

# SENATE BILL 802

G1

4lr2334  
CF HB 775

---

By: **Senators Brooks, Hettleman, Klausmeier, Salling, Lam, Gile, Muse, and  
Simonaire**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voters With Disabilities – Electronic Ballot Return**

3 FOR the purpose of requiring the State Board of Elections to establish a process by which  
4 an individual with disabilities may return a marked absentee ballot to a local board  
5 of elections electronically; and generally relating to electronic ballot return for voters  
6 with disabilities.

7 BY repealing and reenacting, with amendments,

8 Article – Election Law

9 Section 9–308.1(a), 9–310(c), 11–302(a)(2) and (d)(3)(i) and (4)

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Election Law

14 Section 9–308.1(b)

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2023 Supplement)

17 BY adding to

18 Article – Election Law

19 Section 9–310.1

20 Annotated Code of Maryland

21 (2022 Replacement Volume and 2023 Supplement)

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

24 **Article – Election Law**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9–308.1.

2 (a) In this section:

3 (1) “online ballot marking tool” includes a system that allows a voter to:

4 (i) access a blank ballot through the Internet;

5 (ii) electronically mark the ballot with the voter’s selections; and

6 (iii) 1. print a paper copy of the marked ballot for mailing to a  
7 local board; [and

8 (2) “online ballot marking tool” does not include a system that is capable of  
9 storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic  
10 means through the Internet] **OR**

11 **2. RETURN THE MARKED BALLOT ELECTRONICALLY AS**  
12 **PROVIDED IN § 9–310.1 OF THIS SUBTITLE.**

13 (b) The State Board may provide an accessible optional online ballot marking tool  
14 for use by a voter who requested to have the absentee ballot sent by the Internet.

15 9–310.

16 (c) If an absentee ballot is sent by the Internet or facsimile transmission, the local  
17 board shall provide the voter with an **OPTIONAL** envelope template, the oath prescribed by  
18 the State Board, and instructions for marking and returning the absentee ballot.

19 **9–310.1.**

20 **THE STATE BOARD SHALL ESTABLISH A PROCESS BY WHICH AN INDIVIDUAL**  
21 **WITH DISABILITIES, AS DEFINED IN THE AMERICANS WITH DISABILITIES ACT, MAY**  
22 **RETURN A MARKED ABSENTEE BALLOT TO A LOCAL BOARD ELECTRONICALLY.**

23 11–302.

24 (a) (2) Promptly after receipt of an absentee ballot, a local board shall review  
25 the ballot envelope [or], ballot/return envelope, **OR ELECTRONIC OATH DOCUMENT**  
26 **ACCOMPANYING A BALLOT RETURNED ELECTRONICALLY** for the omission of the voter’s  
27 signature on the oath.

28 (d) (3) The local board shall reject an absentee ballot if:

29 (i) the voter failed to sign the oath on the ballot envelope [or],  
30 ballot/return envelope, **OR ELECTRONIC OATH DOCUMENT ACCOMPANYING A BALLOT**

1 **RETURNED ELECTRONICALLY** and failed to correct the omission before 10 a.m. on the day  
2 that is 10 days after election day;

3 (4) (i) The State Board shall adopt regulations requiring a local board:

4 1. as soon as practicable but not later than 3 business days  
5 after the date on which it was determined that a voter failed to sign the oath on the ballot  
6 envelope [or], ballot/return envelope, **OR ELECTRONIC OATH DOCUMENT**  
7 **ACCOMPANYING A BALLOT RETURNED ELECTRONICALLY**, to notify the voter of the  
8 failure; and

9 2. to provide the voter an opportunity to correct the omission  
10 and have the ballot counted.

11 (ii) The regulations under this paragraph shall allow a voter:

12 1. to supply a signature to the local board through a digital  
13 picture message sent by mobile telephone or e-mail if the voter failed to sign the oath on  
14 the ballot envelope [or], ballot/return envelope, **OR ELECTRONIC OATH DOCUMENT**  
15 **ACCOMPANYING A BALLOT RETURNED ELECTRONICALLY**; and

16 2. to choose among multiple methods of communicating with  
17 the local board to correct the failure to sign the oath on the ballot envelope [or],  
18 ballot/return envelope, **OR ELECTRONIC OATH DOCUMENT ACCOMPANYING A BALLOT**  
19 **RETURNED ELECTRONICALLY**, including:

20 A. text message;

21 B. e-mail;

22 C. an accessible online portal;

23 D. a mailed form; and

24 E. an in-person visit to the local board office.

25 **SECTION 2. AND BE IT FURTHER ENACTED**, That the State Board of Elections:

26 (1) shall implement the electronic ballot return process for individuals with  
27 disabilities required to be established under Section 1 of this Act beginning with the  
28 statewide primary election held in 2026; and

29 (2) is not required to implement the electronic ballot return process for  
30 individuals with disabilities required to be established under Section 1 of this Act for any  
31 special elections that may occur before the statewide primary election held in 2026.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   January 1, 2025.