

HOUSE BILL 1404

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2lr3234

By: **Delegate Williams**

Introduced and read first time: February 17, 2022

Assigned to: Rules and Executive Nominations

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 (2017 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 9–102(f)

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2021 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
23 UNDER § 10–316(F) OF THIS ARTICLE AND UNDER OBSERVATION OF ELECTION
24 JUDGES.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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:

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

(II) ON ELECTION DAY:

1. THE OFFICE OF THE LOCAL BOARD; OR

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

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

(3) THE CURBSIDE VOTING LOCATION SHALL BE:

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

(II) IN THE PLAIN VIEW OF THE OBSERVING ELECTION JUDGES; AND

(III) EQUIPPED TO:

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

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

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

(1) POST SIGNS INFORMING VOTERS OF:

(I) THE LOCATION OF CURBSIDE VOTING;

(II) WHO IS ELIGIBLE FOR CURBSIDE VOTING; AND

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

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

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

3 **2. IF THE BALLOT WAS SCANNED, INFORM THE**
4 **CURBSIDE VOTER THAT THE BALLOT WAS SCANNED AND PROVIDE A RECEIPT, IF**
5 **PRACTICABLE.**

6 **(4) THE OBSERVING ELECTION JUDGES SHALL MAINTAIN A RECORD**
7 **OF EACH USE OF CURBSIDE VOTING AT EACH CURBSIDE VOTING LOCATION.**

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

11 **(G) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
12 **SECTION.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June**
14 **1, 2022.**