

HOUSE BILL 1172

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HB 746/21 – W&M

2lr1440

By: **Delegates Wivell, Adams, Arian, Beitzel, Boteler, Buckel, Chisholm, M. Fisher, Grammer, Griffith, Hartman, Hornberger, Howard, Jacobs, Kittleman, Krebs, Mangione, Mautz, McComas, McKay, Morgan, Otto, Pippy, Reilly, Rose, Saab, Shoemaker, Szeliga, and Thiam**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballot Envelopes – Party Affiliation**

3 FOR the purpose of prohibiting absentee ballot envelopes, ballot/return envelopes, return
4 envelopes, and envelope templates from including language or information that
5 visibly identifies the party affiliation of the voter; and generally relating to absentee
6 ballot envelopes.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 9–310
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2021 Supplement)

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

14 **Article – Election Law**

15 9–310.

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

17 (2) (i) **1.** An absentee ballot shall be enclosed in specially printed
18 envelopes, the form and content of which shall be prescribed by the State Board.

19 **2. THE FORM AND CONTENT PRESCRIBED UNDER**
20 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY NOT INCLUDE LANGUAGE OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **INFORMATION THAT VISIBLY IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

2 (ii) The outgoing envelope shall include a statement, prominently
3 placed, requesting that the recipient return the absentee ballot to the local board if the
4 intended recipient no longer lives at that address.

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

6 (ii) If two envelopes are used, the inner envelope shall be designated
7 the "ballot/return envelope", and, when issued, it shall fit inside the envelope designated
8 the "outgoing envelope".

9 (iii) If three envelopes are used, the innermost envelope shall be
10 designated the "ballot envelope", which shall fit inside the envelope designated the "return
11 envelope", both of which, when issued, shall fit inside the envelope designated the "outgoing
12 envelope".

13 (iv) The ballot/return envelope described under subparagraph (ii) of
14 this paragraph and the return envelope described under subparagraph (iii) of this
15 paragraph provided to a voter voting by absentee ballot:

16 1. shall include prepaid postage; AND

17 2. **MAY NOT INCLUDE LANGUAGE OR INFORMATION**
18 **THAT VISIBLY IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

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

21 (ii) The instructions for postage shall include:

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

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

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

29 (b) The State Board shall reimburse each local board for 50% of the cost of prepaid
30 postage included on ballot/return envelopes or return envelopes provided to a voter voting
31 by absentee ballot under subsection [(a)(3)(iv)] **(A)(3)(IV)1** of this section.

32 (c) **(1)** If an absentee ballot is sent by the Internet or facsimile transmission,

1 the local board shall provide the voter with an envelope template, the oath prescribed by
2 the State Board, and instructions for marking and returning the absentee ballot.

3 **(2) AN ENVELOPE TEMPLATE PROVIDED UNDER PARAGRAPH (1) OF**
4 **THIS SUBSECTION MAY NOT INCLUDE LANGUAGE OR INFORMATION THAT VISIBLY**
5 **IDENTIFIES THE PARTY AFFILIATION OF THE VOTER.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
7 1, 2022.