIS SUBTITLE.

22 (D) (1) A VOTER SHALL SPECIFY IN ~~THE AN~~ PERMANENT ABSENTEE  
23 BALLOT APPLICATION SUBMITTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS  
24 SECTION:

25 (I) ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER  
26 CHOOSES TO RECEIVE AN ABSENTEE BALLOT:

27 ~~(1)~~ 1. MAIL;

28 ~~(2)~~ 2. FACSIMILE TRANSMISSION; OR

29 ~~(3)~~ 3. THE INTERNET; AND

1                   **(II) ONE OF THE FOLLOWING METHODS BY WHICH THE VOTER**  
2 **CHOOSES TO BE CONTACTED BY THE STATE BOARD UNDER SUBSECTION (G) OF THIS**  
3 **SECTION BEFORE EACH ELECTION:**

4                   **1. NONFORWARDABLE MAIL;**

5                   **2. E-MAIL; OR**

6                   **3. TEXT MESSAGE.**

7                   **(2) THE STATE BOARD-APPROVED ABSENTEE BALLOT APPLICATION**  
8 **SHALL INCLUDE A STATEMENT EXPLAINING THE PROCESS FOR RETURNING A**  
9 **COMPLETED ABSENTEE BALLOT IF THE VOTER CHOOSES TO RECEIVE AN ABSENTEE**  
10 **BALLOT BY FACSIMILE TRANSMISSION OR THE INTERNET.**

11                   **(E) A VOTER WHO USES THE ONLINE ~~PERMANENT~~ ABSENTEE BALLOT**  
12 **APPLICATION TO REQUEST ~~THAT AN ABSENTEE BALLOT BE SENT BY ANY METHOD~~**  
13 **PERMANENT ABSENTEE BALLOT STATUS OR WHO USES ANY METHOD TO REQUEST**  
14 **TO RECEIVE A BLANK ABSENTEE BALLOT THROUGH THE INTERNET SHALL PROVIDE**  
15 **THE INFORMATION REQUIRED UNDER § 9-305(B) OF THIS SUBTITLE.**

16                   **(F) A VOTER WHO SUBMITS A PROPER ~~APPLICATION~~ REQUEST FOR**  
17 **PERMANENT ABSENTEE BALLOT STATUS SHALL BE PLACED ON THE PERMANENT**  
18 **ABSENTEE BALLOT LIST.**

19                   **(G) (1) NOT LESS THAN 75 DAYS BEFORE THE DAY ON WHICH A LOCAL**  
20 **BOARD BEGINS TO SEND ABSENTEE BALLOTS TO VOTERS, THE STATE BOARD SHALL**  
21 **SEND A WRITTEN COMMUNICATION TO EACH VOTER WHO IS ON THE PERMANENT**  
22 **ABSENTEE BALLOT LIST AS OF A DATE THAT IS AT LEAST 90 DAYS BEFORE THE**  
23 **UPCOMING ELECTION USING THE METHOD CHOSEN BY THE VOTER UNDER**  
24 **SUBSECTION (D)(1) OF THIS SECTION.**

25                   **(2) THE COMMUNICATION REQUIRED UNDER PARAGRAPH (1) OF THIS**  
26 **SUBSECTION SHALL INCLUDE:**

27                   **(I) CONFIRMATION THAT THE VOTER IS INCLUDED ON THE**  
28 **PERMANENT ABSENTEE BALLOT LIST;**

29                   **(II) THE ADDRESS OF THE VOTER;**

30                   **(III) THE METHOD BY WHICH THE VOTER HAS CHOSEN TO**  
31 **RECEIVE AN ABSENTEE BALLOT; AND**

1 (IV) A STATEMENT THAT THE VOTER MUST NOTIFY THE LOCAL  
 2 BOARD IF ANY OF THE CHANGES LISTED IN SUBSECTION (J) OF THIS SECTION HAVE  
 3 OCCURRED.

4 (3) IF THE STATE BOARD IS UNABLE TO CONTACT A VOTER USING THE  
 5 METHOD OF COMMUNICATION CHOSEN BY THE VOTER UNDER SUBSECTION (D)(1)  
 6 OF THIS SECTION, THE STATE BOARD SHALL SEND THE WRITTEN COMMUNICATION  
 7 USING ANOTHER METHOD IF THE STATE BOARD HAS OTHER CONTACT  
 8 INFORMATION FOR THE VOTER.

