

HOUSE BILL 963

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EMERGENCY BILL

2lr0811

By: **Delegates Shoemaker, Adams, Arikan, Beitzel, Boteler, Buckel, Chisholm, M. Fisher, Griffith, Hartman, Kittleman, Krebs, Mangione, Mautz, McComas, McKay, Parrott, Rose, Saab, and Wivell**

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Signature Verification and Verification**
3 **Statements and Unsigned Ballot Statements**

4 FOR the purpose of establishing signature verification procedures for absentee ballots and
5 methods by which a voter may cure an unverified signature on an absentee ballot;
6 requiring a local board of elections to count an unsigned absentee ballot under
7 certain circumstances; and generally relating to absentee ballots.

8 BY repealing and reenacting, with amendments,
9 Article – Election Law
10 Section 9–303 and 11–302
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 and 9–310.2
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 **9-310.1.**

24 **(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN ABSENTEE BALLOT**
25 **CAST IN ACCORDANCE WITH THIS SUBTITLE SHALL BE COUNTED ONLY IF:**

- 26 **(1) THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE IS**
27 **SIGNED BY THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND**

1 **(2) THE VOTER'S SIGNATURE IS VERIFIED AS PROVIDED IN**
2 **SUBSECTION (B) OF THIS SECTION.**

3 **(B) (1) EACH LOCAL BOARD SHALL VERIFY THE SIGNATURE OF THE**
4 **VOTER ON THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE BY COMPARING**
5 **THE SIGNATURE WITH THE VOTER'S REGISTRATION RECORD IN ACCORDANCE WITH**
6 **REGULATIONS ADOPTED BY THE STATE BOARD.**

7 **(2) (I) A LOCAL BOARD MAY USE A MACHINE TO ELECTRONICALLY**
8 **VERIFY SIGNATURES AS REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION.**

9 **(II) IF A LOCAL BOARD REQUESTS A MACHINE TO**
10 **ELECTRONICALLY VERIFY SIGNATURES IN ACCORDANCE WITH SUBPARAGRAPH (I)**
11 **OF THIS PARAGRAPH, THE STATE BOARD SHALL PROVIDE THE MACHINE TO THE**
12 **LOCAL BOARD.**

13 **(C) (1) IF THE LOCAL BOARD IS UNABLE TO VERIFY A VOTER'S**
14 **SIGNATURE IN ACCORDANCE WITH THIS SECTION, THE LOCAL BOARD SHALL:**

15 **(I) NOTIFY THE VOTER OF THE DISCREPANCY NOT LATER THAN**
16 **THE SECOND SUNDAY AFTER THE ELECTION; AND**

17 **(II) PROVIDE THE VOTER THE OPPORTUNITY TO CORRECT THE**
18 **SIGNATURE IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.**

19 **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
20 **SUBSECTION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:**

21 **“READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW**
22 **THESE INSTRUCTIONS MAY CAUSE YOUR ABSENTEE BALLOT TO BE**
23 **REJECTED.**

24 **1. THE LOCAL BOARD OF ELECTIONS HAS DETERMINED THAT THE**
25 **SIGNATURE YOU PROVIDED ON YOUR RETURN ENVELOPE OR BALLOT/RETURN**
26 **ENVELOPE DOES NOT MATCH THE SIGNATURE ON FILE WITH YOUR REGISTRATION**
27 **RECORD. IN ORDER TO ENSURE THAT YOUR ABSENTEE BALLOT IS COUNTED,**
28 **COMPLETE A SIGNATURE VERIFICATION FORM AND RETURN IT TO THE LOCAL**
29 **BOARD OF ELECTIONS NOT LATER THAN 2 DAYS AFTER THE DATE YOU RECEIVE THIS**
30 **NOTICE.**

31 **2. YOU MAY RETURN THE COMPLETED SIGNATURE VERIFICATION**
32 **STATEMENT TO THE LOCAL BOARD OF ELECTIONS BY MAIL, BY DELIVERING IT IN**

1 PERSON, BY E-MAIL, OR BY FACSIMILE TRANSMISSION. YOU MAY ALSO SUBMIT THE
 2 COMPLETED SIGNATURE VERIFICATION STATEMENT TO YOUR DESIGNATED
 3 POLLING PLACE OR TO A BALLOT DROP BOX BEFORE THE POLLS CLOSE ON
 4 ELECTION DAY.

5 3. IF YOU CHOOSE TO RETURN YOUR COMPLETED SIGNATURE
 6 VERIFICATION STATEMENT BY MAIL, ENSURE THAT THE ADDRESS OF THE LOCAL
 7 BOARD OF ELECTIONS IS CORRECT.”.

8 (3) (I) ON RECEIPT OF THE NOTICE UNDER PARAGRAPH (2) OF
 9 THIS SUBSECTION, THE VOTER SHALL COMPLETE AND RETURN A SIGNATURE
 10 VERIFICATION STATEMENT NOT MORE THAN 2 DAYS AFTER THE DATE ON WHICH THE
 11 VOTER RECEIVED THE NOTICE.

