

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 199

(Chair, Ways and Means Committee)(By Request -
Departmental - State Board of Elections)

Ways and Means

Education, Energy, and the Environment

Election Law - Notice to Permanent Absentee Voters

This departmental bill alters provisions governing State Board of Elections (SBE) outreach to permanent absentee voters, prior to an election, to confirm that they are on the permanent absentee list and to confirm their address and the method by which they wish to receive their absentee ballot. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: SBE has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill alters existing requirements that SBE:

- send a written communication, prior to each election, to each voter who is on the permanent absentee ballot list as of a date that is at least 90 days before the upcoming election, to confirm that they are on the list and to confirm their address and the method by which they wish to receive their absentee ballot; and
- send the written communication not less than 75 days before the day a local board begins to send absentee ballots to voters.

The bill alters the timing of those requirements by simply requiring instead that SBE send the written communication to each voter on the permanent absentee ballot list during the period beginning 120 days before an election and ending 90 days before an election.

Additionally, the bill alters a requirement that SBE, if it is unable to contact a voter using the method of communication chosen by the voter when they requested to be placed on the permanent absentee ballot list, send the written communication (described above) using another method if SBE has other contact information for the voter. The bill alters the requirement by simply requiring SBE to attempt to contact the voter using another method.

Current Law:

Permanent Absentee Ballot Status

Chapters 56 and 514 of 2021 allow for a voter to request permanent absentee ballot status and be placed on a permanent absentee ballot list, in which case a local board of elections sends the voter an absentee ballot each time there is an election.

All voters are eligible for permanent absentee ballot status. To request permanent absentee ballot status a voter must complete and submit (1) the SBE-approved absentee ballot application and indicate on the form that the voter wishes to have permanent absentee ballot status; (2) a written request that includes the voter's name, residence address, and signature; or (3) the online absentee ballot application provided by SBE and indicate on the form that the voter wishes to have permanent absentee ballot status.

A voter must specify in an absentee ballot application in which the voter requests permanent absentee ballot status (1) the method by which the voter chooses to receive an absentee ballot (mail, facsimile transmission, or the Internet) and (2) the method by which the voter chooses to be contacted by SBE before each election (nonforwardable mail, email, or text message).

Communication Before Each Election

Not less than 75 days before the day on which a local board of elections begins to send absentee ballots to voters, SBE must send a written communication to each voter who is on the permanent absentee ballot list as of a date that is at least 90 days before the upcoming election, using the method chosen by the voter on their absentee ballot application.

The communication must include (1) confirmation that the voter is included on the permanent absentee ballot list; (2) the address of the voter; (3) the method by which the voter has chosen to receive an absentee ballot; and (4) a statement that the voter must notify the local board if anything should be changed.

If SBE is unable to contact a voter using the method of communication chosen by the voter, it must send the written communication using another method if the board has other contact information for the voter.

If the communication is sent by mail, the envelope must include a statement, prominently placed, requesting that the recipient return the communication to SBE if the intended recipient no longer lives at that address.

Removal from Permanent Absentee Ballot List

A voter who has permanent absentee ballot status must be removed from the permanent absentee ballot list if (1) the voter requests to be removed; (2) the voter is removed from the statewide voter registration list; (3) the voter fails to return an absentee ballot for two consecutive statewide general elections; or (4) any mail sent to the voter by SBE or a local board is returned undeliverable.

Background: According to SBE, as of January 16, 2025, 598,339 registered voters are on the permanent absentee ballot list. SBE indicates that the bill's change to the timeframe to send a written communication to each voter who is on the list is needed to remove inconsistency and ambiguity in existing law regarding that timeframe.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 257 (Chair, Education, Energy, and the Environment Committee)(By Request - Departmental - State Board of Elections) - Education, Energy, and the Environment.

Information Source(s): Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - January 17, 2025
js/sdk Third Reader - February 14, 2025

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Election Law - Notice to Permanent Absentee Voters

BILL NUMBER: HB 199

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PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS