

SENATE BILL 259

G1

(5lr0171)

ENROLLED BILL

— *Education, Energy, and the Environment/Ways and Means* —

Introduced by **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – State Board of Elections)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Local Boards of Elections – Election Plan Requirements**

3 FOR the purpose of requiring a local board of elections to submit an election plan to the
4 State Board of Elections for approval at least a certain number of months before each
5 statewide primary election; establishing requirements related to an election plan;
6 altering the requirements related to polling place plans, ballot drop box plans, and
7 early voting center plans; and generally relating to local boards of elections and
8 election plans.

9 *BY repealing*

10 *Article – Election Law*

11 *Section 2–303(h) and 10–301.1(c)*

12 *Annotated Code of Maryland*

13 *(2022 Replacement Volume and 2024 Supplement)*

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Election Law
 3 Section 2–303.1, 2–304, and 10–301.1(d) through (h)
 4 Annotated Code of Maryland
 5 (2022 Replacement Volume and 2024 Supplement)

6 ~~BY repealing~~
 7 ~~Article – Election Law~~
 8 ~~Section 10–301.1(e)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2022 Replacement Volume and 2024 Supplement)~~

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

13 **Article – Election Law**

14 2–303.

15 [(h) (1) The requirements of this subsection do not apply if a local board is
 16 creating a new precinct or changing a precinct boundary or polling place under subsection
 17 (f) of this section during the period beginning 21 days before election day through election
 18 day.

19 (2) Each local board shall:

20 (i) maintain a contact list of individuals and organizations who
 21 wish to be notified about local board meetings at which proposed changes to the locations of
 22 polling places will be discussed; and

23 (ii) enable individuals and organizations to register for the contact
 24 list maintained in accordance with item (i) of this paragraph.

25 (3) A local board may not vote to change the location of a polling place
 26 unless the local board first:

27 (i) holds a meeting to discuss the proposed change; and

28 (ii) provides an opportunity for interested individuals and
 29 organizations to testify on the proposed change at the meeting.

30 (4) At least 14 days before the meeting required under paragraph (3)(i) of
 31 this subsection, the local board shall provide written notice of the meeting to:

32 (i) each individual and organization on the contact list maintained
 33 in accordance with paragraph (2)(i) of this subsection; and

1 (ii) the following elected officials if the official is elected by eligible
 2 voters residing in the precinct containing either the current polling place location or the
 3 proposed polling place location:

4 1. the mayor;

5 2. the county executive;

6 3. each county commissioner;

7 4. each county council member;

8 5. each municipal council member; and

9 6. each member of the Maryland General Assembly.]

10 2-303.1.

11 (a) At least [6] 7 months before each statewide primary election, each local board
 12 shall submit [a polling place plan] AN ELECTION PLAN to the State Board for approval.

13 (B) AN ELECTION PLAN SHALL INCLUDE:

14 (1) A POLLING PLACE PLAN THAT MEETS THE REQUIREMENTS OF
 15 SUBSECTION (C) OF THIS SECTION;

16 (2) A BALLOT DROP BOX PLAN DEVELOPED IN ACCORDANCE WITH §
 17 2-304 OF THIS SUBTITLE;

18 (3) AN EARLY VOTING CENTER PLAN THAT MEETS THE
 19 REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION; AND

20 (4) AN ANALYSIS OF HOW TO MAXIMIZE VOTER PARTICIPATION IN THE
 21 COUNTY AND EACH PRECINCT.

22 [(b)] (C) (1) A polling place plan shall include:

23 ~~(1)~~ (1) evidence that the plan complies with § 10-101(a)(2) of this
 24 article; AND

25 ~~(2)~~ [an analysis of how to maximize voter participation in each precinct;]
 26 ~~and~~

~~(3) if the polling place plan proposes to reduce the total number of separate buildings used as polling places below the total number of separate buildings used as polling places in the [2018] FIRST STATEWIDE general election HELD AFTER THE MOST RECENT REDISTRICTING BASED ON THE CENSUS;~~

(II) THE INFORMATION SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION IF:

1. IN THE FIRST STATEWIDE ELECTION HELD AFTER A STATEWIDE REDISTRICTING BASED ON THE CENSUS, THE POLLING PLACE PLAN PROPOSES TO REDUCE THE TOTAL NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES BELOW THE TOTAL NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES IN THE IMMEDIATELY PRECEDING GENERAL ELECTION; OR

2. IN ANY STATEWIDE ELECTION OTHER THAN THE FIRST STATEWIDE ELECTION HELD AFTER A STATEWIDE REDISTRICTING BASED ON THE CENSUS, THE POLLING PLACE PLAN PROPOSES TO REDUCE THE TOTAL NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES BELOW THE TOTAL NUMBER OF SEPARATE BUILDINGS USED AS POLLING PLACES IN THE FIRST STATEWIDE GENERAL ELECTION HELD AFTER THE MOST RECENT STATEWIDE REDISTRICTING BASED ON THE CENSUS.

(2) IF REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, A POLLING PLACE PLAN SHALL INCLUDE:

(i) the address and a description of the location of each affected polling place;

(ii) an analysis of available suitable buildings within the precinct boundary, including the availability of parking and a determination regarding building compliance with the federal Americans with Disabilities Act;

(iii) of the voters who cast ballots in each affected precinct in the three most recent statewide elections:

1. the percentage who voted in person on election day;

2. the percentage who voted by mail;

3. the number who registered to vote on election day; and

4. the number who voted at an early voting center;

(iv) the proximity of the proposed polling place to a dense concentration of voters in the affected precinct;

1 (v) the change in the number of registered voters in the affected
2 precinct from the last statewide election;

3 (vi) the public transportation options that voters in each affected
4 precinct could use to access the polling place that would serve the precinct under the plan;
5 and

6 (vii) an analysis of the impact on the ability of historically
7 disenfranchised communities to cast a ballot, including demographic information of the
8 voters in the affected precinct [from the most recent report published by the Maryland Vital
9 Statistics Administration].

10 (D) AN EARLY VOTING CENTER PLAN SHALL ~~TAKE INTO ACCOUNT~~ USE THE
11 FOLLOWING FACTORS WHEN DETERMINING THE LOCATION OF AN EARLY VOTING
12 CENTER IN THE COUNTY:

13 (1) ACCESSIBILITY OF THE EARLY VOTING CENTER TO HISTORICALLY
14 DISENFRANCHISED COMMUNITIES, INCLUDING CULTURAL GROUPS, ETHNIC
15 GROUPS, AND MINORITY GROUPS;

16 (2) PROXIMITY OF THE EARLY VOTING CENTER TO DENSE
17 CONCENTRATIONS OF VOTERS;

18 (3) ACCESSIBILITY OF THE EARLY VOTING CENTER BY PUBLIC
19 TRANSPORTATION;

20 (4) FOR COUNTIES WITH FOUR OR MORE EARLY VOTING CENTERS,
21 ENSURING EQUITABLE GEOGRAPHIC DISTRIBUTION OF EARLY VOTING CENTERS
22 THROUGHOUT THE COUNTY; AND

23 (5) THE USE OF COMMUNITY CENTERS AND PUBLIC GATHERING
24 PLACES.

25 (E) (1) THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY IF A
26 LOCAL BOARD IS CREATING A NEW PRECINCT OR CHANGING A PRECINCT BOUNDARY
27 OR POLLING PLACE UNDER § 2-303(F) OF THIS SUBTITLE DURING THE PERIOD
28 BEGINNING 21 DAYS BEFORE ELECTION DAY THROUGH ELECTION DAY.

29 (2) EACH LOCAL BOARD SHALL:

30 (1) MAINTAIN A CONTACT LIST OF INDIVIDUALS AND
31 ORGANIZATIONS WHO WISH TO BE NOTIFIED ABOUT LOCAL BOARD MEETINGS AT
32 WHICH AN ELECTION PLAN OR ANY PROPOSED CHANGES TO THE LOCATIONS OF
33 POLLING PLACES WILL BE DISCUSSED; AND

1 (II) INCLUDE INFORMATION ABOUT THE PURPOSE OF THE
2 CONTACT LIST AND HOW TO REGISTER FOR THE LIST IN A CONSPICUOUS LOCATION
3 ON THE LOCAL BOARD'S WEBSITE.

4 (3) A LOCAL BOARD MAY NOT VOTE TO ADOPT AN ELECTION PLAN OR
5 CHANGE THE LOCATION OF A POLLING PLACE UNLESS THE LOCAL BOARD FIRST:

6 (I) HOLDS A MEETING TO DISCUSS AND VOTE ON THE
7 PROPOSED ELECTION PLAN OR CHANGE IN THE LOCATION OF A POLLING PLACE; AND

8 (II) PROVIDES AN OPPORTUNITY FOR INTERESTED INDIVIDUALS
9 AND ORGANIZATIONS TO PROVIDE WRITTEN OR ORAL TESTIMONY AT THE MEETING
10 ON THE PROPOSED ELECTION PLAN OR CHANGE IN THE LOCATION OF A POLLING
11 PLACE.

12 (4) AT LEAST 14 DAYS BEFORE THE MEETING REQUIRED UNDER
13 PARAGRAPH (3)(I) OF THIS SUBSECTION, THE LOCAL BOARD SHALL:

14 (I) POST THE PROPOSED ELECTION PLAN OR A WRITTEN
15 DESCRIPTION OF THE PROPOSED CHANGE IN THE LOCATION OF A POLLING PLACE
16 ON THE LOCAL BOARD'S WEBSITE; AND

17 (II) PROVIDE WRITTEN NOTICE OF THE MEETING TO:

18 1. EACH INDIVIDUAL AND ORGANIZATION ON THE
19 CONTACT LIST MAINTAINED IN ACCORDANCE WITH PARAGRAPH (2)(I) OF THIS
20 SUBSECTION;

21 2. IF AN ELECTION PLAN WILL BE CONSIDERED AT THE
22 MEETING, THE ELECTED OFFICIALS SPECIFIED IN PARAGRAPH (5) OF THIS
23 SUBSECTION WHO REPRESENT ALL OR ANY PORTION OF THE COUNTY; OR

24 3. IF A CHANGE IN THE LOCATION OF A POLLING PLACE
25 WILL BE CONSIDERED AT THE MEETING, THE ELECTED OFFICIALS SPECIFIED IN
26 PARAGRAPH (5) OF THIS SUBSECTION WHO REPRESENT THE PRECINCT CONTAINING
27 EITHER THE CURRENT POLLING PLACE LOCATION OR THE PROPOSED POLLING
28 PLACE LOCATION.

29 (5) IF REQUIRED UNDER PARAGRAPH (4)(II)2 OR 3 OF THIS
30 SUBSECTION, THE LOCAL BOARD SHALL PROVIDE NOTICE OF THE MEETING TO:

31 (I) THE MAYOR;

- 1 **(II) THE COUNTY EXECUTIVE;**
- 2 **(III) EACH COUNTY COMMISSIONER;**
- 3 **(IV) EACH COUNTY COUNCIL MEMBER;**
- 4 **(V) EACH MUNICIPAL COUNCIL MEMBER; AND**
- 5 **(VI) EACH MEMBER OF THE GENERAL ASSEMBLY.**

6 **(F) THE LOCAL BOARD SHALL SUBMIT TO THE STATE BOARD WITH THE**
 7 **LOCAL BOARD'S ELECTION PLAN ANY WRITTEN TESTIMONY AND A SUMMARY OF ANY**
 8 **ORAL TESTIMONY ON THE ELECTION PLAN PROVIDED BY THE PUBLIC AT THE**
 9 **MEETING AT WHICH THE LOCAL BOARD DISCUSSED AND VOTED ON THE ELECTION**
 10 **PLAN.**

11 **[(c)] ~~(E)~~ (G) (1) THE STATE BOARD SHALL VOTE ON THE ELECTION PLAN**
 12 **SUBMITTED BY EACH LOCAL BOARD.**

13 **(2)** The State Board shall approve [a polling place plan] AN ELECTION
 14 PLAN OF A LOCAL BOARD if the [polling place plan] ELECTION PLAN:

15 ~~(1)~~ **(I)** complies with the requirements of this section and § 10–101(a)(2)
 16 of this article; [and]

17 ~~(2)~~ **(II)** HAS BEEN REVIEWED BY THE STATE ADMINISTRATOR; AND

18 **[(2)] ~~(3)~~ (III)** will not negatively affect access to voting for historically
 19 disenfranchised communities.

20 **[(d)] ~~(F)~~ (H) [(1)** The State Board shall reject a polling place plan that does not
 21 meet the requirements of subsection (c) of this section.

22 **(2)** If the State Board **VOTES ON AN ELECTION PLAN AND** [rejects a
 23 polling place plan] **DOES NOT APPROVE ~~AN~~ THE ELECTION PLAN UNDER SUBSECTION**
 24 **~~(E)~~ (G) OF THIS SECTION,** the local board shall submit a revised [polling place plan]
 25 **ELECTION PLAN** to the State Board within 15 days after the date on which the State Board
 26 ~~rejected~~ **VOTED ON** the previous plan.

27 2–304.

28 (a) **(1) EACH LOCAL BOARD SHALL DEVELOP A BALLOT DROP BOX PLAN**
 29 **THAT INCLUDES THE PROPOSED LOCATION OF EACH BALLOT DROP BOX IN THE**
 30 **COUNTY.**

1 (2) A local board shall ~~consider~~ USE the following factors when determining
2 the location of a ballot drop box:

3 [(1)] (I) the accessibility of the ballot drop box to historically
4 disenfranchised communities, including voters with disabilities, cultural groups, ethnic
5 groups, and minority groups;

6 [(2)] (II) proximity of the ballot drop box to dense concentrations of voters;

7 [(3)] (III) accessibility of the ballot drop box by public transportation; **AND**

8 [(4)] (IV) equitable **GEOGRAPHIC** distribution of ballot drop boxes
9 throughout the county]; and

10 (5) maximizing voter participation, including through placement of ballot
11 drop boxes at community centers and public gathering places].

