

HOUSE BILL 41

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3lr0746

HB 1404/22 – W&M

(PRE-FILED)

By: **Delegate Williams**

Requested: November 14, 2022

Introduced and read first time: January 11, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Curbside Voting – Establishment**

3 FOR the purpose of providing that voters are eligible for curbside voting under certain
4 circumstances; establishing requirements governing curbside voting, including
5 requirements related to the establishment of curbside voting locations and how to
6 vote at a curbside voting location; and generally relating to curbside voting.

7 BY adding to

8 Article – Election Law

9 Section 1–101(p–1) and 10–316

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 9–102(f)

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 1–101.

21 **(P–1) “CURBSIDE VOTING” MEANS THE PROCESS BY WHICH AN ELIGIBLE**
22 **VOTER COMPLETES AND CASTS A BALLOT AT AN OUTSIDE LOCATION DESIGNATED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



UNDER § 10-316(E) OF THIS ARTICLE AND UNDER OBSERVATION OF ELECTION JUDGES.

9-102.

(f) A voting system selected, certified, and implemented under this section shall:

(1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities;

(2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; [and]

(3) comply with both the Americans with Disabilities Act, P.L. 101-336, and the Help America Vote Act, P.L. 107-252, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act; **AND**

(4) ACCOMMODATE CURBSIDE VOTING.

10-316.

(A) (1) A VOTER IS ELIGIBLE TO REQUEST CURBSIDE VOTING IF THE INDIVIDUAL IS:

(I) PHYSICALLY UNABLE TO ENTER THE POLLING PLACE;

(II) LIKELY TO HAVE THE VOTER'S HEALTH HARMED BY ENTERING THE POLLING PLACE;

(III) PREGNANT; OR

(IV) AUTHORIZED TO MAKE THE REQUEST BY THE STATE BOARD IN THE INTEREST OF PUBLIC HEALTH AND SAFETY.

(2) CURBSIDE VOTING SHALL BE MADE AVAILABLE TO ALL REGISTERED VOTERS WITH DISABILITIES RECOGNIZED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT.

(B) (1) EACH LOCAL BOARD SHALL ESTABLISH A LOCATION FOR CURBSIDE VOTING OUTSIDE THE FOLLOWING:

1 **(I) EACH EARLY VOTING CENTER DURING EARLY VOTING; AND**

2 **(II) ON ELECTION DAY:**

3 **1. THE OFFICE OF THE LOCAL BOARD; OR**

4 **2. IF USING THE OFFICE OF THE LOCAL BOARD IS NOT**
5 **PRACTICABLE, EACH POLLING PLACE DESIGNATED BY THE STATE BOARD, IN**
6 **COLLABORATION WITH THE LOCAL BOARD, FOR CURBSIDE VOTING.**

7 **(2) CURBSIDE VOTING SHALL BE AVAILABLE ON THE DAYS AND**
8 **DURING THE HOURS THAT EARLY VOTING CENTERS AND POLLING PLACES ARE**
9 **OPEN.**

10 **(3) THE CURBSIDE VOTING LOCATION SHALL BE:**

11 **(I) LOCATED WITHIN 150 FEET OF THE EARLY VOTING CENTER,**
12 **OFFICE OF THE LOCAL BOARD, OR POLLING PLACE; AND**

13 **(II) EQUIPPED TO:**

14 **1. ALLOW THE ELIGIBLE VOTER TO COMPLETE THE**
15 **BALLOT WITHOUT ASSISTANCE, UNLESS ASSISTANCE IS REQUESTED BY THE VOTER;**
16 **AND**

