

**SB0949/143222/1**

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 949  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Canvassing of**”; strike beginning with “**Preemption**” in line 2 down through “**Action**” in line 3 and substitute “**State and Federal Requirements**”; strike beginning with the second “the” in line 4 down through “methods;” in line 9 and substitute “the State Board of Elections and each local board of elections to refer to absentee ballots that are delivered to a voter by the Internet using a certain term in communications with voters and the general public; providing that absentee ballots are considered timely and may be counted under certain circumstances; prohibiting absentee ballots that are not timely from being counted; establishing requirements regarding absentee ballots that apply if federal law or a federal court establish requirements for the timeliness of absentee ballots that differ from State requirements;”; in line 10, strike “the canvassing of”; and after line 10, insert:

“BY repealing and reenacting, with amendments,

Article – Election Law

Section 9–301(c) and 9–304

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)

BY adding to

Article – Election Law

Section 9–310.1

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 12, after “That” insert “the Laws of Maryland read as follows”.

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On pages 1 and 2, strike in their entirety the lines beginning with line 13 on page 1 through line 15 on page 2, inclusive, and substitute:

**“Article – Election Law**

9–301.

(c) The State Board and each local board shall:

(1) notwithstanding the use of the term “absentee” in this article, refer to absentee ballots as “mail–in ballots” and absentee voting as “mail–in voting” in all communications with voters and the general public; [and]

(2) REFER TO ABSENTEE BALLOTS THAT ARE DELIVERED TO A VOTER BY THE INTERNET AS “PRINT–AT–HOME BALLOTS” IN ALL COMMUNICATIONS WITH VOTERS AND THE GENERAL PUBLIC; AND

[(2)] (3) include in public communications regarding “mail–in voting” a statement that “mail–in voting” is referred to as absentee voting in the Maryland Constitution, the Annotated Code of Maryland, and the Code of Maryland Regulations.

9–304.

[An] SUBJECT TO § 9–310.1(C) OF THIS SUBTITLE, AN individual may vote by absentee ballot except to the extent preempted under an applicable federal law.

9–310.1.

(A) AN ABSENTEE BALLOT IS CONSIDERED TIMELY AND MAY BE COUNTED IF THE BALLOT:

(1) IS RECEIVED AT AN EARLY VOTING CENTER BEFORE THE POLLS CLOSE AT THE EARLY VOTING CENTER ON THE LAST DAY OF EARLY VOTING;

(2) IS RECEIVED AT A LOCAL BOARD OFFICE BEFORE THE POLLS CLOSE ON ELECTION DAY;

(3) IS RECEIVED AT A POLLING PLACE BEFORE THE POLLS CLOSE ON ELECTION DAY;

(4) IS DEPOSITED IN A BALLOT DROP BOX BEFORE THE POLLS CLOSE ON ELECTION DAY; OR

(5) IS RECEIVED BY MAIL AT A LOCAL BOARD OFFICE NOT LATER THAN 10 A.M. ON THE SECOND FRIDAY AFTER AN ELECTION AND WAS MAILED ON OR BEFORE ELECTION DAY, AS VERIFIED:

(i) BY A POSTMARK; OR

(ii) IF THE RETURN ENVELOPE DOES NOT CONTAIN A POSTMARK OR THE POSTMARK IS ILLEGIBLE, BY THE VOTER'S AFFIDAVIT THAT THE BALLOT WAS MAILED ON OR BEFORE ELECTION DAY.

(B) AN ABSENTEE BALLOT THAT DOES NOT MEET THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION IS NOT TIMELY AND MAY NOT BE COUNTED.

(C) (1) THIS SUBSECTION APPLIES ONLY IF FEDERAL LAW OR A FEDERAL COURT ESTABLISHES REQUIREMENTS FOR THE TIMELINESS OF

(Over)

ABSENTEE BALLOTS WITH FEDERAL CONTESTS THAT DIFFER FROM THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.

(2) VOTES IN NONFEDERAL CONTESTS ON A BALLOT THAT IS CONSIDERED TIMELY UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COUNTED UNLESS A LAW OR REGULATION REQUIRES THAT A VOTE IN A CONTEST BE REJECTED FOR A REASON UNRELATED TO THE TIMELINESS OF THE BALLOT.

(3) THE STATE BOARD SHALL ADOPT REGULATIONS FOR THE CONDUCT OF THE ABSENTEE BALLOT CANVASS THAT COMPLY WITH THE FEDERAL REQUIREMENTS AND PARAGRAPH (2) OF THIS SUBSECTION.

(4) (I) THE STATE BOARD SHALL PROVIDE NOTICE TO VOTERS OF THE REQUIREMENTS:

1. UNDER FEDERAL LAW FOR THE TIMELY RECEIPT OF ABSENTEE BALLOTS WITH FEDERAL CONTESTS; AND

2. UNDER STATE LAW FOR THE TIMELY RECEIPT OF ABSENTEE BALLOTS WITH NONFEDERAL CONTESTS.

(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL, AT A MINIMUM, ENCOURAGE AN EARLY RETURN OF ABSENTEE BALLOTS BY URGING VOTERS TO:

1. MAIL THE VOTER'S BALLOT AT LEAST 1 WEEK BEFORE ELECTION DAY; OR

**2. PLACE THE VOTER’S BALLOT IN A BALLOT DROP BOX ON OR BEFORE ELECTION DAY.**

**(iii) THE STATE BOARD SHALL USE MULTIPLE METHODS TO PROVIDE THE NOTICE REQUIRED UNDER THIS PARAGRAPH, INCLUDING WRITTEN NOTICE WITH INSTRUCTIONS FOR SAMPLE BALLOTS AND BALLOTS, A SOCIAL MEDIA CAMPAIGN, AND MASS MEDIA COMMUNICATIONS.”.**

On page 2, strike beginning with “It” in line 20 down through “effect.” in line 22.