

# HOUSE BILL 202

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HB 22/23 – W&M

EMERGENCY BILL  
(PRE-FILED)

4lr1237

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By: **Delegate R. Long**

Requested: October 30, 2023

Introduced and read first time: January 10, 2024

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Signature Requirements and Verification**

3 FOR the purpose of prohibiting a local board of elections from removing an absentee ballot  
4 from a return envelope or ballot/return envelope or counting the ballot unless the  
5 return envelope or ballot/return envelope is signed by the voter and, except under  
6 certain circumstances, a witness and the local board verifies the voter's signature;  
7 and generally relating to absentee ballots.

8 BY repealing and reenacting, with amendments,  
9 Article – Election Law  
10 Section 9–303 and 9–310(a)(5) and (c)  
11 Annotated Code of Maryland  
12 (2022 Replacement Volume and 2023 Supplement)

13 BY adding to  
14 Article – Election Law  
15 Section 9–310.1  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume and 2023 Supplement)

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

### Article – Election Law

20 9–303.

22 (a) The State Board shall establish guidelines for the administration of absentee  
23 voting by the local boards.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The guidelines shall provide for:

2 (1) the application process;

3 (2) late application for absentee ballots;

4 (3) ballot security, including storage of returned ballots;

5 (4) determining timeliness of receipt of applications and ballots, including  
6 applications and ballots for overseas voters;

7 (5) the canvass process;

8 (6) notice of the canvass to candidates, political parties, campaign  
9 organizations, news media, and the general public;

10 (7) observers of the process;

11 (8) review of voted ballots and envelopes for compliance with the law and  
12 for machine tabulation acceptability;

13 (9) standards for disallowance of ballots during the canvass;

14 (10) storage and retention of ballots following canvass and certification;

15 [and]

16 (11) the permanent absentee ballot list; AND

17 **(12) VERIFICATION OF SIGNATURES ON ABSENTEE BALLOT**  
18 **ENVELOPES.**

19 (c) The State Board shall:

20 (1) in consultation with the local boards, assess the guidelines before each  
21 primary election; and

22 (2) revise the guidelines if indicated.

23 9–310.

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

27 (c) If an absentee ballot is sent by the Internet or facsimile transmission, the local  
28 board shall provide the voter with an envelope template, the [oath] **OATHS** prescribed by

1 the State Board, and instructions for marking and returning the absentee ballot.

2 **9-310.1.**

3 **(A) IN THIS SECTION, “UNIFORMED SERVICES” HAS THE MEANING STATED**  
4 **IN 10 U.S.C. § 101.**

5 **(B) A LOCAL BOARD MAY NOT REMOVE AN ABSENTEE BALLOT FROM THE**  
6 **RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE OR COUNT THE BALLOT**  
7 **UNLESS:**

8 **(1) THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE IS**  
9 **SIGNED BY:**

10 **(I) THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND**

11 **(II) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**  
12 **A WITNESS OTHER THAN THE VOTER TO WHOM THE BALLOT WAS ISSUED; AND**

13 **(2) THE VOTER’S SIGNATURE IS VERIFIED AS PROVIDED IN**  
14 **SUBSECTION (D) OF THIS SECTION.**

15 **(C) THE WITNESS SIGNATURE REQUIREMENT UNDER SUBSECTION (B)(1)(II)**  
16 **OF THIS SECTION DOES NOT APPLY TO AN ABSENTEE BALLOT THAT IS VOTED AND**  
17 **RETURNED BY:**

18 **(1) AN ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES WHO IS**  
19 **SERVING OVERSEAS; OR**

20 **(2) THE SPOUSE OR DEPENDENT OF AN ACTIVE DUTY MEMBER OF THE**  
21 **UNIFORMED SERVICES WHO IS SERVING OVERSEAS IF THE SPOUSE OR DEPENDENT**  
22 **LIVES OVERSEAS.**

23 **(D) EACH LOCAL BOARD SHALL VERIFY THE SIGNATURE OF THE VOTER ON**  
24 **THE RETURN ENVELOPE OR BALLOT/RETURN ENVELOPE BY COMPARING THE**  
25 **SIGNATURE WITH THE VOTER’S REGISTRATION RECORD IN ACCORDANCE WITH**  
26 **REGULATIONS ADOPTED BY THE STATE BOARD.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
28 measure, is necessary for the immediate preservation of the public health or safety, has  
29 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
30 each of the two Houses of the General Assembly, and shall take effect from the date it is  
31 enacted.