

SENATE BILL 259

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(PRE-FILED)

5lr0171
CF HB 274

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

Requested: September 19, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2025

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 and reenacting, with amendments,
10 Article – Election Law
11 Section 2–303.1, 2–304, and 10–301.1(d) through (h)
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2024 Supplement)

14 BY repealing
15 Article – Election Law
16 Section 10–301.1(c)
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2024 Supplement)

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

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.



1 **Article – Election Law**

2 2–303.1.

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

5 **(B) AN ELECTION PLAN SHALL INCLUDE:**

6 **(1) A POLLING PLACE PLAN THAT MEETS THE REQUIREMENTS OF**
7 **SUBSECTION (C) OF THIS SECTION;**

8 **(2) A BALLOT DROP BOX PLAN DEVELOPED IN ACCORDANCE WITH §**
9 **2–304 OF THIS SUBTITLE;**

10 **(3) AN EARLY VOTING CENTER PLAN THAT MEETS THE**
11 **REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION; AND**

12 **(4) AN ANALYSIS OF HOW TO MAXIMIZE VOTER PARTICIPATION IN THE**
13 **COUNTY AND EACH PRECINCT.**

14 ~~[(b)]~~ **(C)** A polling place plan shall include:

15 (1) evidence that the plan complies with § 10–101(a)(2) of this article; **AND**

16 (2) ~~[an analysis of how to maximize voter participation in each precinct;~~
17 **and**

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

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

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

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

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

1 2. the percentage who voted by mail;

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

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

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

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

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

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

15 **(D) AN EARLY VOTING CENTER PLAN SHALL TAKE INTO ACCOUNT THE**
16 **FOLLOWING FACTORS WHEN DETERMINING THE LOCATION OF AN EARLY VOTING**
17 **CENTER IN THE COUNTY:**

18 **(1) ACCESSIBILITY OF THE EARLY VOTING CENTER TO HISTORICALLY**
19 **DISENFRANCHISED COMMUNITIES, INCLUDING CULTURAL GROUPS, ETHNIC**
20 **GROUPS, AND MINORITY GROUPS;**

21 **(2) PROXIMITY OF THE EARLY VOTING CENTER TO DENSE**
22 **CONCENTRATIONS OF VOTERS;**

23 **(3) ACCESSIBILITY OF THE EARLY VOTING CENTER BY PUBLIC**
24 **TRANSPORTATION;**

25 **(4) FOR COUNTIES WITH FOUR OR MORE EARLY VOTING CENTERS,**
26 **ENSURING EQUITABLE DISTRIBUTION OF EARLY VOTING CENTERS THROUGHOUT**
27 **THE COUNTY; AND**

28 **(5) THE USE OF COMMUNITY CENTERS AND PUBLIC GATHERING**
29 **PLACES.**

30 **[(c)] (E) The State Board shall approve [a polling place plan] AN ELECTION**
31 **PLAN OF A LOCAL BOARD if the [polling place plan] ELECTION PLAN:**

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

3 **(2) HAS BEEN REVIEWED BY THE STATE ADMINISTRATOR; AND**

4 **[(2)] (3)** will not negatively affect access to voting for historically
5 disenfranchised communities.

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

8 **(2)]** If the State Board [rejects a polling place plan] **DOES NOT APPROVE**
9 **AN ELECTION PLAN UNDER SUBSECTION (E) OF THIS SECTION**, the local board shall
10 submit a revised [polling place plan] **ELECTION PLAN** to the State Board within 15 days
11 after the date on which the State Board rejected the previous plan.

12 2–304.

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

16 **(2)** A local board shall consider the following factors when determining the
17 location of a ballot drop box:

18 **[(1)] (I)** the accessibility of the ballot drop box to historically
19 disenfranchised communities, including voters with disabilities, cultural groups, ethnic
20 groups, and minority groups;

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

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

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

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

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

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

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

6 (3) If a proposed ballot drop box [location] **PLAN** does not meet the factors
7 **LISTED IN SUBSECTION (A) OF THIS SECTION, BEFORE THE LOCAL BOARD'S**
8 **ELECTION PLAN IS SUBMITTED TO THE STATE BOARD FOR APPROVAL UNDER §**
9 **2-303.1 OF THIS SUBTITLE**, the State Administrator shall:

10 (i) require that the local board reconsider the proposed location for
11 one or more ballot drop boxes; and

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

14 (4) If the State Administrator finds that the proposed ballot drop box
15 locations submitted to the State Administrator after reconsideration by the local board
16 under paragraph (3) of this subsection do not meet the factors, the State Administrator may
17 add ballot drop box locations in the county.

18 10-301.1.

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

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

24 (i) accessibility of the early voting center to historically
25 disenfranchised communities, including cultural groups, ethnic groups, and minority
26 groups;

27 (ii) proximity of the early voting center to dense concentrations of
28 voters;

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

30 (iv) ensuring equitable distribution of early voting centers
31 throughout the county; and

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

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

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

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

5 **[(e)] (D)** (1) Each early voting center shall satisfy the requirements of §
6 10–101 of this title.

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

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

15 (ii) The appeals process established under this paragraph shall
16 include:

17 1. an initial appeal to the local board that selected the public
18 building for use as an early voting center;

19 2. an opportunity for a public official to be heard publicly at
20 a meeting of the local board before the local board makes a decision on the appeal;

21 3. an appeal by a public official of an adverse decision of the
22 local board to the State Board;

23 4. an opportunity for a public official to be heard publicly at
24 a meeting of the State Board before the State Board makes a final decision on the appeal;
25 and

26 5. a final decision at least 8 months before the primary
27 election for which the local board seeks to use the public building as an early voting center.

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

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.