12 (b) Subject to subsection (c) of this section, a local board shall designate locations
13 in the county at which a ballot drop box will be placed in accordance with the factors set
14 forth in subsection (a) of this section.

15 (c) (1) Each local board shall submit the **BALLOT DROP BOX PLAN WITH THE**
16 proposed locations in the county for each ballot drop box to the State Administrator for
17 ~~approval~~ REVIEW.

18 ~~(2) The State Administrator shall approve a ballot drop box location that~~
19 ~~meets the factors established under subsection (a) of this section.~~

20 ~~(3)~~ **(2)** If a proposed ballot drop box [location] **PLAN** does not meet the
21 factors **LISTED IN SUBSECTION (A) OF THIS SECTION, BEFORE THE LOCAL BOARD'S**
22 **ELECTION PLAN IS SUBMITTED TO THE STATE BOARD FOR APPROVAL UNDER §**
23 **2-303.1 OF THIS SUBTITLE**, the State Administrator shall:

24 (i) ~~require~~ REQUEST that the local board reconsider the proposed
25 location for one or more ballot drop boxes; and

26 (ii) provide to the local board a detailed explanation of why the
27 proposed location does not meet the factors.

28 ~~(4)~~ **(3)** If the State Administrator finds that the proposed ballot drop box
29 locations submitted to the State Administrator after reconsideration by the local board
30 under paragraph ~~(3)~~ **(2)** of this subsection do not meet the factors, the State Administrator
31 may add ballot drop box locations in the county.

1 10-301.1.

2 [(c) (1) No later than 6 months before a primary election, the local board in
3 each county shall, subject to the approval of the State Board, designate each early voting
4 center in that county.

5 (2) A local board shall take into account the following factors when
6 determining the location of an early voting center:

7 (i) accessibility of the early voting center to historically
8 disenfranchised communities, including cultural groups, ethnic groups, and minority
9 groups;

10 (ii) proximity of the early voting center to dense concentrations of
11 voters;

12 (iii) accessibility of the early voting center by public transportation;

13 (iv) ensuring equitable distribution of early voting centers
14 throughout the county; and

15 (v) maximizing voter participation, including through the use of
16 community centers and public gathering places as locations for early voting centers.]

17 [(d) (C) Each early voting center shall be open for voting as follows:

18 (1) beginning the second Thursday before a primary or general election
19 through the Thursday before the election; and

20 (2) during the hours between 7 a.m. and 8 p.m. each early voting day.

21 [(e) (D) (1) Each early voting center shall satisfy the requirements of §
22 10-101 of this title.

23 (2) Subject to paragraph (3) of this subsection, the public official
24 responsible for the use of a public building requested by a local board for an early voting
25 center shall make the public building available to the local board in accordance with §
26 10-101(a)(3) of this title.

27 (3) (i) The State Board shall adopt regulations that establish an
28 appeals process for public officials responsible for public buildings requested for use under
29 paragraph (2) of this subsection to contest the availability of the public building during the
30 period of time the building would be used as an early voting center.

31 (ii) The appeals process established under this paragraph shall
32 include:

- 1 1. an initial appeal to the local board that selected the public
2 building for use as an early voting center;
- 3 2. an opportunity for a public official to be heard publicly at
4 a meeting of the local board before the local board makes a decision on the appeal;
- 5 3. an appeal by a public official of an adverse decision of the
6 local board to the State Board;
- 7 4. an opportunity for a public official to be heard publicly at
8 a meeting of the State Board before the State Board makes a final decision on the appeal;
9 and
- 10 5. a final decision at least 8 months before the primary
11 election for which the local board seeks to use the public building as an early voting center.

12 (iii) The decision of the State Board regarding an appeal under this
13 paragraph is final.

14 **[(f)] (E)** Beginning 30 days prior to each early voting period the State Board and
15 each local board shall undertake steps to inform the public about early voting and the
16 location of early voting centers in each county, including:

- 17 (1) a series of public service media announcements;
- 18 (2) mailings to all registered voters in each county; and
- 19 (3) other measures as appropriate.

20 **[(g)] (F)** Except as expressly provided in this section, any provision of this article
21 that applies to voting on election day also applies to early voting.

22 **[(h)] (G)** The State Board shall adopt regulations and guidelines in accordance
23 with the requirements of this section for the conduct of early voting.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2025.