

HOUSE BILL 99

G1

EMERGENCY BILL
(PRE-FILED)

2lr0495

By: **Delegate Long**

Requested: September 17, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Signature Requirements and Verification**

3 FOR the purpose of prohibiting a local board of elections from removing an absentee ballot
4 from a return envelope or ballot/return envelope or counting the ballot unless the
5 return envelope or ballot/return envelope is signed by the voter and, except under
6 certain circumstances, a witness, and the local board verifies the voter's signature;
7 and generally relating to absentee ballots.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 9–303 and 9–310(a)(5) and (c)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2021 Supplement)

13 BY adding to

14 Article – Election Law

15 Section 9–310.1

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2021 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 9–303.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The guidelines shall provide for:

2 (1) the application process;

3 (2) late application for absentee ballots;

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

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

7 (5) the canvass process;

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

10 (7) observers of the process;

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

13 (9) standards for disallowance of ballots during the canvass;

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

15 [and]

16 (11) the permanent absentee ballot list; AND

17 **(12) VERIFICATION OF SIGNATURES ON ABSENTEE BALLOT**
18 **ENVELOPES.**

19 (c) The State Board shall:

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

22 (2) revise the guidelines if indicated.

23 9–310.

24 (a) (5) When voted and returned to the local board, an absentee ballot shall be
25 enclosed in a ballot envelope or ballot/return envelope, on which has been printed [an oath]
26 **OATHS** prescribed by the State Board.

1 (c) If an absentee ballot is sent by the Internet or facsimile transmission, the local
2 board shall provide the voter with an envelope template, the [oath] OATHS prescribed by
3 the State Board, and instructions for marking and returning the absentee ballot.

4 **9-310.1.**

5 (A) IN THIS SECTION, "UNIFORMED SERVICES" HAS THE MEANING STATED
6 IN 10 U.S.C. § 101.

7 (B) A LOCAL BOARD MAY NOT REMOVE AN ABSENTEE BALLOT FROM THE
8 RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE OR COUNT THE BALLOT
9 UNLESS:

10 (1) THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE IS
11 SIGNED BY:

12 (I) THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND

13 (II) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
14 A WITNESS OTHER THAN THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND

15 (2) THE VOTER'S SIGNATURE IS VERIFIED AS PROVIDED IN
16 SUBSECTION (D) OF THIS SECTION.

17 (C) THE WITNESS SIGNATURE REQUIREMENT UNDER SUBSECTION (B)(1)(II)
18 OF THIS SECTION DOES NOT APPLY TO AN ABSENTEE BALLOT THAT IS VOTED AND
19 RETURNED BY:

20 (1) AN ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES WHO IS
21 SERVING OVERSEAS; OR

22 (2) THE SPOUSE OR DEPENDENT OF AN ACTIVE DUTY MEMBER OF THE
23 UNIFORMED SERVICES WHO IS SERVING OVERSEAS IF THE SPOUSE OR DEPENDENT
24 LIVES OVERSEAS.

25 (D) EACH LOCAL BOARD SHALL VERIFY THE SIGNATURE OF THE VOTER ON
26 THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE BY COMPARING THE
27 SIGNATURE WITH THE VOTER'S REGISTRATION RECORD IN ACCORDANCE WITH
28 REGULATIONS ADOPTED BY THE STATE BOARD.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety, has
31 been passed by a yea and nay vote supported by three-fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted.