

## Summary of Enrolled Legislation of Interest 2021 Session of the Maryland General Assembly

*April 19, 2021*

The Maryland General Assembly adjourned sine die on Monday, April 12. Below is a summary of provisions of interest in enrolled legislation. Most of the bills that we were tracking this session did **not** pass. This means that except for the changes below, we will largely revert in 2022 to how elections were conducted in the State of Maryland prior to the 2020 election (i.e., voters will have a choice of voting locations during early voting, but will only be eligible to cast a regular ballot in their assigned polling place on Election Day, and opening of ballots will not be allowed prior to Election Day).

- **Early Voting Hours.** House Bill 206 passed on the last day of the session and has been presented to the Governor. It extends the hours of each day of Early Voting to 7:00 am to 8:00 pm, the same as the voting hours for Election Day.

Under prior law, voting hours were 10:00 am to 8:00 pm. In presidential general elections, voting hours were previously 8:00 am to 8:00 pm.

- **Number of Early Voting Sites.** House Bill 745, which increases the number of early voting sites in several counties, was enacted without a signature from the Governor. In Montgomery County, the number of early voting sites will increase from 11 to 13, with the option for a 14<sup>th</sup> site.

In addition, the legislation clarifies the process for designation of an optional early voting center. First, the local board and the governing body of the county must agree to establish an additional early voting center. Only after that agreement does the designation of an additional early voting center go to the State Board of Elections for approval.

The legislation also specifies factors that shall be taken into account by the local board when determining the location of each early voting center:

- accessibility of the early voting center to historically disenfranchised communities, including cultural groups, ethnic groups, and minority groups;
- proximity of the early voting center to dense concentrations of voters;
- accessibility of the early voting center by public transportation;
- ensuring equitable distribution of early voting centers throughout the county; and
- maximizing voter participation, including through the use of community centers and public gathering places as locations for early voting centers.

- **Ballot Drop Boxes.** Senate Bill 683 was enacted without a signature from the Governor. Among other provisions, this legislation requires each local board to designate drop box locations in the county upon consideration of the following factors:
  - Accessibility of the ballot drop box to historically disenfranchised communities, including voters with disabilities, cultural groups, ethnic groups, and minority groups;
  - Proximity of the ballot drop box to dense concentrations of voters;
  - Accessibility of the ballot drop box by public transportation;
  - Equitable distribution of ballot drop boxes throughout the county; and
  - Maximizing voter participation, including through placement of ballot drop boxes at community centers and public gathering places.

Each local board is required to submit a list of proposed locations in the county to the State Administrator for approval. If the State Administrator determines that a proposed ballot drop box location does not meet the factors specified above, the local board may be required to reconsider the proposed location. If the State Administrator requires a local board to reconsider a proposed location, she must provide a detailed explanation of why the proposed location does not meet the factors. If she finds that proposed locations still do not meet the factors after reconsideration, the State Administrator may add ballot drop box locations in that county.

Senate Bill 683 requires monitoring of drop boxes by security cameras at all times and removal of election-related materials from each drop box at least once each day. The State Board is required to establish chain of custody procedurals for removal and return of materials to the local board.

Senate Bill 683 includes a prohibition against electioneering or posting any campaign material in a manner that obstructs access to a ballot drop box, or placing any campaign material or other unauthorized material on a drop box.

- **Permanent Absentee List.** Senate Bill 683 also requires the State Board of Elections to provide an option on the absentee ballot application for voters to request permanent absentee status. Permanent absentee voters will continue to receive a ballot for each election using their preferred method until:
  - the voter requests to be removed from the list;
  - the voter fails to return an absentee ballot for two consecutive statewide general elections;
  - mail sent to the voter is returned undeliverable; or
  - the voter is removed from the statewide voter registration list.

Three months prior to each election, the State Board is required to send a written notice to each voter on the permanent absentee list. Voters who sign up for permanent absentee status will be given the option on their application to choose to be contacted by nonforwardable mail, email or text message. This notice is to include:

- confirmation of the address of the voter;
- confirmation of the method by which the voter has chosen for it to be sent;
- a statement that the voter must notify the local board if any of this information has changed; and
- if the notice is sent by mail, a notice requesting return if the intended recipient no longer lives at that address.

If the State Board is unable to contact a voter using their preferred method, a second notice must be sent using other contact information on file for the voter.

If a change of address is received from a voter, the mailing sent to the voter with the new voter notification card is to include a notice that the voter remains on the permanent absentee ballot list and that ballots will be sent to the new address.

- **Mailing of Absentee Ballot Applications.** Senate Bill 683 also requires each local board to send an absentee ballot application to each eligible voter at least 60 days prior to:
  - the statewide primary election in 2022; and
  - the statewide primary election in 2024.