

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 948 (Senator Kagan)
Education, Energy, and the Environment

**Election Law - Internet-Delivered Absentee Ballots - Information and Receipt
Limitation**

This bill requires that the online absentee (mail-in) ballot application (1) include, for a voter choosing Internet delivery, a detailed description of the process for obtaining, completing, returning, and processing the absentee ballot and (2) require the voter to confirm they understand the requirements and agree to accept delivery of the ballot by the Internet. The bill also limits a voter on the permanent absentee ballot list to choosing Internet delivery for only one election cycle, after which the State Board of Elections (SBE) must notify the voter – in the written pre-election communication sent to each voter on the permanent absentee ballot list – that the voter must select a different delivery method for the following election cycle. This restriction does not apply to uniformed and overseas voters or voters using the online ballot marking tool. **The bill takes effect January 1, 2027.**

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$208,500 in FY 2027 and/or 2028, as discussed below. Revenues are not affected.

Local Effect: Local government expenditures increase, collectively, by \$300,000 in FY 2027 only. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary:

Online Absentee Ballot Application – Description of Internet Delivery Process

The bill requires that the accessible online absentee ballot application provided by SBE to include, for a voter who chooses to receive an absentee ballot by the Internet, (1) a separate

modal box that provides a detailed description of the process for obtaining, completing, returning, and processing the absentee ballot and (2) a dialog box that requires the voter to affirmatively respond that the voter understands the requirements and agrees to accept delivery of the absentee ballot by the Internet.

Permanent Absentee Ballot Status – Internet Ballot Restrictions and Voter Notification

The bill prohibits a voter who requests permanent absentee ballot status from choosing to receive an absentee ballot by the Internet for more than one election cycle. However, this restriction does not apply to (1) an absent uniformed services voter or an overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act or (2) a voter using the online ballot marking tool.

For each voter on the permanent absentee ballot list who has chosen to receive an absentee ballot by Internet, the bill requires that the pre-election written communication sent to the voter – for the election following the election cycle for which the voter received an absentee ballot by the Internet – require the voter to choose a different method for receiving an absentee ballot for the next election cycle.

Current Law:

Absentee (Mail-in) Voting

Under State law, a voter may request an absentee ballot by completing and submitting (1) the SBE approved absentee ballot application; (2) a form provided under federal law; (3) a written request that includes the voter's name, residence address, and signature, and the address to which the ballot is to be mailed, if different from the residence address; or (4) the accessible online absentee ballot application provided by SBE.

If the applicant qualifies to vote by absentee ballot, the local board of elections must provide the ballot by one of the following methods requested by the voter: (1) mail; (2) facsimile transmission; (3) the Internet; or (4) by hand during an in-person transaction.

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).

Online Ballot Marking Tool for an Absentee Ballot Sent by the Internet

SBE may provide an accessible optional online ballot marking tool for use by a voter who requested to have their absentee ballot sent by the Internet. "Online ballot marking tool" includes a system that allows a voter to (1) access a blank ballot through the Internet; (2) electronically mark the ballot with the voter's selections; and (3) print a paper copy of the marked ballot for mailing to a local board. "Online ballot marking tool" does not include a system that is capable of storing, tabulating, or transmitting votes or voted ballots by electronic or electromagnetic means through the Internet.

Communication Before Each Election

During the period beginning 120 days before an election and ending 90 days before the election, SBE must send a written communication to each voter who is on the permanent absentee ballot list 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 attempt to contact the voter using another method.

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.

State Fiscal Effect: General fund expenditures increase by approximately \$208,500 in fiscal 2027 and/or 2028 – based on preliminary information provided by SBE – for the cost of programming to modify the online absentee ballot application to meet the bill's

requirement that a description of the process for obtaining, completing, returning, and processing the absentee ballot be provided to voters who choose to receive an absentee ballot by the Internet and that they be required to confirm their understanding of the process and that they agree to receive the ballot by the Internet. SBE indicates that the programming may not be complete by the bill's effective date of January 1, 2027, and may continue into fiscal 2028.

Local Fiscal Effect: Local government expenditures increase, collectively, by \$300,000 in fiscal 2027 only, for one-time development costs billed to the local boards of elections by SBE, in accordance with the State's current cost-sharing structure with the local boards, for modifications in the statewide voter registration system. SBE advises that these modifications are needed to implement (1) new functionality that distinguishes between types of permanent absentee voters by characteristic and ballot delivery choice, and (2) a new workflow that prompts and records communications with select voters about choosing an alternative ballot delivery method.

SBE indicates that there is not a feasible way (regardless of cost) within its current voter registration and voter services systems to distinguish between voters requesting an absentee ballot by the Internet who use the online ballot marking tool and those who do not, in order to implement the exception – for voters using the online ballot marking tool – to the limit on the number of election cycles (to one) in which permanent absentee voters may choose to receive an absentee ballot by the Internet.

Additional Information

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

Designated Cross File: None.

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

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