

SENATE BILL 738

G1

2lr1645

By: **Senators Simonaire, Bailey, and Ready**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Secure Elections Act of 2022**

3 FOR the purpose of requiring the State Board of Elections, in collaboration with the local
4 boards of elections, to conduct an audit of absentee ballots cast in each statewide
5 election; requiring that the audit consist of verifying the voter's signature for each
6 ballot selected for audit; requiring that the audit be expanded if a certain threshold
7 is exceeded; requiring that a ballot subject to audit be rejected under certain
8 circumstances; and generally relating to an audit of absentee ballots.

9 BY adding to

10 Article – Election Law

11 Section 11–310

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2021 Supplement)

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

15 That the Laws of Maryland read as follows:

16 **Article – Election Law**

17 **11–310.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) “AUDIT THRESHOLD” MEANS 0.5% OF THE AUDIT TOTAL.

21 (3) “AUDIT TOTAL” MEANS 3% OF THE NUMBER OF ABSENTEE
22 BALLOTS CAST IN A COUNTY IN THE PREVIOUS COMPARABLE ELECTION.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(4) "PREVIOUS COMPARABLE ELECTION" MEANS:**

2 **(I) FOR A PRIMARY ELECTION, THE PRIMARY ELECTION HELD 4**
3 **YEARS EARLIER; AND**

4 **(II) FOR A GENERAL ELECTION, THE GENERAL ELECTION HELD**
5 **4 YEARS EARLIER.**

6 **(B) THE STATE BOARD, IN COLLABORATION WITH THE LOCAL BOARDS,**
7 **SHALL CONDUCT AN AUDIT OF ABSENTEE BALLOTS CAST IN EACH STATEWIDE**
8 **ELECTION.**

9 **(C) (1) EACH LOCAL BOARD SHALL CANVASS ABSENTEE BALLOTS IN**
10 **BATCHES THAT CONTAIN AN EQUAL NUMBER OF ABSENTEE BALLOTS.**

11 **(2) THE STATE BOARD, BY REGULATION, SHALL DETERMINE THE**
12 **NUMBER OF ABSENTEE BALLOTS IN EACH BATCH.**

13 **(D) (1) SUBJECT TO SUBSECTION (G) OF THIS SECTION, EACH LOCAL**
14 **BOARD SHALL AUDIT 3% OF THE OTHERWISE LEGALLY SUFFICIENT ABSENTEE**
15 **BALLOTS IN EACH BATCH BEFORE THE BALLOTS ARE CANVASSED, UNTIL THE**
16 **NUMBER OF ABSENTEE BALLOTS AUDITED EQUALS THE AUDIT TOTAL.**

17 **(2) ABSENTEE BALLOTS IN EACH BATCH SHALL BE RANDOMLY**
18 **SELECTED FOR AUDIT.**

19 **(E) (1) THE AUDIT SHALL CONSIST OF VERIFYING THE VOTER'S**
20 **SIGNATURE FOR EACH BALLOT SELECTED FOR AUDIT.**

21 **(2) A SIGNATURE SHALL BE CONSIDERED VERIFIED IF THE VOTER'S**
22 **SIGNATURE ON THE ABSENTEE BALLOT RETURN ENVELOPE OR BALLOT/RETURN**
23 **ENVELOPE MATCHES THE SIGNATURE IN THE VOTER'S REGISTRATION RECORD.**

24 **(3) THE AUDIT OF EACH ABSENTEE BALLOT SHALL BE CONDUCTED BY**
25 **A TEAM THAT INCLUDES ONE MEMBER OF THE MAJORITY PARTY AND ONE MEMBER**
26 **OF THE PRINCIPAL MINORITY PARTY.**

27 **(F) (1) IF A SIGNATURE ON A RETURN ENVELOPE OR BALLOT/RETURN**
28 **ENVELOPE CANNOT BE VERIFIED, THE LOCAL BOARD SHALL MAKE REASONABLE**
29 **EFFORTS TO:**