12 (II) THE SIGNATURE VERIFICATION STATEMENT UNDER THIS
 13 PARAGRAPH SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

14 “SIGNATURE VERIFICATION STATEMENT

15 I, (NAME), AM A REGISTERED VOTER OF (COUNTY), MARYLAND. I DECLARE
 16 UNDER PENALTY OF PERJURY THAT I REQUESTED AND RETURNED AN ABSENTEE
 17 BALLOT. I AM A RESIDENT OF THE PRECINCT IN WHICH I HAVE VOTED, AND I AM THE
 18 INDIVIDUAL WHOSE NAME APPEARS ON THE RETURN ENVELOPE OR
 19 BALLOT/RETURN ENVELOPE. I UNDERSTAND THAT IF I COMMIT OR ATTEMPT TO
 20 COMMIT FRAUD IN CONNECTION WITH VOTING, OR IF I AID OR ABET FRAUD OR
 21 ATTEMPT TO AID OR ABET FRAUD IN CONNECTION WITH VOTING, I MAY BE
 22 CONVICTED OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000
 23 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH. I UNDERSTAND THAT
 24 MY FAILURE TO SUBMIT THIS STATEMENT MEANS THAT THE LOCAL BOARD OF
 25 ELECTIONS WILL REJECT MY ABSENTEE BALLOT.

26 _____
 27 VOTER’S SIGNATURE

28 _____
 29 VOTER’S ADDRESS”.

30 (4) (I) IF THE LOCAL BOARD VERIFIES THE VOTER’S SIGNATURE
 31 ON RECEIPT OF A VOTER’S SIGNATURE VERIFICATION STATEMENT, THE LOCAL
 32 BOARD SHALL:

33 1. UPDATE THE VOTER’S REGISTRATION RECORD WITH
 34 THE SIGNATURE PROVIDED ON THE SIGNATURE VERIFICATION STATEMENT; AND

2. COUNT THE VOTER’S ABSENTEE BALLOT.

(II) IF THE LOCAL BOARD IS UNABLE TO VERIFY THE VOTER’S SIGNATURE ON RECEIPT OF A VOTER’S SIGNATURE VERIFICATION STATEMENT, THE LOCAL BOARD SHALL REJECT THE VOTER’S ABSENTEE BALLOT.

(5) (I) EACH LOCAL BOARD SHALL PROVIDE THE SIGNATURE VERIFICATION STATEMENT, AN ENVELOPE TEMPLATE, AND INSTRUCTIONS FOR COMPLETING AND RETURNING THE SIGNATURE VERIFICATION STATEMENT ON ITS WEBSITE.

(II) THE ENVELOPE TEMPLATE REQUIRED UNDER THIS PARAGRAPH SHALL INCLUDE PREPAID POSTAGE.

9-310.2.

(A) A LOCAL BOARD SHALL COUNT A VOTER’S ABSENTEE BALLOT IF THE VOTER FAILS TO SIGN THE OATH ON THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE AND SUBMITS AN UNSIGNED BALLOT STATEMENT NOT LATER THAN THE SECOND SUNDAY AFTER THE ELECTION.

(B) THE UNSIGNED BALLOT STATEMENT SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

“UNSIGNED BALLOT STATEMENT

I, (NAME), AM A REGISTERED VOTER OF (COUNTY), MARYLAND. I DECLARE UNDER PENALTY OF PERJURY THAT I REQUESTED AND RETURNED AN ABSENTEE BALLOT AND THAT I HAVE NOT VOTED AND WILL NOT VOTE MORE THAN ONE BALLOT IN THIS ELECTION. I AM A RESIDENT OF THE PRECINCT IN WHICH I HAVE VOTED, AND I AM THE INDIVIDUAL WHOSE NAME APPEARS ON THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE. I UNDERSTAND THAT IF I COMMIT OR ATTEMPT TO COMMIT FRAUD IN CONNECTION WITH VOTING, OR IF I AID OR ABET FRAUD OR ATTEMPT TO AID OR ABET FRAUD IN CONNECTION WITH VOTING, I MAY BE CONVICTED OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH. I UNDERSTAND THAT MY FAILURE TO SUBMIT THIS STATEMENT MEANS THAT THE LOCAL BOARD OF ELECTIONS WILL REJECT MY ABSENTEE BALLOT.

VOTER’S SIGNATURE

1 _____
2 **VOTER’S ADDRESS”.**

3 11–302.

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

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

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

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

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

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

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

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

21 (i) the voter failed to sign the oath on the [ballot envelope] **RETURN**
22 **ENVELOPE OR BALLOT/RETURN ENVELOPE AND FAILED TO CORRECT THE OMISSION**
23 **AS PROVIDED IN § 9–310.2 OF THIS ARTICLE;**

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

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

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

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

1 (ii) reject any other ballot.

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

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

7 (e) At the end of each day of canvassing, a local board shall prepare and release
8 a report of the unofficial results of the absentee ballot vote tabulation.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
10 measure, is necessary for the immediate preservation of the public health or safety, has
11 been passed by a yea and nay vote supported by three-fifths of all the members elected to
12 each of the two Houses of the General Assembly, and shall take effect from the date it is
13 enacted.