9 (4) IF THE COMMUNICATION REQUIRED UNDER THIS SECTION IS  
 10 SENT BY MAIL, THE ENVELOPE SHALL INCLUDE A STATEMENT, PROMINENTLY  
 11 PLACED, REQUESTING THAT THE RECIPIENT RETURN THE COMMUNICATION TO THE  
 12 STATE BOARD IF THE INTENDED RECIPIENT NO LONGER LIVES AT THAT ADDRESS.

13 ~~(G)~~ (H) A LOCAL BOARD SHALL SEND AN ABSENTEE BALLOT TO EACH  
 14 VOTER ON THE PERMANENT ABSENTEE BALLOT LIST EACH TIME THERE IS AN  
 15 ELECTION.

16 ~~(H)~~ (I) A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS  
 17 SHALL BE REMOVED FROM THE PERMANENT ABSENTEE BALLOT LIST IF:

18 (1) THE VOTER REQUESTS TO BE REMOVED FROM THE LIST;

19 (2) THE VOTER IS REMOVED FROM THE STATEWIDE VOTER  
 20 REGISTRATION LIST UNDER TITLE 3, SUBTITLE 5 OF THIS ARTICLE; ~~OR~~

21 (3) THE VOTER FAILS TO RETURN AN ABSENTEE BALLOT FOR TWO  
 22 CONSECUTIVE STATEWIDE GENERAL ELECTIONS; OR

23 (4) ANY MAIL SENT TO THE VOTER BY THE STATE BOARD OR A LOCAL  
 24 BOARD IS RETURNED UNDELIVERABLE.

25 ~~(I)~~ (J) A VOTER ~~WHO~~ SHALL NOTIFY THE LOCAL BOARD IF ANY OF THE  
 26 FOLLOWING CHANGES OCCUR WHILE THE VOTER HAS PERMANENT ABSENTEE  
 27 BALLOT STATUS ~~SHALL NOTIFY THE LOCAL BOARD IF:~~

28 ~~(1) AN ABSENTEE BALLOT IS TO BE SENT TO AN ADDRESS THAT IS~~  
 29 ~~DIFFERENT FROM THE ADDRESS PREVIOUSLY PROVIDED BY THE VOTER; OR~~

30 (1) THE VOTER NO LONGER WISHES TO HAVE PERMANENT ABSENTEE  
 31 BALLOT STATUS;



1           **(2) THE ADDRESS TO WHICH THE VOTER’S ABSENTEE BALLOT**  
2 **SHOULD BE SENT HAS CHANGED; OR**

3           ~~(2)~~ **(3) THE VOTER WISHES TO RECEIVE AN ABSENTEE BALLOT BY A**  
4 **DIFFERENT METHOD FROM THE METHOD PREVIOUSLY INDICATED BY THE VOTER.**

5           **(K) IF A VOTER WHO HAS PERMANENT ABSENTEE BALLOT STATUS GIVES**  
6 **NOTICE OF A CHANGE OF ADDRESS UNDER § 3–304 OF THIS ARTICLE, THE LOCAL**  
7 **BOARD SHALL ENCLOSE WITH THE CONFIRMATION NOTICE SENT TO THE VOTER**  
8 **UNDER § 3–502(B) OF THIS ARTICLE A NOTIFICATION THAT:**

9           **(1) THE VOTER REMAINS INCLUDED ON THE PERMANENT ABSENTEE**  
10 **BALLOT LIST; AND**

11           **(2) THE VOTER’S ABSENTEE BALLOT WILL BE SENT TO THE VOTER’S**  
12 **NEW ADDRESS.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 15,  
14 2023, the State Board of Elections shall submit to the Senate Education, Health, and  
15 Environmental Affairs Committee and the House Committee on Ways and Means, in  
16 accordance with § 2–1257 of the State Government Article, a report on the number of voters  
17 who voted in each precinct polling place in the State in the primary election and the general  
18 election in the years 2018, 2020, and 2022.

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

Approved:

\_\_\_\_\_  
Governor.

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President of the Senate.

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Speaker of the House of Delegates.