30 **(I) NOTIFY THE VOTER OF THE DISCREPANCY; AND**

1 **(II) OBTAIN A NEW SIGNATURE FROM THE VOTER FOR**
2 **VERIFICATION.**

3 **(2) AFTER MAKING THE EFFORTS REQUIRED UNDER PARAGRAPH (1)**
4 **OF THIS SUBSECTION, IF THE LOCAL BOARD HAS NOT RECEIVED A SIGNATURE FROM**
5 **A VOTER THAT CAN BE VERIFIED, THE VOTER'S ABSENTEE BALLOT SHALL BE**
6 **REJECTED.**

7 **(G) (1) IF, DURING THE CANVASS OF ABSENTEE BALLOTS, THE TOTAL**
8 **NUMBER OF SIGNATURES THAT CANNOT BE VERIFIED BEFORE THE LOCAL BOARD**
9 **MAKES THE EFFORTS REQUIRED UNDER SUBSECTION (F) OF THIS SECTION EXCEEDS**
10 **THE AUDIT THRESHOLD IN A COUNTY, THE LOCAL BOARD FOR THE COUNTY SHALL,**
11 **FROM THE TIME THAT THE AUDIT THRESHOLD IS EXCEEDED, AUDIT ALL THE**
12 **ABSENTEE BALLOTS THAT REMAIN TO BE CANVASSED IN ACCORDANCE WITH**
13 **SUBSECTIONS (E) AND (F) OF THIS SECTION.**

14 **(2) IF THE AUDIT THRESHOLD IS EXCEEDED, THE LOCAL BOARD**
15 **SHALL NOTIFY THE STATE BOARD WITHIN 24 HOURS.**

16 **(H) WITHIN 24 HOURS AFTER THE COMPLETION OF THE ABSENTEE BALLOT**
17 **CANVASS, EACH LOCAL BOARD SHALL REPORT AT LEAST THE FOLLOWING TO THE**
18 **STATE BOARD:**

19 **(1) THE TOTAL NUMBER OF ABSENTEE BALLOTS DETERMINED TO BE**
20 **LEGALLY SUFFICIENT BEFORE THE AUDIT REQUIRED UNDER THIS SECTION WAS**
21 **CONDUCTED;**

22 **(2) THE TOTAL NUMBER OF ABSENTEE BALLOTS AUDITED UNDER**
23 **SUBSECTION (D) OF THIS SECTION;**

24 **(3) THE TOTAL NUMBER OF SIGNATURES THAT COULD NOT BE**
25 **VERIFIED FOR BALLOTS AUDITED UNDER SUBSECTION (D) OF THIS SECTION AFTER**
26 **THE LOCAL BOARD MADE THE EFFORTS REQUIRED UNDER SUBSECTION (F) OF THIS**
27 **SECTION; AND**

28 **(4) IF THE AUDIT THRESHOLD WAS EXCEEDED IN THE COUNTY:**

29 **(I) THE TOTAL NUMBER OF ABSENTEE BALLOTS AUDITED**
30 **UNDER SUBSECTION (G) OF THIS SECTION; AND**

31 **(II) THE TOTAL NUMBER OF SIGNATURES THAT COULD NOT BE**
32 **VERIFIED FOR BALLOTS AUDITED UNDER SUBSECTION (G) OF THIS SECTION AFTER**

1 THE LOCAL BOARD MADE THE EFFORTS REQUIRED UNDER SUBSECTION (F) OF THIS
2 SECTION.

3 (I) THE STATE BOARD SHALL POST EACH REPORT SUBMITTED BY A LOCAL
4 BOARD UNDER SUBSECTION (H) OF THIS SECTION ON THE STATE BOARD'S WEBSITE
5 WITHIN 24 HOURS AFTER THE REPORT IS RECEIVED.

6 (J) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
7 SECTION, WHICH SHALL INCLUDE:

8 (1) THE METHOD FOR VERIFYING VOTER SIGNATURES; AND

9 (2) A DEADLINE FOR SUBMISSION OF A NEW SIGNATURE UNDER
10 SUBSECTION (F) OF THIS SECTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 September 1, 2022.