17 **2. PRESERVE THE SECRECY OF THE VOTER'S BALLOT**
18 **WHILE VOTING.**

19 **(C) AT EACH CURBSIDE VOTING LOCATION, THE LOCAL BOARD SHALL:**

20 **(1) POST SIGNS INFORMING VOTERS OF:**

21 **(I) THE LOCATION OF CURBSIDE VOTING;**

22 **(II) WHO IS ELIGIBLE FOR CURBSIDE VOTING; AND**

23 **(III) HOW TO NOTIFY AN ELECTION JUDGE THAT THE VOTER IS**
24 **WAITING AT THE CURBSIDE VOTING LOCATION;**

25 **(2) PROVIDE AN AREA THAT ALLOWS THE VOTER TO OBTAIN**
26 **INFORMATION FROM CANDIDATES AND OTHERS WHO ARE CAMPAIGNING;**

1 **(3) PROVIDE A METHOD THAT MAY BE USED BY A VOTER WHO IS**
2 **REQUESTING CURBSIDE VOTING TO ANNOUNCE THAT THE VOTER HAS ARRIVED AT**
3 **THE CURBSIDE VOTING LOCATION AND THAT IS NOT:**

4 **(I) A TELEPHONE SYSTEM REQUIRING THE USE OF A CELL**
5 **PHONE; OR**

6 **(II) A CALL-AHEAD SYSTEM;**

7 **(4) ENSURE THAT A PROMPT ACKNOWLEDGMENT OF THE PRESENCE**
8 **OF A VOTER WHO HAS ARRIVED AT THE CURBSIDE VOTING LOCATION IS PROVIDED**
9 **BY ELECTION JUDGES; AND**

10 **(5) ENSURE THAT THE SAME INFORMATION THAT IS PROVIDED TO**
11 **VOTERS INSIDE AN EARLY VOTING CENTER OR A POLLING PLACE IS TIMELY**
12 **DELIVERED TO A VOTER DURING CURBSIDE VOTING.**

13 **(D) (1) AN ELIGIBLE VOTER SEEKING TO USE CURBSIDE VOTING SHALL:**

14 **(I) REQUEST CURBSIDE VOTING FROM AN ELECTION JUDGE AT**
15 **THE CURBSIDE VOTING LOCATION; AND**

16 **(II) PROVIDE AN ELECTION JUDGE WITH THE INFORMATION**
17 **REQUIRED TO CHECK IN THE VOTER THROUGH THE POLLBOOK AT THE CURBSIDE**
18 **VOTING LOCATION.**

19 **(2) AN ELECTION JUDGE SHALL GIVE AN ELIGIBLE VOTER USING**
20 **CURBSIDE VOTING THE CHOICE TO VOTE BY MARKING A PAPER BALLOT AT THE**
21 **CURBSIDE VOTING LOCATION OR BY USING A BALLOT MARKING DEVICE INSIDE THE**
22 **POLLING PLACE.**

23 **(3) (I) IF THE ELIGIBLE VOTER CHOOSES TO VOTE USING A PAPER**
24 **BALLOT, AFTER MARKING THE BALLOT, THE ELIGIBLE VOTER SHALL DEPOSIT THE**
25 **BALLOT IN THE CONTAINER PROVIDED BY THE ELECTION JUDGE.**

26 **(II) THE ELECTION JUDGE SHALL:**

27 1. **PLACE THE COMPLETED BALLOT IN THE BALLOT BOX**
28 **OR SCANNER INSIDE THE POLLING PLACE; AND**

29 2. **IF THE BALLOT WAS SCANNED, INFORM THE**
30 **CURBSIDE VOTER THAT THE BALLOT WAS SCANNED AND PROVIDE A RECEIPT, IF**
31 **PRACTICABLE.**

1 **(4) THE ELECTION JUDGES AT A CURBSIDE VOTING LOCATION SHALL**
2 **MAINTAIN A RECORD OF EACH USE OF CURBSIDE VOTING AT EACH CURBSIDE**
3 **VOTING LOCATION.**

4 **(E) NOT LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE STATE**
5 **BOARD, IN COLLABORATION WITH THE LOCAL BOARD IN EACH COUNTY, SHALL**
6 **DESIGNATE EACH CURBSIDE VOTING LOCATION IN THAT COUNTY.**

7 **(F) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
8 **SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2023.