

SENATE BILL 949

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EMERGENCY BILL

6lr3287
CF HB 1069

By: **Senator Kagan**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2026

CHAPTER _____

1 AN ACT concerning

2 **Election Law – ~~Canvassing of Absentee Ballots – Preemption by Federal~~**
3 **~~Judicial Action~~ State and Federal Requirements**

4 FOR the purpose of requiring ~~the State Administrator of Elections to establish a uniform~~
5 ~~tabulation policy for absentee ballots with federal contests in certain elections if~~
6 ~~there is an occurrence of federal judicial action regarding the timely receipt of certain~~
7 ~~absentee ballots that preempts a certain State law and regulation; requiring the~~
8 ~~State Administrator to provide certain additional notice to voters regarding absentee~~
9 ~~ballots under certain circumstances using certain methods; the State Board of~~
10 Elections and each local board of elections to refer to absentee ballots that are
11 delivered to a voter by the Internet using a certain term in communications with
12 voters and the general public; providing that absentee ballots are considered timely
13 and may be counted under certain circumstances; prohibiting absentee ballots that
14 are not timely from being counted; establishing requirements regarding absentee
15 ballots that apply if federal law or a federal court establish requirements for the
16 timeliness of absentee ballots that differ from State requirements; and generally
17 relating to ~~the canvassing of~~ absentee ballots.

18 BY repealing and reenacting, with amendments,

19 Article – Election Law

20 Section 9–301(c) and 9–304

21 Annotated Code of Maryland

22 (2022 Replacement Volume and 2025 Supplement)

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Election Law
 2 Section 9–310.1
 3 Annotated Code of Maryland
 4 (2022 Replacement Volume and 2025 Supplement)

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

7 ~~(a) This section applies only to the primary election and general elections in 2026~~
 8 ~~and 2028.~~

9 ~~(b) (1) If there is an occurrence of federal judicial action regarding the timely~~
 10 ~~receipt of absentee ballots with federal contests that preempts regulations adopted by the~~
 11 ~~State Board of Elections in COMAR 33.11.03.08, in accordance with § 11–302 of the~~
 12 ~~Election Law Article, that prescribe timely receipt of absentee ballots in the State, the State~~
 13 ~~Administrator of Elections shall establish a uniform tabulation policy for absentee ballots~~
 14 ~~with federal contests to implement and comply with the federal action.~~

15 ~~(2) A uniform tabulation policy established under paragraph (1) of this~~
 16 ~~subsection shall ensure that the votes for all other contests except federal contests on an~~
 17 ~~absentee ballot that was mailed on or before election day as verified by the postmark and~~
 18 ~~is received by a local board of elections office in accordance with the regulations adopted by~~
 19 ~~the State Board under COMAR 33.11.03.08, shall be canvassed in accordance with State~~
 20 ~~law and regulations.~~

21 ~~(e) (1) If there is an occurrence of federal judicial action that requires the~~
 22 ~~implementation of subsection (b) of this section, the State Administrator shall provide~~
 23 ~~additional notice to voters in the State of the requirements:~~

24 ~~(i) under federal law for the timely receipt of absentee ballots with~~
 25 ~~federal contests; and~~

26 ~~(ii) under State law for the timely receipt of absentee ballots with~~
 27 ~~State and local contests.~~

28 ~~(2) The notice required under paragraph (1) of this subsection shall, at a~~
 29 ~~minimum, encourage an early return of absentee ballots by urging voters to:~~

30 ~~(i) mail the ballot at least 1 week before election day; or~~

31 ~~(ii) place the ballot in an official ballot drop box on or before election~~
 32 ~~day.~~

33 ~~(3) The State Administrator shall use multiple methods to provide the~~
 34 ~~notice required under this subsection, including written notice with instructions for sample~~
 35 ~~ballots and ballots, a social media campaign, and mass media communications.~~

Article – Election Law

1
2 9–301.

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

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

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

10 [(2)] (3) include in public communications regarding “mail-in voting” a
11 statement that “mail-in voting” is referred to as absentee voting in the Maryland
12 Constitution, the Annotated Code of Maryland, and the Code of Maryland Regulations.

13 9–304.

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

16 9–310.1.

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

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

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

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

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

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

30 (I) BY A POSTMARK; OR

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

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

7 (C) (1) THIS SUBSECTION APPLIES ONLY IF FEDERAL LAW OR A FEDERAL
8 COURT ESTABLISHES REQUIREMENTS FOR THE TIMELINESS OF ABSENTEE BALLOTS
9 WITH FEDERAL CONTESTS THAT DIFFER FROM THE REQUIREMENTS UNDER
10 SUBSECTION (A) OF THIS SECTION.

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

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

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

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

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

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

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

29 2. PLACE THE VOTER'S BALLOT IN A BALLOT DROP BOX
30 ON OR BEFORE ELECTION DAY.

31 (III) THE STATE BOARD SHALL USE MULTIPLE METHODS TO
32 PROVIDE THE NOTICE REQUIRED UNDER THIS PARAGRAPH, INCLUDING WRITTEN

1 NOTICE WITH INSTRUCTIONS FOR SAMPLE BALLOTS AND BALLOTS, A SOCIAL MEDIA
2 CAMPAIGN, AND MASS MEDIA COMMUNICATIONS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety, has
5 been passed by a ye and nay vote supported by three-fifths of all the members elected to
6 each of the two Houses of the General Assembly, and shall take effect from the date it is
7 enacted. ~~It shall remain effective for a period of 3 years from the date it is enacted and, at~~
8 ~~the end of the 3-year period, this Act, with no further action required by the General~~
9 ~~Assembly, shall be abrogated and of no further force and effect.~~

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.